
LICENSING SUB-COMMITTEE E

TUESDAY, 28TH MARCH, 2006 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Bloch (Chair), Knight and Patel

AGENDA

1. APOLOGIES FOR ABSENCE:

2. URGENT BUSINESS:

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at Item 7 below).

3. DECLARATIONS OF INTEREST:

A member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A members with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

4. MINUTES: (PAGES 1 - 8)

To approve the public minutes of the previous meetings of the Licensing Sub-Committee E held on 18 October 2005 (attached).

5. SUMMARY OF PROCEDURE: (PAGES 9 - 12)

The Chair will explain the procedure that the Committee will follow for each of the hearings considered. A copy of the procedure is attached.

6. ALI TAZE, 209-211 PHILIP LANE, N15 (TOTTENHAM GREEN WARD): (PAGES 13 - 18)

To consider an application for a New Premises License.

7. ITEMS OF URGENT BUSINESS:

To consider any new items admitted under item 2 above.

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13 March 2006

MINUTES OF THE LICENSING SUB-COMMITTEE E (2003 LICENSING ACT)
18 October 2005

Councillors Bloch (Chair), *Newton *Knight, *Patel

* denotes members present

LCE01 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies received from Councillor Bloch, the Chair of this Sub-Committee who was substituted by Councillor Newton who took the Chair for the meeting.

LCE02 URGENT BUSINESS (Agenda Item 2)

That Item 9 on the Agenda (Roj) has been withdrawn from the meeting. Councillor Patel was sitting on the Sub-Committee E because it had a vacancy.

LCE03 DECLARATIONS OF INTEREST (Agenda Item 3)

None received

LCE04 DEPUTATIONS/PETITIONS (Agenda Item 4)

None received

LCE05 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: The Swan, 363 High Road, N17 (Agenda Item 5)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee, highlighting that the applicant had amended the hours applied for because the sale of alcohol and provision of late night refreshments. The amendments were (sale of alcohol) Monday to Wednesday 10:00 to 23:00; Thursday to Friday 10:00 to 02:00; Saturday 11:00 to 02:00; and Sunday 12:00 to 22:30. For the provision of late night refreshments, Monday to Wednesday until 23:00; Thursday until 02:30; Friday and Saturday until 03:30; and Sunday until 01:00. Ms Barrett also pointed out that the premises employed two door supervisors who were registered by the Security Industry Authority. Ms Barrett informed the Committee that the Noise Team had no objections to this application, but had received one complaint of noise nuisance from the premises in 2005 but this was not substantiated. Ms Barrett conveyed details of a representation from the Metropolitan Police Service (MPS) in respect of the section detailed in Part B of the application to vary the hours to supply alcohol and open to the public. The MPS stated that they had attended in excess of 100 calls to the premises in the past three years mainly to allegations of assault and fights. They felt an extension of hours could lead to further disturbances on the premises and impact on Police resources.

The Chair asked Ms Barrett if there were floor plans available for the premises, which Ms Barrett subsequently provided. He then asked if the applicant was a member for the *Pub Watch* scheme, which was confirmed.

**MINUTES OF THE LICENSING SUB-COMMITTEE E (2003 LICENSING ACT)
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The Chair then asked if there had been any enquiries about the application. The reply was that there had been some calls from residents in the vicinity of the premises, but no formal representations made, except from the Arriva plc transport company who had submitted a letter for the Committee to consider.

The Chair invited the MPS to address the Committee. Mr Ernie Frost of the MPS stated that some of the calls made to the Police were unspecific to the premises itself, but were within the vicinity of the premises. Councillor Patel asked if the premises were required to use plastic cups to serve drinks. Mr Frost replied that because the premises were outside of the Tottenham Hotspurs area, this was not a requirement.

The Chair invited the applicant to address the Committee. Mr Paul Bruce and Mr Peter Whyte, applicants, stated to the Committee that they would enforce any actions/conditions set by the Committee if it were minded to grant the application and outlined measures to promote the Licensing Act 2003 objectives. These included the use of CCTV. Mr Bruce and Mr Whyte also emphasised that they were members of the *Pub Watch* scheme and the local Traders' Association. They finalised by stating that the applied for hours were half-hour longer than existing hours, except on Tuesdays. Councillor Patel asked if the premises held BBQs, and also what measures they had to prevent obstructions to vehicles owned by Arriva plc. Mr Bruce replied that there was a notice in the main entrance to the premises not to park in the area designated to Arriva plc. He also stated that BBQ food was cooked in the kitchen which had an extractor fan to the outside of the premises. The Chair asked if the premises operated an ID system. The reply was that door supervisors checked ID for underage violations.

RESOLVED:

That the Committee grants the application in part and subject to the following conditions:

- (i) Conditions to enforce the operating schedule to ensure the Licensing objectives are met.
- (ii) Impose recommendations of the Child Protections Agency on age restrictions to meet the crime prevention objective.
- (iii) Standard mandatory conditions are enforced.
- (iv) Hours of operation are as follows
 - Sale of Alcohol is Monday to Wednesday 10:00 to 00:00; Thursday to Saturday 10:00 to 03:00; and Sunday 12:00 to 00:30.
 - Provision of Regulated Entertainment is Monday to Wednesday until 00:00; Thursday to Saturday until 03:00; and Sunday until 01:00.
 - Opening hours for public are Monday to Wednesday until 00:30; Thursday to Saturday until 03:30; and Sunday until 01:00

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- (v) Days before Bank Holidays and for Christmas Eve, one extra hour beyond the usual permitted hours are granted.
- (vi) That two door supervisors be SIA approved and will be present between 22:00 and closing times.
- (vii) No new admission to the premises after 00:00 every night.
- (viii) That CCTV be installed, maintained and operated on the premises for the duration of operating hours for the prevention of crime and disorder.
- (ix) That anti-drugs signs be displayed in the premises for the prevention of crime and disorder.
- (x) Signs for exiting customers to leave quietly for the prevention of public nuisance
- (xi) Conditions to restrict numbers in the premises to 50 in the restaurant and 150 in the bar area for the benefit of crime and disorder, public safety, and public nuisance objectives.

There was an informative that the Committee noted in the operating schedule that staff will call taxis for the use of customers leaving the premises when requested to do so.

LCE06 TO CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Serhat Restaurant (Agenda Item 6)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee outlining comments from the MPS who raised concerns that the premises had traded without a Night Café licence and were currently under enforcement action. They had pointed out problems with accountability at the premises when Officers had visited. The MPS had requested that if Members were minded to grant the application to make a condition that a Designated Premises Supervisor be named on the licence ensuring that a person would be know to be accountable at the premises. Ms Barrett then informed the Committee that the Planning Officer had made an objection to the application on the grounds that the premises had planning permission to allow trading until 23:00, and that that application therefore breached the hours on this consent. Ms Barrett also highlighted that there had been one objection to the application from the Ladder Community Safety Partnership Board (LCSPB), and that there had been a letter in support of the application. The Chair asked Ms Barrett to clarify that the Night Café licence had been revoked. She clarified this, adding that the applicant had re-applied and been refused. Councillor Ms Adamou clarified that the premises would require the correct Planning Consent before the applicant made use of any premises license the Committee might be mindful to grant.

The Chair invited the applicant to address the Committee. Mr Mehmet, who was representing the applicant, stated that the concerns about the area were largely related to social clubs, and not the applicant's premises. He also stated that applicant was willing to negotiate with local residents whenever they had concerns about the premises. Attempting to clarify the application, Mr Mehmet confirmed that the applicant wanted to apply for a 05:00 closing time on his application. At this stage, the Planning Officer, re-iterated the objections of his team.

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The Chair invited the objectors to address the Committee. Representing the objectors, Ms Adamou informed the Committee about the aims of the Green Lanes Strategy Group's aims and objections and those of the LCSPB. With this in mind, she stated that there would be no objection to an application for a 02:00 closing hour because this was in line with the Group's policy that ensured crime and anti-social behaviour was limited in the Green Lanes area, and to ensure a balance between traders in the area and residents' needs. Ms Adamou also called for the applicant to adhere to the rules of the Planning Consent. The applicant's representative, Mr Mehmet, asked Ms Adamou what problems the applicant had caused in the area. Ms Adamou responded that a 24hours economy in the Green Lanes areas cause environmental problems and attracted unwanted and sometimes illegal activity amongst young men, which were not directly attributable to the applicant, but were caused by the late night trading.

