

Mr Mayhew's objection to representations received.

From: Peter Mayhew <p.mayhew@btbl.co.uk>

Sent: Tuesday, July 16, 2024 10:49 PM

To: Daliah Barrett <daliah.barrett@haringey.gov.uk>

Cc: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: RE: Premises Licence - MIK Treatz, 88 Bruce Grove, Tottenham, London N17 6UZ (WK/603165)

Hi Daliah,

Thank you for getting back to me.

I stand by my comments and do not believe that the resident representations are relevant based on their singular reference to the Sale of Alcohol as the reason for their concerns.

However, as the Licensing Authority has accepted them, we move forward on that basis.

We always try and seek resolution with all parties involved and as such I have been in contact with the Police today to see if they are interested in discussing the application further with us.

We would also like to approach the residents to provide them with a little more information and offer to have further discussions with them. As such, I would appreciate it if you could forward the attached letter to all four residents on our behalf. My contact details can be made available to them.

With regard to the position of the Licensing Authority, we would also be keen to discuss the matter with the relevant enforcement officer. I assume that as you seem to be acting as the case officer, the representation comes from one of your colleagues. As the representation was not signed, I am not sure who to address with regard to the comments made by Licensing, maybe you could provide me with further details?

Thank you in advance for your assistance in these matters, I hope we can make some positive progress ahead of the hearing.

Kind regards

Peter

Peter Mayhew - Director

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From: Daliah Barrett <daliah.barrett@haringey.gov.uk>
Sent: Wednesday, July 10, 2024 12:17 PM
To: Peter Mayhew <p.mayhew@btbl.co.uk>
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: RE: Premises Licence - MIK Treatz, 88 Bruce Grove, Tottenham, London N17 6UZ (WK/603165)

Dear Peter,

Thank you for the email.

The representations from the residents will stand as they do speak to concerns relating to the one or more of the objectives as set out on the Act at section 18(6)(a) and also at section 9.4 of the Section 182 Guidance.

The reps have served across two applications one does have sale of alcohol and the other does not. Nonetheless, there is mention of the likely impact on the objectives if the licence were to be granted. The representations are valid, therefore.

The representation from the LA states that it is unable to support what has been applied for. I think that is clear enough for all parties to understand that the application as submitted is not supported, therefore it is a representation against the application.

Regards
Daliah Barrett
Licensing Team Leader

From: Peter Mayhew <p.mayhew@btbl.co.uk>
Sent: Tuesday, July 9, 2024 7:15 PM
To: Daliah Barrett <daliah.barrett@haringey.gov.uk>
Cc: Licensing <licensing@haringey.gov.uk>
Subject: Premises Licence - MIK Treatz, 88 Bruce Grove, Tottenham, London N17 6UZ (WK/603165)

Dear Daliah,

Thank you for sending over the 4 resident representations.

I would urge the Licensing Authority to reconsider the validity of these representations ahead of the hearing, I will set out below why we believe them to be irrelevant under Section 18(6)(a)

Three of the four representations (marked as Rep 1, 3 & 4 in the attachment) are essentially copied & pasted, to which we have no objection of course. However, they all essentially premise their representations by objecting to an 'alcohol licence' and the 'serving of alcohol until 2AM'. In each case, the representations set out clearly that it is the sale of alcohol to which they object.

Equally, all four representations conclude with the statement that ‘I hope you will take our concerns seriously and deny the application for this late-night alcohol licence’

There is further evidence, in the body of the representations, that the representations are specifically against the Sale of Alcohol from this premises. The wording they use, that the sale of alcohol until 2AM will likely exacerbate the problems they list, suggests very strongly that there is a link between their concerns and the Sale of Alcohol only; none make reference to Late Night Refreshment.

Some of the concerns they raise would in other circumstances be issues which might impact upon the Licensing Objectives if proven, however, the objections are clearly in relation to the Sale of Alcohol only.

The final representation (marked as Rep 2 in the attachment) takes a similar approach setting out clearly in the first line that they are against the granting of a licence to sell alcohol; ‘I am absolutely against the granting of a licence for Mik Treatz to sell alcohol’. That resident goes on in the same manner as the other three representations, to describe why they do not want alcohol to be sold and conclude with the statement that ‘There is no need for MIK Treatz to sell alcohol’

The Licensing Act tells us that ‘Relevant Representations’ *are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.*

The section 182 Guidance suggests that:

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.

A representation should therefore only be considered relevant, if it relates to the Licensable Activity proposed to be carried out by the application on one of the four Licensing Objectives. With all four of the resident representations, they reference the Licensing Objectives, but only in relation to the Sale of Alcohol and were this an application for a Premises Licence to sell alcohol, they would all be relevant.

However, as you are aware the Sale of Alcohol has not been applied for and therefore the representations are in my opinion irrelevant, because they do not ‘relate to the impact of licensable activities’ proposed at the premises.

I would therefore ask the Licensing Authority to consider again if these representations should be considered ‘relevant’ as we maintain they are not.

We can't see how we could for example enter into dialogue with the residents, as we have simply not applied for what they are objecting to.

I would also like to advise the Licensing Authority that one of the residents who made a representation is known to me. They were a client of mine some years ago. We have not been in contact since about 2019 to my recollection. There is no conflict of interest that I am aware of and I have not discussed the application with them. Out of an abundance of caution, it seemed sensible to mention this.

On a separate note, we were in receipt of the email from the Licensing Authority on 22/06 regarding the application. No response was issued at the time, as we were expecting to either receive a confirmation that Licensing was to issue a formal representation and if not, then we should consider the email as an advisory note.

The email suggests that 'the Licensing Authority is considering the application' and then goes on to provide information on the premises and concludes with the statement that 'we are unable to support the lateness of the hours being applied for'.

There is no indication within the email we received, that the Licensing Authority wishes to formally make representation against the application, but rather that it is considering the application and is 'unable to support it', which is a significantly different statement to objecting against it.

The licensing email is also not signed other than to be generically from Haringey Licensing Authority. It would therefore be helpful if you could give this some further consideration and provide details of the enforcement officer who submitted the email.

I look forward to your comments on these matters and if you require any further information, please do not hesitate to contact me.

Kind regards

Peter

Peter Mayhew - Director

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