

# **Representation in support of Application to review the Premises Licence for Maxxi Food and Wine.**

Representation	Noise and Nuisance Team
Officer	Jennifer Barrett
Date	16 <sup>th</sup> March 2023

## **Introduction**

The London Borough of Haringey Noise and Nuisance Team as a responsible authority provides this representation in support of the application for a review of the premises licence for Maxxi Food & Wine at 42 Topsfield Parade, Tottenham Lane, N8 8PT.

This is provided because the licensing objectives for the prevention of public nuisance and crime and disorder are not being upheld. We are of the opinion that is made worse by the offer of NOs gas for sale.

## **Background**

Tops Newsagents trading as Maxxi Food & Wine. at 42 Topsfield Parade, Tottenham Lane, N8 8PT is in a mixed-use area comprising of retail shops on the ground floor with nearest residential dwellings located directly above the premises and occupying the first, second and third floors.

The licensee and DPS is Ms Aylin Yengin (AY) and the manager is Mr Uygar Altun (UA). The current premises licence permits Maxxi Food & Wine to supply alcohol Monday to Friday between 0630 and 0000 hours and Saturday to Sunday between 0700 and 0000 hours. "Smart Whip" or Fast Gas canisters of nitrous oxide are also sold at the shop which is open 24 hours a day.

## **Complaints History**

On 24<sup>th</sup> September 2022 the council received an initial complaint from a local resident about two incidents of 'people noise' from customers and staff at Maxxi Food & Wine. The incidents occurred on 20<sup>th</sup> September 2022 at 0200hours and 2<sup>nd</sup> September 2022 at 0300hours so no action could be taken to substantiate them.

On 26<sup>th</sup> September 2022 the council received a detailed account of residents' concerns, namely an increase in the potential for crime, noise and asb associated with the sale of NOs gas canisters and the 24-hour operating times. They also advised reports of asb on 20<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> September had been made to the police and further raised concerns about littering of the canisters (see pictures below) and increase in NOs gas use in the vicinity of Elder Avenue and the rear alley of the parade.



Two further reports were provided stating that the shop was selling NOs to school children and that customers were arriving in the early hours of the morning to purchase. The council advised the DPS that there was no record of a transfer of the premises licence and prohibited the sale of alcohol until this was resolved.

On 27<sup>th</sup> September 2022 a resident raised concerns about incidents said to have occurred on 24<sup>th</sup> September 2022 at 0200, 0300 and 0450hours. They said noise from customers and staff talking loudly and congregating on the pavement outside the shop in the late evening and early morning was disruptive and that this was a daily occurrence. During routine checks it was noted that

Further reports were made on the 6<sup>th</sup> October 2022 the council received further notification that premises continued to operate for 24 hours, they were actively promoting they sell nitrous canisters by displaying but the noise was off by the time of the council could visit. As part of investigation into breaches of the conditions of licence, we requested their CCTV footage for Fri 7<sup>th</sup> Oct from 23:00 hrs – Sat 8<sup>th</sup> Oct 03:00 hrs, Sat 8<sup>th</sup> Oct from 23:00 hrs – Sun 9<sup>th</sup> Oct 03:00 hrs. The footage has not been supplied to date.

On 5<sup>th</sup> December 2022 a report about littering of canisters and balloons was logged with the council and photos provided. On 13<sup>th</sup> December 2022 following a proactive visit to the shop the council issued a further warning for the sale of alcohol past the permitted time.

On 24<sup>th</sup> December 2022 a report was made to police that between 0200 and 0400 hours “multiple noisy youths were congregating and inhaling balloons, disturbing the peace outside the establishment and engaging with its staff”.

On 30<sup>th</sup> December 2022 another complaint was logged about people noise but the council was unable to attend to assess.

On 29<sup>th</sup> January 2023 at 2220hours the council conducted a proactive site visit to verify compliance with the midnight curfew for alcohol sales. We checked CCTV footage between 0015 and 0050hours and observed three completed and one abandoned “smart whip” sale. We also observed two refusals for sale of alcohol.

## **Evaluation**

Since this business came under new management the council has received complaints about antisocial behaviour (from staff and customers loitering and talking loudly outside the shop and increased patronage at all hours from customers seeking late night refreshment). We have been advised that there has been a significant increase in complaints to the police since this business changed hands and believe the offer of NOs gas and its active promotion online via social media and in the shopfront is an attractor. Council officers were not able to attend

and investigate complaints made as often issues occurred outside the councils' operating hours. Other complaints made could not be substantiated due the reporting after the event.

We have evidence that the premises has supplied alcohol after the permitted time and progressing formal enforcement action for those breaches of the Licensing Act 2003. We understand that sale of NOs gas is not unlawful but NOs gas sold should be for culinary rather than recreational use only. It is clear from our observations that this is not the case and have advised the DPS and store manager that The Psychoactive Substances Act 2016 makes retail sale of the gas canisters to the public for the purpose of inhalation an offence. It's continued sale is likely to increase public nuisance from littering, general dis-amenity from open use of canisters/ balloons in the street and people noise as well as crime and disorder from antisocial behaviour.

### **Conclusion**

We seek to ensure the licensing objectives the prevention of public nuisance and crime and disorder are upheld. We believe that banning the sale of this gas will lead to a reduction in noise nuisance.

### **Recommendation:**

We request the licensing committee give regard to the application made to request all sales of NOs gas from this shop are prohibited.

END