RESOLVED:

That the Committee decided to grant the application in part and subject to the following conditions:

- (i) That the hours for opening and provision of late night refreshments are permitted as follows:
 - Monday to Sunday 08:00 to 02:00
- (ii) Conditions to enforce the operating schedule to ensure the licensing objectives are met.
- (iii) Standard mandatory conditions are enforced.
- (iv) No alcohol to be brought onto and/or consumed on the premises, except as authorised by the premises licence.
- (v) That a list of named persons to be in charge and accountable of the premises at all times during the operating hours, and for the name of those persons to be supplied to the Assistant Director, Enforcement Services, and for this to be updated with 14 days of any change. This is imposed in view of the objections of council officers in relation to enforcement and objectors' concerns for the prevention of public nuisance, and crime and disorder.

There was an informative to note that the applicant should be aware of the need to operate within the terms of their Planning Consent and that if necessary they should apply for a variation of this Consent.

LCE07 CONSIDER AN APPLICATION FOR A CONVERSION AND VARIATION OF A PREMISES LICENCE: Mangal Ockbasi Restaurant, 443 Green Lanes, N4 (Agenda Item 7)

The Licensing Manager, Ms Barrett, presented the Report on the application to the Committee highlighting to the Committee the measures the applicant had listed as ways of adhering to the licensing objectives. Ms Barrett also

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highlighted comments from the Enforcement Services who had stated that the premises were currently under enforcement action due to the premises being found open and trading in the early hours of the morning without a licence. This matter had been adjourned as the ownership/management as the premises could not be determined. The Service had requested that if the Committee were minded to grant the licence that a recognised designated premises supervisor be named on the licence as a condition. This would facilitate the Council and other authorities who may need to take enforcement action with a named individual who can be held accountable. Ms Barrett informed the Committee that a list of visits by the Service to the premises had been compiled. Ms Barrett confirmed that a letter of the objection to the application had been received from the LCSPB. The Chair asked if the premises had Planning Consent. The Planning Officer informed the Committee that there was no planning history for the premises, and that a gap in records needed filling since an application for Consent was withdrawn in 2001. The Planning Officer stated that the applicant would therefore need to supply a certificate of Planning Consent or apply for a new Consent.

Ms Adamou informed the Committee that in a previous hearing for the same premises, only a Planning Consent for an office had been found. There had been no new information since then and Ms Barrett stressed that the need to clarify the Planning Consent was paramount.

The Chair asked the applicant if he was aware of the permitted hours under his current license, to which the applicant replied that he was aware, and that he had stayed open beyond these hours because neighbouring business had done so too and he was afraid of losing customer by closing before competitors. The Chair asked what was stored and sold from the liquor store indicated on the floor plan. The reply was that only cold, soft drinks were sold.

The Chair invited the objectors to address the Committee. Ms Adamou spoke on behalf of the objectors and stated that there was some evidence that wine had been consumed on the premises. She also stated that the applicants had had many months to apply for the necessary planning permissions and that given that this did not appear to have been done, she thought the applicant was not a fit person to have a premises licence. In reply, the applicant stated that he was told that there was no need for him to have a new planning permission, since he possessed one from the 1970s, but was unable to produce this document.

RESOLVED:

The Committee decided to adjourn the hearing at this Item in order to request the applicant produce the planning consent which he had referred to during the proceedings. This was on the basis that it would assist the Committee in reaching a decision and if that decision were to allow the applicant in part or in whole, in deciding whether any conditions ought to be attached whether, and if so what conditions, ought to be attached to the license.

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The meeting was reconvened on 10th November at 9.30 am following production of the above planning consent.

The clerk briefed members and the applicant of the situation so far and the reason for adjournment as set out in the earlier paragraph. The Licensing Manager confirmed receipt of a letter from the Planning Inspectorate dated 14 July 1978, confirming that Planning Application had been granted, under the Town and Country Planning Act of 1971, for A3 restaurant use of the ground floor, for consumption of hot food off the premises between 9am and 11pm and with a seating capacity of 50.

There were concerns raised by members that the applicant was currently in breach of this permission and subject to enforcement action (paragraph 6.2 of this report). The legal representative confirmed that she had sought Counsel's opinion to confirm the separation of jurisdiction between the planning and licensing functions. However, if members were minded to grant the application it was suggested that a recognised person/designated premises supervisor be named on the licence as a condition; in order to facilitate the Council and/or other authorities, who may need to take enforcement action, with a named individual who could be held accountable.

The applicant's son, Mr Erkan Garip, was present on behalf of the applicant due to his father's language difficulties. He confirmed that his father, Mr Menderes Garip, was the manager of the premises, assisted by himself when necessary.

RESOLVED

That the application be granted subject to revised opening hours of between 7am and 2pm.

