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Your Ref:

Our Ref: Jolly Anglers review

Date: 18<sup>th</sup> January 2019

Mr M Phipps

TLT Solicitors

## **For a large print copy contact 020 8489 8232**

### **LICENSING ACT 2003 – HEARING DECISION NOTICE**

#### **TO DETERMINE AN APPLICATION FOR A PROVISIONAL STATEMENT, AT SEVEN BROTHERS SUPERMARKET 72-76 HIGH ROAD LONDON N15**

**We write to advise you of the outcome of the Licensing Sub Committee hearing that took place on 1<sup>ST</sup> August 2019**

#### **RESOLVED**

The Committee carefully considered an application for a provisional statement that was brought pursuant to section 29 of the Licensing Act 2003. The application was in respect of premises known as Seven Brothers, which is situated at 72 – 76 High Road, Tottenham, London, N15 6JU.

In considering the application, the Committee took into account the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the contents of the Report pack, the representations made by Cllr Blake and residents objecting to the application, representations made by the responsible authorities, and representations made by and/or on behalf of the applicant in person and via his legal representative.

Having heard from all the parties, the Committee decided to grant the provisional statement, with conditions as set out below.

The Committee accepted the revised conditions proposed by the Applicant in their application, but imposed the modifications suggested by the Licensing authority with respect to operating hours for alcohol sales, stopping the sale of beer, lager and ciders above 6.5% ABV, and stopping the sale of single cans of beer, lager of cider.

The Committee were mindful that the Applicant had voluntarily sought to reduce the hours for the supply of alcohol from 24 hours (6 am to 6 am) to a 1 am cut off point. However, the Committee considered it proportionate for the supply of alcohol to be from 6am to midnight, which would be in line with other established businesses in the area.

#### **Reasons**

The Committee was satisfied that alcohol related nuisance had occurred in the near vicinity of the premises and that street drinkers locally had engaged in anti-social behaviour in full view of local residents including children. It was accepted that not all such nuisance would have been caused by the applicant's customers, but the committee was satisfied that the applicant had some responsibility, and was obliged to ensure that the licensing objectives were being upheld.

The Committee accepted the concerns of Public Health regarding the sale of high strength alcohol in the area and the impact it was having on the community including the welfare of children.

The Committee recognised the applicants readiness to reduce their operating hours for the supply of alcohol and was pleased that the applicant wished to operate as a supermarket, but was not satisfied that the conditions proposed by the applicant were a sufficient response to the matters that were put before the committee.

The Committee approached its deliberations with an open mind and only made its decision after hearing all the parties' representations. The Committee considered its decision to be appropriate and proportionate.

### **Modified Provisional Application**

#### **Supply of Alcohol**

*Monday to Sunday 06:00 to 00:00*

#### **Opening hours of the premises**

*According to Planning conditions*

### **The following additional conditions are to be added to the premises licence -**

#### **General –four licensing objectives**

1. That the operating hours for alcohol sales be 6am – midnight each day.
2. That there be no stock or supply beer/lager or ciders above 6.5% ABV at the premises.
3. That there be no sale of single cans or bottles of beers/lager or cider from the premises.
4. That the total floor space taken up for the display of alcohol is limited to under 20% of the overall floor space.

#### **The prevention of crime and disorder**

5. There shall be a Designated Premises Supervisor (DPS), personal licence holder or trained member of staff nominated in writing by the DPS, on duty at all times the premises are open to the public.
6. A CCTV system, that will be installed to the current Metropolitan police /Home Office standards, shall be in operation to cover internal and external areas of the premises at all times the premises are open to the public.
  - a. CCTV shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
  - b. All staff who may work front of house shall be trained to operate the CCTV system and download images.
  - c. At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on USB disk, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.
7. A challenge 25 policy shall be operated as the proof of age policy.
8. An incident book shall be kept at the premises, and made available to the police or authorised Council officers, which will record the following:
  - a. All crimes reported
  - b. Lost property
  - c. Any complaints received
  - d. Any incidents of disorder
  - e. Any seizure of drugs or offensive weapons
  - f. Any faults in the CCTV
  - g. Any refusal in the sale of alcohol
  - h. Any visit by a relevant authority or emergency service
9. Notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate) advising customers:
  - a. That the CCTV and challenge 25 policy are in operation

- b. Advising customers of the provisions of the Licensing Act regarding underage and proxy sales
- c. Of the permitted hours for licensable activities and the opening times of the premises
- d. Not to drink in the street
- e. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally

### **Public safety**

- 10. A fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training and refresher training.

### **The prevention of public nuisance**

- 11. The front of the premises shall be kept tidy at all times and be swept at close.
- 12. Relevant notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate).
- 13. No deliveries shall be received or rubbish removed from the premises between 22.00 and 07.00.
- 14. Any music played shall only be played at background level.
- 15. An incident book shall be kept at the premises and made available to the police or authorised Council officers to record information of any of the details outlined in section 8 (a) – (h).
- 16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome shall be recorded in the incident book.

### **The protection of children from harm**

- 17. A challenge 25 policy shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM Forces photographic ID or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 18. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police and authorised Council officers on request.
- 19. Relevant notices shall be prominently displayed by the entry /exit door and point of sale as appropriate.
- 20. All staff who work front of house shall be trained for their role on induction and be given refresher training every six months. Written training records shall be kept for each staff member and be produced to police and authorised Council officers on request. Training shall include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

Planning conditions will set in place the permitted opening and closing times of the premises

**You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Highbury Magistrates Court is: Highbury Magistrates' Court, 51 Holloway Road, London N7 8JA. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.**

**If any of the above is unclear or you require further clarification, please contact me on 020 8489 8232.**

Yours sincerely,

Daliah Barrett-Williams  
Licensing Team Leader

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