

Report for: Licensing Sub Committee 1st August 2019

Title: APPLICATION FOR A PROVISIONAL STATEMENT – SEVEN BROTHERS, 72-76 HIGH ROAD TOTTENHAM LONDON N15 6JU

Report authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected: Seven Sisters

Report for Key/ Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This report relates to a provisional statement application for changes being made to the above premises by the applicant Mr Tacim Koca.

The Licensing Act 2003 enables the Licensing Committee to consider the granting of a provisional statement where representations are received from responsible authorities or interested parties.

Under the Licensing Act 2003, a person may apply for a Provisional Statement for premises which are being or are about to be constructed for the purposes of being used for one or more licensable activities, or are being or are about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose). The Licensing Act 2003, gives the Licensing Committee the power to determine the application and provide a Provisional Statement. In determining the Provisional Statement Application the Licensing Committee must consider, on completion of the works as set out in the application, and taking into account the relevant representations whether it would grant a premises licence as set out in the provisional application. The Licensing Act 2003 also allows the Licensing Committee to consider whether it would refuse the grant of a premises licence as set out in the provisional application, or whether it would prescribe terms, conditions and or restrictions to the premises licence as set out in the provisional application. These conditions must relate to the four objectives of the Licensing Act 2003;

- prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm

Following the outcome of the committee hearing, all parties to the application have the right to appeal to the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The application seeks the following:

Details of the application are as follows:

Supply of Alcohol

Monday to Sunday 24 hours

For consumption **OFF** the premises

Opening Hours

Monday to Sunday 24 hours

To vary the layout of the premises in accordance with the plans submitted by the applicant to incorporate two additional shop units to expand the retail space.

- 1.2 The application form and plan is attached as Appendix A.
Appendix A1- Copy of current premises licence for unit 72 High Road only.
- 1.3 Consultation has been carried out in accordance with the Licensing Act 2003. The application has been advertised in the form of a premises notice and a newspaper advertisement and the relevant responsible authorities have been consulted with.
Letters of representation have been received from interested 'Other' parties. The representations refer to:
Noise from customers using the street outside to consume alcohol
Noise from patrons loitering around the premises
The representations are attached as Appendix B.
- 1.4 Representations have been received from Licensing Authority and the Public Health Responsible Authority regarding the make up of the area and current issues around street drinking and the impact that this is having with potential noise from customers arriving and leaving the premises and customers utilising the outside area. The representations are attached as Appendix C.

2 Recommendations

In considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are:

- Grant the application as requested
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates
- Reject the whole or part of the application

- 2.1 Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

3. Background

- 3.1 The premises has applied for a provisional statement to increase the floor space of the shop. The premises has operated with a 24 hour premises licence for no 72 High Road N15 since May 2006. It was transferred to the current applicant in December 2014.
- 3.2 During the consultation period representations were received from the Licensing Service, and other parties.

3.3 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious. There was a representation from nine residents. The residents representations also highlight the fact that the premises does not have the correct planning permission at this time.

4. Policy Implications

4.1 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4.2 Equalities impact

At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5. Other considerations

5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

6 Use of Appendices

Appendix A- Application form

Appendix A1- Current premises licence

Appendix B – Copy of Representations from residents

Appendix C- Licensing Authority Representation & Public Health Representation

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy