

**Report for:** Licensing Sub Committee 10<sup>th</sup> October 2019

**Title:** Application for a New Premises Licence – 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 new premises licence 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 new premises licence where representations are received from responsible authorities or interested parties.

The applicant has previously applied and been granted a provisional statement. This was considered by the Licensing Sub Committee following representations from residents and RA's a copy of the committee decision is attached at **Appendix D**. The applicant did not appeal this decision and is therefore required to carry over all of the conditions shown in the resolution onto this new application.

The applicant has submitted the new premises licence application however has failed to bring across the four conditions listed below, these are now the subject of the representations received.

1. That there be no stock or supply beer/lager or ciders above 6.5% ABV at the premises.
2. That there be no sale of single cans or bottles of beers/lager or cider from the premises.
3. That the total floor space taken up for the display of alcohol is limited to under 20% of the overall floor space.
4. CCTV to be placed externally at the front and side of the premises so that the licence holder can ensure no person is left consuming alcohol on the pavement outside the shop.

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

0600 to 0000 hours

For consumption **OFF** the premises

**Opening Hours**

Monday to Sunday

0600 to 0000 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 initial 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 regarding 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 representation is 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 applicant has applied for a premises licence to increase the floor space of the shop. The premises has operated with a 24 hour premises licence for number 72 High Road, London 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 and Plan**

**Appendix A1- Initial premises licence**

**Appendix B – Copy of Representations from residents**

**Appendix C- Licensing Authority Representation**

**Appendix D- Licensing Sub Committee Resolution**

**Background papers: Section 82 Guidance**

**Haringey Statement of Licensing policy**