That the standard conditions be applied; and in addition:

A list of named persons, who shall be in control of the premises and on the premises at all times be provided to the Local Authority by 24th November and any changes to this list to be provided within 7 days.

That seating numbers be restricted to 50; in accordance with the Planning Permission and the safety objectives of the 2003 Licensing Act.

That the applicant be warned, by way of informative, that he may currently be in breach of his planning permission and should seek a variation if necessary.

That the applicant be warned, by way of informative, that the sale of alcoholic beverages without a license is a criminal offence and if it is the applicant's intention to sell alcohol he must apply for a variation to this licence.

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LCE08 ITEMS OF URGENT BUSINESS (Agenda Item 9)

None

The meeting ended at 22:45

.....
Councillor MARTIN NEWTON
Chair of Licensing Sub-Committee E

Date.....

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ITEM 5

<p><u>LICENSING SUB-COMMITTEE HEARINGS</u> <u>PROCEDURE SUMMARY</u></p>	<p>Tick box to record action / decision</p>
<p><u>INTRODUCTION</u></p>	
<p>1. The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.</p>	
<p>2. The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them</p>	
<p>3. The Chair explains the procedure to be followed by reference to this summary which will be distributed.</p>	
<p><u>NON-ATTENDANCE BY PARTY OR PARTIES</u></p>	
<p>4. If one or both of the parties fails to attend, the Chair decides whether to:</p>	
<p>(i) grant an adjournment to another date, or</p>	
<p>(ii) proceed in the absence of the non-attending party.</p>	
<p>Normally, an absent party will be given one further chance to attend.</p>	
<p></p>	
<p><u>TOPIC HEADINGS</u></p>	
<p>5. The Chair suggests the "topic headings" for the hearing.</p> <p>In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:</p> <p>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</p>	
<p>(i) the prevention of crime and disorder,</p>	
<p>(ii) public safety,</p>	

(iii) the prevention of public nuisance, and	
(iv) the protection of children from harm.	
6. The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.	
<u>WITNESSES</u>	
7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.	
8. <u>Only</u> if a witness is to be called, the Chair then asks if there is a request by an opposing party to "cross-examine" the witness. The Chair then decides any such request.	
<u>DOCUMENTARY EVIDENCE</u>	
9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.	
10. If so, the Chair will ask the other party if they object to the admission of the late documents.	
11. If the other party <u>do object</u> to late admission, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i) What is the reason for the documents being late?	
(ii) Will the other party be unfairly taken by surprise by the late documents?	
(iii) Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv) Is the late evidence really important?	
(v) Would it be better and fairer to adjourn to a later date?	
<u>THE LICENSING OFFICER'S INTRODUCTION</u>	
12. The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and	

<p>the comments of the other Council Services or outside official bodies. This should be as “neutral” as possible between the parties.</p>	
<p>13. The Licensing Officer can be questioned by Members and then by the parties.</p>	
<p><u>THE HEARING</u></p>	
<p>14. This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:</p>	
<p>(i) an introduction by the Objectors' main representative</p>	
<p>(ii) an introduction by the Applicant or representative</p>	
<p>(iii) questions put by Members to the Objectors</p>	
<p>(iv) questions put by Members to the Applicant</p>	
<p>(v) questions put by the Objectors to the Applicant</p>	
<p>(vi) questions put by the Applicant to the Objectors</p>	
<p><u>CLOSING ADRESSES</u></p>	
<p>15. The Chair asks each party how much time is needed for their closing address, if they need to make one.</p>	
<p>16. Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.</p>	
<p><u>THE DECISION</u></p>	
<p>17. Members retire with the Committee Clerk and legal representative</p>	

<p>to consider their decision including the imposition of conditions.</p> <p>The decision is put in writing and Members return to the meeting.</p>	
<p>18. The Chair should read out the following statement before asking the Committee Clerk to read out in public a summary of the Committee's Decision:</p> <p><i>“The Committee Clerk will read out a summary of the Committee’s Decision. The Parties will receive a written Decision Notice in which the Decision will be formally set out. Please note that the written Decision will be substantially the same although the wording might vary slightly from the summary read out.”</i></p>	

Licensing Act 2003 Sub-Committee on 28th March 2006

Report title: Application for a Premises Licence for 209-211 PHILIP LANE, LONDON, N15	
Report of: The Lead Officer Licensing	
Ward(s) affected TOTTENHAM GREEN	
1. Purpose	
	To consider an application by ALI TAZE to provide a licensable activity in the form of Sale of Alcohol, Regulated Entertainment and Late Night Refreshment.
2. Recommendations	
2.1	(a) Grant the application as asked (b) Modify the conditions of the licence, by altering or omitting or adding to them (c) Reject the whole or part of the application
	The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.
Report authorised by: Robin Payne.....	
	Assistant Director Enforcement Services
Contact Officer: Ms Daliah Barrett	Telephone: 020 8489 5103
3. Executive summary	
	For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence
4. Access to information:	
	Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: File: 209-211 PHILLIP LANE,LONDON, N15 4HL
	The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

5. REPORT

Background

5.1 Application by **Mr Ali Taze**, for a New Premises Licence in respect of **209-211 Philip Lane** under the Licensing Act 2003.

5.2 Details of new Premises Licence application

Opening Hours for Public

Monday to Thursday & Saturday	10.00 – 00.00
Friday & Saturday	10.00 – 01.00

Provision of Late Night Refreshment

Monday to Thursday & Sunday	23.00 – 00.00
Friday & Saturday	23.00 – 01.00

Supply of Alcohol

Monday to Thursday & Sunday	10.00 to 23.30
Friday to Saturday	10.00 to 00.30

Regulated Entertainment: Films, indoor sporting events and recorded music

Sunday to Thursday	10.00 to 00.00
Friday & Saturday	10.00 to 01.00

5.2 Crime and Disorder

A multiple camera CCTV system has been installed and will be maintained. Recording will be kept for 31 days and can be provided to the police on request. The applicant will participate in any Police initiative/shop watch scheme (if relevant).

All incidents of a criminal nature that may occur on the premises will be reported to the Police. Any form of gambling for cash will be strictly prohibited and enforced. The applicant will install signage to remind members that gambling is prohibited.

5.3 Public Safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (See plans for details of location).

All appliances are inspected annually
Any additional requirements from the LFEPA will be adhered to.

5.5 Public Nuisance

All members will be asked to behave in appropriate manner and leave the premises quietly. Signs will be installed to display the message. The applicant will install an acoustic lobby to minimise the risk of noise breakout at the front of the premises. However, any music played will be kept to a low level. Members will be discouraged from congregating outside the premises.

A 30 minute period has been provided after sales of alcohol cease to allow members to calmly consume drinks/food and disperse from the premises

All waste generated by the premises will be dealt with appropriately.

Ventilation already in place and will be maintained.

5.6 Child Protection

Alcohol will only be served over 18's only. To protect the children from harm the following will be taken.

1. Any children on the premises must be accompanied by an adult.
2. children will not be permitted on the premises after 20.00
3. Children will not be allowed to approach the bar unless accompanied by an adult.
4. A sufficient number of persons will be employed or engaged to secure that the above are enforced.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

No comment from enforcement services.

Food Team

Have no objections to this application

Health and Safety

Have no objections to this application

Trading Standards

Have no objections to this application

6.3 Fire Officer - APP 2

The Fire Officer has made a representation against this application.

6.4 Planning Officer

Planning has no objection against this application

6.5. Comments of Child Protection Agency or Nominee

No comments to make on this application.

7.0 Interested Parties

2 letters of representation have been received against this application.-**App 3**

8.0 Financial Comments

The fee which would be applicable for this application was **£190.00**

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61 Handsworth Road
London
N17 6DB

24 February 2006

Dear Sir/Madam,

I understand that an application for a premises licence has been made for the premises at 209-211 Philip Lane.

I understand that the terms of the licence are for the supply of alcohol for consumption on the premises, provision of regulated entertainment comprising films, indoor sporting events and recorded music, and the provision of late night refreshment after 23.30.

I wish to object to the granting of such a licence on the following grounds:

1. There are three public houses, namely The Lord Palmerston, The Botany Bay and the Black Boy all within a quarter of a mile stretch either side of these premises. There is therefore no further need of somewhere selling alcohol throughout the day and evening.
2. This is a quiet residential area and to have a business supplying alcohol and food until midnight from Sunday to Thursday and until 1am. on Saturdays and Sundays is unnecessary and undesirable. It is likely to result in disturbances in the area at unsociable times.
3. There are plenty of facilities supplying these commodities in the surrounding areas e.g. West Green Road, Green Lanes, Wood Green, Tottenham High Road. There is no need for an additional outlet of this kind in this area.

Yours sincerely,

Catherine Collingborn

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