

Decision Notice

Application for a New Premises Licence under the Licensing Act 2003 – for Bombay Rickshaw at 171 Archway Road, Haringey, London, N6 5BL - 21st August 2023

The Licensing Sub Committee carefully considered the application for a new premises licence for Bombay Rickshaw at 171 Archway Road, Haringey, London, N6 5BL. 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 objector's representations.

Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application **subject to conditions below**.

The opening hours of the premises for counter-service and/or delivery:

Sunday to Thursday **1200 to 0030**

Friday and Saturday **1200 to 0230**

The opening hours of the premises for delivery only:

Sunday to Thursday **0030 to 0200**

Friday and Saturday **0230 to 0300**

CONDITIONS

- Residents are not caused nuisance or disturbed by any delivery service providers, drivers do not congregate on residential roads.
- Once the counter service is closed, staff must not allow customers to enter and place an order onsite.
- The delivery of orders shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of items shall not be made or completed to a person in a public place (street corner, parked car on the road etc).
- Toilet facilities are provided for drivers at the premises.

- No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- The Premises Licence holder shall instruct delivery riders and drivers collecting pre-ordered hot food not to cause a noise nuisance when making deliveries or whilst waiting outside the premises for collections.
- Maintenance and servicing of the kitchen extractor fan should be undertaken yearly and certificates kept on site at the premises.
- The extractor fan shall be turned off in the premises when no cooking is taking place.

General Conditions as per the four licensing objectives:

- When the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
- All staff must undertake training in their responsibilities.
- Records will be kept of training and refresher training.
- Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- Comprehensive CCTV will be installed to provide coverage at the premises that will be operated and maintained at the premises.
- A CCTV system will be installed with the following specification:
 1. Cameras sited to observe the entrance and exit doors both inside and outside.
 2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 3. Cameras viewing till areas will capture frames not less than 50% of screen.
 4. Cameras overlooking floor areas will be wide angled to give an overview of the premises:
 - a. Be capable of visually confirming the nature of the crime committed.

- b. Provide a linked record of the date, time and place of any image.
 - c. Provide good quality images – colour during opening times.
 - d. Operate under existing light levels within and outside the premises.
 - e. Have the recording device located in a secure area or locked cabinet.
 - f. Have a monitor to review images and recorded picture quality.
 - g. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images will be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment will have a suitable export method, e.g. USB export or CD/DVD writer so that the police can make an evidential copy of the data they require. This data will be in the native file format, to ensure that no image quality is lost when making the copy. Any copy will be playable on a standard computer. Copies will be made available to Police on request.
- Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances will be inspected annually.
 - All emergency exits will be kept free from obstruction at all times.
 - All customers will be asked to leave quietly.
 - Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
 - No alcohol or cigarettes will be sold on the premises.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objector who represented a group of residents.

It was noted, to the credit of the Applicant, that he had engaged with the relevant authorities and agreed the conditions proposed by the Police and Noise Team. It was

also noted that the Applicant had initially sought opening times to 5 am on Fridays and Saturdays and 3am for the rest of the week, but had on receipt of representations from the Police and noise team agreed to a reduction of those hours to a counter-only closing time at 0230 and 12.30 respectively. He maintained his request to remain open through to 5am on Friday and Saturday and 3am for the rest of the week for delivery only.

The Committee was very mindful of the Applicant's ability to be able run his business successfully. However, it was noted that the request for operating hours to 5am and 3am respectively as a delivery only kitchen was unusual and not in keeping with the closing times for other similar business in the area, which all generally closed earlier. Furthermore, it was to be situated near residential streets, where noise from scooters/mopeds/delivery drivers would have a noise impact at those early hours. It was acknowledged that the premises are near the A1 and are located in an already a busy area, but nevertheless the Committee noted that, at the very early hours of the morning, there would be a noise impact which would affect the nearby residents.

There also remained concerns about delivery riders/drivers congregating in a location which can often be near to residential properties, noise generated by the delivery riders/drivers talking on their phones, talking to one another and playing music. One of the other effects of riders/drivers congregating in an area is the issue of litter and also urination in the street as evidenced by the response to the Application from the Police. The Committee did accept the reassurances provided by the Applicant that toilet premises would be provided to the delivery personnel and that a security guard would be kept, but the Committee also had reservations about the Applicant's back-up plan to use the local McDonalds as a waiting stop for the drivers.

The Committee noted the reassurances provided by the Applicant that deliveries would only be made to a home address, but there remained the possibility that people can simply use an address on the road they are standing on to accept delivery. The Committee accepted that appropriate extractor fans would be installed to limit any noise or smells from cooking.

In light of the above it was deemed that a grant of the application with the conditions (already agreed) and a reduction in the hours of operating once counter-service was closed is proportionate and balances the needs of the Applicant, the local residents, and safeguards the Licensing objectives.

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.