

Report for: Licensing Sub Committee 23rd July 2024

Item number: 6

Title: Application for a New Premises Licence At Bruce Burgers, 93 Bruce Grove, Tottenham, London, N17 6UZ.

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

Ward(s) affected: Bruce Castle

Report for Key/ Non Key Decision: Not applicable

1. **Describe the issue under consideration**

1.1 This report relates to an application for a new premises licence by : Pindy Kaur under the company name of Bruces Burgers Ltd.

1.2 The application seeks the following:

Regulated Entertainment: Recorded Music

Monday to Sunday 2300 to 0100 hours

Late Night Refreshment

Monday to Sunday 2300 to 0100 hours

Sale of Alcohol

Monday to Sunday 1700 to 0100 hours

Supply of alcohol **ON** the premises.

Hours open to Public

Monday to Sunday 1700 to 0100 hours

1.3 The application can be found at - **Appendix A.**

1.4 **Representations have been received from:**

Met Police- App B

Licensing Authority RA – App C.

There are representations from residents in support of the variation. – App D

Representations against the variation – App E.

Planning Information - App F

1.5 **Recommendation**

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

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.

2 Background

- 2.1 The premises is situated in a terrace of shops with residential above in front and behind the venue. There is a rear garden area that is included in the plan submitted.
- 2.2 The Planning Officer has advised that the current planning permission are as follows and that any increase in those hours will require an application to Planning for a change in the conditions:
- “2. The use hereby permitted shall not be operated before 08:00 or after 23:30 hours on Monday to Saturday and not before 0800 or after 2300 hours on Sundays or Bank Holidays. 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 No detriment to the amenity of the neighbourhood shall be caused by noise or other disturbance than is reasonable as a result of the use of the premises hereby authorised. Reason: To ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of the properties.
4. No music, live concerts or other amplified sound shall emanate from the site which, in the opinion of the Environmental Health Service acting on behalf of the Local Planning Authority, cause nuisance to any adjacent occupiers at any time. Reason: To ensure the proposed development does not impinge on the amenities of adjacent occupiers.”
- 2.3 The applicant has been advised of the Planning requirements to submit an application for a change of use for the hors under Planning to be regularised. **App F**

3 Licensing Policy

- 3.1 The committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 3.2 The Section 182 Guidance that under pins the Licensing Act 2003 with regards to hours already in existence under the Planning regime:
- “14.66 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time.”*
- 3.3 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority’s wish to facilitate well run and managed premises with licence holders

displaying sensitivity to the impact of the premises on local residents.

- 3.4 Cumulative impact has been used as a term to describe the street that a number of licensed premises can have on crime and disorder, nuisance and the impact on nearby residents. It is often not that licensed premises on their own are operating in a way that is detrimental to the licensing objectives, but it is the accumulation of the premises and the people attending them creates the increased problems and demands on services. Cumulative impact can occur either in the area where the premises are located or some distance away from them. The issue of cumulative impact occurs due the number of people in the area frequenting the licensed premises.
- 3.5 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 3.6 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 3.7 This Licensing Authority in determining what action to take will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 3.8 Also The Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 3.9 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 3.10 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 3.11 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
The Councils Licensing policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

4 Licensing hours

- 4.1 Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties

concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

5 Powers of a Licensing Authority

- 5.1 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.
- 5.2 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

6 Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area".

6.1 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

7 Use of Appendices

Appendix A - New Application.

Appendix B – Met Police Representation

Appendix C – LA Representation

Appendix D - Representations in support of the application

Appendix E – Representations against the variation.

Appendix F – Planning information

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy