

Report for: Special Licensing Sub Committee – 9 June 2021

Title: Variation of an existing Premises Licence: The Village, 118 West Green Road, London, N15 5AA.

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

Ward(s) affected: West Green

Report for Key/Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 This report relates to an application for the variation of an existing licence for The Village, 118 West Green Road, London, N15. The application is made by Medina Basrika and seeks an increase in the hours to sell alcohol and an increase in opening hours as well as the addition of regulated entertainment and late night refreshment.

1.2 Details of the application are as follows:

Provision of regulated Entertainment: Live Music, Recorded Music, Performances of Dance, anything of a similar description, facilities for making music, facilities for dancing and anything of a similar description

Regulated Entertainment: Recorded Music

Monday to Thursday	1200 to 0200 hours
Friday to Sunday	1200 to 0400 hours

Provision of Late Night Refreshment

Monday to Thursday	2300 to 0200 hours
Friday to Sunday	2300 to 0400 hours

Supply of Alcohol

Monday to Thursday	1200 to 0200 hours
Friday to Sunday	1200 to 0400 hours

For the consumption **ON** the premises.

Opening Hours:

Monday to Thursday	1200 to 0200 hours
Friday to Sunday	1200 to 0400 hours

1.2 The current licence allows for:

Supply of Alcohol

Sunday to Thursday 1200 to 2230

Friday to Saturday 1200 to 0000

Live Music

Sunday to Saturday 1200 to 2200

Late Night Refreshment

Friday to Saturday 2300 to 2330

The opening hours of the premises:

Sunday to Thursday 1200 to 2300

Friday to Saturday 1200 to 0030

Supply of alcohol for consumption **ON** the premises, ancillary to a meal.

- 1.3 If granted the variation will see a significant increase in the availability of alcohol at the premises as well as the ability to offer live and recorded music and the performance
- 1.4 The hours and additional licensable activity will see a significant change in the mode of operation of the premises. The premises is set along a terrace of shops with residential properties directly above and additional residential accommodation being built nearby.
- 1.5 The application has received a number of representations from residents; these are set out at Appendix 3.
- 1.6 Responsible Authorities have also made representation against the application, namely:
The Met Police.
Licensing Authority
Public Health
Planning Department
Trading Standards
These are available at Appendix 4.
- 1.7 Ms Basrika has responded to each of the representation submitted and her correspondence can be seen at Appendix 5.

2 Recommendations

There is no recommendation, but 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 variation as requested
- Grant the variation 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 premise was initially granted a licence for alcohol sales only with meals in August 2014. Medina Basirika took over the licence in June 2015
The premises has a history of non compliance in the past and first came to attention of officers through complaints received from residents in 2014 relating to noise in the early hours of the morning from the venue. The premises also has Planning permission that only permits it to open until 23.00pm, this was to ensure that residents were not adversely affected by the operation of the venue when it was granted permission to operate as a take away/restaurant in 2013.

Planning have advised that the use hereby permitted shall not be operated before 0800 or after 2200 hours on any day. Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

- 3.2 During the consultation period letters of representation were received from residents who have previously been affected by the operation of the premises.
Representation was also received from the Metropolitan Police and the Licensing Authority against any increase of the hours as there is potential for the additional hours to give rise to noise nuisance to nearby residents.
- 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.
- 3.4 The Licensing Authority considers that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives, given the potential for neighbouring premises to be adversely impacted.

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 1 - Variation application form

Appendix 2 - copy of current licence

Appendix 3 - Letters of representation from residents

Appendix 4 - Letter of representation from Responsible Authorities.

Appendix 5 - Applicant's response to representations.

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy