

Application for a New Premises Licence under the Licensing Act 2003 – Divina Kitchen, 256 Archway Road, London, N6 – 7 September 2021

The Special Licensing Sub Committee carefully considered the application for a new premises licence for Divina Kitchen, 256 Archway Road, London N6. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to refuse to grant the application for a new premises licence.

Reasons

The Committee gave serious consideration to the matters raised by the applicants, the objectors, and the responsible authorities. The committee had a particular concern that the applicants had sold alcohol without a licence and had unlawfully relied on notices advertising their application in support of their decision to serve alcohol at time when they were not authorised to do so. This suggested that the applicants were not sufficiently aware of how the process for obtaining a licence to sell alcohol operates.

The committee also heard evidence of noise nuisance emanating from the premises. Neighbouring residents stated that noise from the premises was having a profound effect on their ability to enjoy their home life. These incidents of noise nuisance, (including loud music and noise from the external area to the rear of the premises) were not addressed by the applicants despite clear evidence of the adverse effect they were having on residents.

The committee also received evidence that the building was not fit for purpose and had doors which were not fitted correctly. This raised safety concerns. In addition, the committee noted that the planning authority had given an indication about the proposed opening hours. The committee generally only consider matters that fall within their responsibility, which is for licencing matters, but was nonetheless aware that operating hours that exceeded the hours permitted by the planning permission were being sought by the applicants.

The owner of the premises told the committee he wished to have a dialogue with the residents, which the committee would generally encourage, but in this case, it appeared to the committee that the owner had minimal involvement in the day-to-day operation of the premises. The committee was not satisfied the applicants were engaging with the licensing authority. The premises were not being managed responsibly and in a manner that would support the granting of a licence to sell alcohol and as a result the committee decided to refuse the application.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Date: 14 September 2021