

REPRESENTATION RESPONSE

MIK TREATS, 88 BRUCE GROVE, LONDON NW1 6XT

APPLICANT MIK Treatz Limited
OBJECTOR(S) Four Residents
LAST UPDATED 16th July 2024

THIS DOCUMENT AND ITS CONTENT ARE SENT WITHOUT PREJUDICE

We are the agent appointed to act on behalf of the applicant, in the application for a new Premises Licence for:

MIK Treatz, 88 Bruce Grove, London N17 6UZ

Having received your representations, we have considered the points raised and would welcome the opportunity to discuss your concerns further.

We believe it is in everyone's interest to reach a consensus in such cases, rather than take matters to a Licensing Committee Hearing; although we respect the right of all parties to be heard in such a forum.

However, if there were suggestions you might have which would allay your concerns, we would welcome the opportunity to discuss them with you and seek to reach an agreement which would enable you to withdraw your representation.

OVERVIEW

This application has been subject to the usual period of public consultation, a copy of the application was forwarded to all ten Responsible Authorities including the Police, Licensing Authority, Environmental Health, Health & Safety, Fire Service and Child Protection.

The application has also been open to Public Consultation for 28 days, with a notice being displayed prominently at the premises and the application being advertised in the local paper.

This gave all of the Responsible Authorities and local people the prescribed 28 days to make representations in relation to this application.

Now that the consultation period has come to an end, we have received four representations, one of which is yours and which we would welcome the opportunity to discuss with you.

The comments made by the four residents in their representations are similar and I hope you therefore don't object if I respond to the relevant issues raised, in this one letter.

OVERVIEW OF THE APPLICATION

You will be familiar with MIK Treatz and what they currently offer their customers.

Currently, up to 23.00 they offer their full menu of drinks and desserts. However, after 23.00, they are limited to only selling their cold drinks, and preprepared desserts.

This is because hot food and drinks after 23.00 require a Premises Licence to be served. This means that currently there is no requirement for a Premises Licence for them to open beyond 23.00, so long as they do not serve their hot desserts and hot drinks after that time; there is however no restriction in them serving cold food and cold drinks as these activities are not licensable.

All the representations we received from the residents refer to the Sale of Alcohol being of primary concern and the effects that alcohol intoxication could have on the residents.

There has never been an application for Alcohol and no alcohol will be sold at the premises, nor will it be included in any product on sale at the premises. This application simply seeks permission to sell their current full menu to the hours applied for, which are the current hours they operate to.

SUMMARY OF THE REPRESENTATIONS

The representations mention a number of different concerns arising from the granting of a Premises Licence at this location, however they do all point to an alcohol licence being of concern and as I have already mentioned this application is not for an alcohol licence.

There are also concerns raised against the current operation of the premises and it should be noted that the success or failure of this application, will not change the ability for the premises to continue to operate to the hours it currently does.

On that basis, it is more productive for us to look to address those issues together proactively, rather than to hope the application will be rejected and we return to the status quo.

We have been in discussions with the applicant and provided them with some further guidance in regard to the concerns which have been raised and they have assured us that they have started to put additional measures into place to deal with some of these.

For example, litter generated by customers of the premises is raised in the representations, as a cause for concern to local residents.

The applicant has now carried out some additional training with their team to address this and following a discussion we had today they are planning to implement new policies to formalise this.

Of course, these things are not always straightforward, if a customer walks off with a milkshake and drops the packaging when they have finished it many streets away, that is more difficult to control, however, they accept that in the vicinity of their premises, they can do better.

With regard to some of the claims made around crime and disorder, the correlation between the activities of this premises and those instances are in my opinion somewhat presumptuous.

Were this to be an application for a licence to sell alcohol, we would certainly take these more seriously, but when it comes to the sale of a hot waffle rather than a cold waffle, I think the connection is more tenuous.

Following our meetings, I am left with the impression that the applicant is keen to move forward in a manner which aims to exceed their obligations and that they are open to being approached by residents if concerns are raised in the future.

LICENCE CONDITIONS

You may or may not be aware, that every Premises Licence is accompanied by a set of 'conditions', usually either agreed with the Responsible Authorities during the application process or imposed following a hearing.

In this case, the applicant has offered 17 such conditions themselves, which they are willing to have imposed on the Premises Licence were it to be granted to its full extent. This is a significant number for a premises of this nature.

These 'conditions' are legally enforceable and so must be adhered to by the holder of the licence; failure to comply can result in very large fines or even imprisonment.

These conditions include but are not limited to:

1. Appropriate induction training shall be undertaken with all relevant staff to cover appropriate subjects for their role including:
 - a. The prevention of Public Nuisance
 - b. Fire safety & emergency evacuation procedures
2. The venue shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped, maintained

for a 31-day period and be made available to the Police or authorised officer of the licensing authority upon request. The CCTV system shall:

3. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs shall be adopted and enforced.
4. The area immediately outside the premises shall be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
5. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. Telephone contact details for the premises shall be provided to residents and the Responsible Authorities on request.
7. A sign requesting customers to respect local residents and leave the premises quietly, shall be displayed at each public exit to the premises.
8. All external doors to the premises shall remain closed after 23.00 except for entrance and egress, to prevent noise escaping from the premises.
9. No alcohol shall be stored at the premises

The applicant remains committed to working within their conditions, which provide further safeguards to neighbours and local residents.

These conditions would only apply to the premises if the Premises Licence is granted and do not currently apply, nor would they apply if the Premises Licence were refused.

There is therefore an argument that, were the premises to be allowed to sell some hot food and hot drinks after 23.00, the potential to regulate the premises is greatly increased.

The applicant would like to reassure residents that they seek to work proactively to run their business in a way which respects the local community and is a positive attribute to the area.

THE OPTIONS GOING FORWARD

With your representation still outstanding, the application is set to be considered by a Licensing Committee hearing.

However, we are still committed to resolving this matter in advance of a hearing, if it is possible to do so.

The licensing process allows and actively encourages, all parties to discuss applications and any areas of concern with a view to resolving matters in a way which is satisfactory to all parties, prior to a hearing. The application can thus be determined in two ways:

Withdrawal of Representation

Anyone who has made a representation, is able to withdraw that representation if their concerns are met as a result of further discussions or further clarification. If all representations are withdrawn, then the hearing can be avoided.

By writing to further explain the process to you and clarifying the purpose of the application, we would hope that either this letter or further discussions could enable us to reach such a position.

If you are satisfied that following the additional information given here, your concerns will be dealt with by the applicant, you can choose to withdraw your representation, thus avoiding the need for a Hearing as the Premises Licence would then be granted by Delegated Authority.

If this is the case and you wish to withdraw your representation, this needs to be done formally by writing (emailing) Haringey Licensing Authority at Daliah.Barrett@haringey.gov.uk & licensing@haringey.gov.uk; I would be grateful if you would copy me into that email – p.mayhew@btbl.co.uk

If you require additional information, I would be happy to discuss the application further with you, in a phone call or by further correspondence, if that would be helpful.

Licensing Committee Hearing

If you still have concerns despite the information provided here or provided by subsequent discussion or should you wish not to discuss your representation directly with us, then of course we recognise and respect your right to be heard at a Hearing in front of the Licensing Committee.

It is however in our interest to do everything which is reasonable to try and avoid a hearing and the additional time and cost to all involved.

Should the application end up being heard by a Licensing Committee, we will vigorously defend our application at that hearing.

I thank you for taking the time to consider the detail outlined in this document and I look forward to your comments.

Peter Mayhew

Director

Beyond the Blue Limited