

Report for: Licensing Sub Committee 03rd November 2025

Item number: 6

Title: Application for a New Premises Licence at: Lilywhites, 799 High Road, Tottenham London N17

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 The application is submitted by Andebrhan Tekeste and seeks the following activities (copy of the application is at App A)

1.2 The application seeks the following:

Late Night Refreshment
Friday to Saturday **2300 to 0400 hours**

Sale of Alcohol
Monday to Thursday **0900 to 0200 hours**
Friday to Saturday **0900 to 0400 hours**
Sunday **1100 to 1200 hours**

Supply of alcohol **ON** and **OFF** the premises.

Hours open to Public
Monday to Thursday **0900 to 0200 hours**
Friday to Saturday **0900 to 0400 hours**
Sunday **1100 to 1200 hours**

1.3 Representations have been received from:

Representation from Met Police / Trading Standards and the Noise & Nuisance RA Team - App B

Response from the applicant is at – App C.

1.4 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 first came to the attention of the Licensing Authority in August 2021 when they enquired about what licenses were required for a shisha lounge. Licensing informed that contact should be made with Planning and also the Environmental Health Team.

2.2 A Temporary Event Notice was submitted for licensable activity between 2nd- 4th August 2025, requesting activities from 1pm- 3am, The Noise Team made representation which was agreed to by the notifier:

Saturday 1pm to 1am

Sunday 1pm to 12am

And the following conditions added to TENS

- One SIA accredited officer on during the duration of licensable activities.
- Signs to inform Patrons to leave quietly
- No more than two people allowed to smoke outside at one time.
- No admissions to general public.

2.3 Saturday 16th /Sunday 17th August the Noise & Nuisance Team visited the premises and found it open and operating the early hours of the morning:

"As per our visit last night at 01:47hrs, you were observed to be operating in the rear area where patrons were using shisha and had open beer bottles on their tables. You also had an open box of 'Madri' beers behind your coffee station.

You were also observed to playing music in the rear area, which you do not have a licence to offer regulated entertainment.

You stated you had a TENS for this weekend but couldn't produce this when I asked. On returning to the office, you applied for a TENS for the weekend 2nd 4th August 2025. You stated you believe you applied for a TENS for 7 days and you can use these days as you see fit. I'm under the impression you meant that if you didn't use all the days from the weekend 2nd to the 4th that you can then use it for other days. This is incorrect and you're operating without a licence.

You stated that it was a birthday party and a private event, but we witnessed people trying to gain access to the premises. You had a blackout blind on the front of the shop to appear closed."

2.4 A noise abatement notice was issued :

"We attended on the 17th August and when we attended the shop there was 3 to 4 males outside we tried to gain access but the blinds were pulled down and there is a ring door bell on the front door. We pressed the doorbell and a woman came to the door after some time we identified ourselves and I explained we were there to conduct a licensing visit. The woman kept

shouting someone's name and wouldn't open the door I again explained that we needed to enter to find out what is happening inside as we have received and witnessed loud music. She eventually let us in.

We have attended on various occasions since the above and haven't seen them operating but as the shop is covered by CCTV and the ring door bell, I believe there is a high chance that people could have been in the back area"

2.5 Written warning was sent from Licensing by email on 22nd August to the operator about knowingly undertaking licensable activity without the correct authorisation. Information about how to apply for a licence was also provided.

2.6 Notification of complaints received by the Local Policing team was sent on 2nd September to the Police Licensing Team. The Police raised concerns regarding the following:

*'The Lily White Sandwich Bar, 799 High Road, London N17 8ER – is this business having permission to play very loud music till late, like 01:00 hrs or even later than that? I have ASB investigation, and recently found out that the noise is very disturbing for upstairs residents, making impossible to sleep for most of the night.
I have sent an email to, ASB officer in Haringey Council and waiting for response. I'll provide ASB victim link, to the website – to make a formal complaint to the council.'*

2.7 The applicant submitted an application form for the Premises Licence that was rejected as the plan submitted did not show the shisha area which is the main aspect of the business. The applicant reasoned that shisha activity was not licensable and that he therefore did not need to show any relevance to that part of the business. The Licensing Officer asked the applicant to clarify if he intended to be able to provide hot food or drink to people in the 'shisha area, he responded to say he would be doing so.. A new application with a proper layout plan was then submitted and accepted.

2.8 The applicant has not responded to the Trading Standards representation. The Police and Noise Team RA representation has received written responses which are included in the report.

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 objective of the licensing process is to allow for the carrying on of licensable activities whilst promoting and upholding the licensing objectives 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.
- 3.3 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.
- 3.4 Where relevant representations are made, this authority will demand stricter conditions regarding 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.
- 3.5 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.
- 3.6 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.
- 3.7 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 3.8 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.
- 3.9 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 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 about the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Were 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 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 - Representation from Met Police/ Noise & Nuisance RA

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy