

Report for: Licensing Sub Committee 15th December 2025

Item number: 6

Title: Application for a Variation of a Premises Licence at: Chez Nicky, 295 West Green Road London N15

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

Ward(s) affected: St Anns

Report for Key/Non-Key Decision: Not applicable

1. Describe the issue under consideration.

1.1 The application is submitted by Chez Nicky Ltd and seeks the following activities (copy of the application is at App A)

1.2 The application seeks the following:
To vary the layout of the premises in accordance with the plan submitted to include the garden/rear area.
To remove and amend some of the current conditions on the licence.

Late Night refreshment

Sunday to Thursday

2300 to 0200 hours

Friday to Saturday

2300 to 0300 hours

Christmas Eve, Christmas Day, New Years' Eve and New Year's Day 2300 to 0300 hours.

Sale of Alcohol

Sunday to Thursday

1100 to 0200 hours

Friday to Saturday

1100 to 0300 hours

Christmas Eve, Christmas Day, New Years' Eve and New Year's Day 1100 to 0300 hours.

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

Hours open to Public

Sunday to Thursday

0700 to 0230 hours

Friday to Saturday

0700 to 0330 hours

Christmas Eve, Christmas Day, New Years' Eve and New Year's Day 0700 to 0330 hours.

1.4 Representations have been received from:

Representation from Noise RA – App B
Residents – App C

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 located in a terrace of shops with residential above and to the rear. A copy of the existing licence is attached at App D. The current premises licence restricts the use of the rear area. Mr Lemba has continually used the rear area since the granting of the licence. Mr Lemba has now obtained Planning Permission for the use of the rear area. Members will be aware that the Government has issued new guidance (not statutory guidance) that advises the following:

- *Licensing decisions should complement, not undermine, planning and regeneration efforts*
- *To that end, the framework provides a strategic steer for licensing authorities, central government and industry to work together in support of: ... place-making and regeneration – licensing and planning policy should work in harmony to support vibrant, mixed-use areas, revitalise high streets, and unlock investment in the night-time economy. Licensing should be a tool for shaping successful places, not just managing risks*
- *Strategic alignment. Licensing policies should complement local economic, cultural, and night-time economy strategies, and work in harmony with planning policy to avoid conflict. This includes applying the Agent of Change principle, ensuring new developments near existing licensed premises take responsibility for mitigating impacts such as noise, rather than placing undue burdens on established venues. Authorities are encouraged to embed this principle in local licensing guidance and collaborate with planning colleagues to protect the viability of pubs, music venues, cultural spaces and events.*
- *Conditions must be tailored to the specific premises and risks and should not duplicate requirements under other regimes (for example, planning, fire safety, environmental health, or [Martyn's Law](#) where applicable).*
- *Many authorities are already aware that effective licensing depends on strong local partnerships, and there are many good examples. It is a matter of good practice that licensing authorities work collaboratively with planning teams, responsible authorities, businesses and communities to ensure that licensing decisions support wider local priorities and deliver safe, vibrant places to live, work, study, visit and invest. Licensing authorities should consider the following:*
 - A) *coordination with planning – licensing authorities should engage proactively with planning teams during plan-making and site allocation processes. Licensing policies should be aligned with Local Plans,*

Neighbourhood Plans, and regeneration strategies to avoid policy conflict and support coherent place-making. This includes applying the Agent of Change principle. It is important that licensing decisions do not undermine planning decision, which take primacy

B) integration with neighbourhood planning – licensing committees should consider the aspirations of Neighbourhood Plans when determining applications. These plans reflect community priorities and can help guide licensing decisions that support local identity, cultural life, and economic development.

2.2 A retrospective Planning application to use the internal rear space to provide 44 additional seats. Roof alterations to include thermal and acoustic insulation. Installation of a green roof.

2.3 Conditions: (3) 1 2 3 The solid/green roof hereby approved shall be installed in full within six months of the date of this decision, unless otherwise agreed in writing with the Local Planning Authority. The green roof must be constructed in accordance with the details shown on the approved plans and shall comply with the performance and installation criteria set out in BS 8616:2019 – Green Roofs.

Reason: To rectify an existing breach of planning and to safeguard the residential amenity of neighbouring occupiers through enhanced acoustic and environmental protection. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. Reason: For the avoidance of doubt and in the interests of proper planning.

Patrons and visitors to the restaurant, as extended, shall not use the rear access door facing onto Olive Grove for entry or exit, with the rear access used solely for servicing and deliveries and not used to provide general access to or from Olive Grove. Smoking by patrons or visitors shall also not be permitted on Olive Grove.

Reason: To protect the amenities of neighbouring residents by preventing undue disturbance, increased activity, or environmental nuisance in the vicinity of Olive Grove and beyond

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.

Representation from Noise RA – App B

Met Police – App C

Residents – App D

Background papers: Section 82 Guidance – New version November 2025

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK](#)

Haringey Statement of Licensing policy

New National Licensing Policy framework - [National Licensing Policy Framework for the hospitality and leisure sectors \(web version\) - GOV.UK](#)