

APPLICATION FOR A NEW PREMISES LICENCE AT BLACK LION FOOD EXPRESS, 42 TOPSFIELD PARADE, TOTTENHAM LANE, HORNSEY, LONDON, N8 8PT (CROUCH END)

The Licensing Sub Committee carefully considered the application for a Premises License at, Black Lion Food Express, 42 Topsfield Parade, Tottenham lane, Hornsey, London, N8 8PT (Crouch End)

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 applicant's and objector's representations. Having considered the application and heard from all the parties, the Committee decided to **GRANT** the application subject to the conditions below:

Sale of Alcohol

Monday to Sunday: 0800 to 2300 hours
Supply of alcohol **OFF** the premises

Hours open to Public

Monday to Sunday: 0800 to 2300 hours
Supply of alcohol **OFF** the premises

CONDITIONS:

The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at Section 18-21 of the application & at pages 17-21 of the Committee papers in addition to the following conditions:

- The Applicant must ensure that the last occupants & License holders at these premisses have no control, authority over or access to the Premises.
- The Applicant must sign up to the Responsible retailers Plus Scheme: <https://haringey.gov.uk/business/trading-standards/trading-standards-businesses/responsible-retailer-scheme>
- During operating hours the Premises must have, in a prominent location contact details of the Owner for residents and neighbours who may wish make a complaint or raise concerns.
- Training records for any new Staff must be kept for inspection by relevant authorities.

Additional agreed conditions:

1. Deliveries/loading/unloading will not be made to the premises between the hours of 20:00 and 08:00 hours.
2. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally

- outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
3. Couriers collecting orders to act in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
 4. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
 5. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
 6. No deliveries should be made to the pavement or left on the pavement or accessible to the public at the front or rear of the premises at any time.
 7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
 8. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors to the satisfaction of the Police Licensing Unit or the licensing authority.
 9. No super-strength beer, largers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
 10. No single cans or bottles of beer or cider shall be sold at the premises.
 11. No sales of miniature or quarter bottles of spirits of any kind shall be permitted.
 12. There shall be no self-service of spirits on the premises.
 13. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

REASONS:

The committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors. It was noted at the beginning of the meeting that the objections which has been raised by Councillor Luke Cawley-Harrison on behalf of residents had been withdrawn on the basis that the additional conditions above had been agreed.

The Committee noted that there were no further objections from other relevant authorities such as the Council Noise or Anti-Social Behaviour Teams or the Police. There remained one objector whose objections were raised at the meeting on the form of submissions, questions to the applicant and final summary of the objections.

It was noted that the main area of concern was the submission by the Objector that the Applicant did not have a Lease or any permission to be operating from the Premises. It should

be noted that the existence of a Lease or not was not a matter for the Committee. It was submitted by the Objector that without such a Lease the Applicant could not apply for a Premises Licence. This was considered by the Committee but was rejected overall for the following reasons. The Committee pack contained a letter from Solicitors acting on behalf of the Applicant confirming they are in contact with the Assignors of the Lease to progress towards completion. The Letter also confirms the Applicant has been in occupation since November 24. The Applicant was also registered for Business rates. This was sufficient evidence for the Committee to conclude the Applicant did have rights to be in the Premises, not least because he was in fact in occupation of the Premises & had the owner of the Premises have any objection it would be a matter for them to object and in particular the letter refers to a Lease being assigned. Additionally it was noted that an application for a premises license can be made as long as someone has an interest in the property as is clearly the case here.

The other main objection and one which was taken very seriously by the Committee and expressed very clearly at pages 35-37 of the pack, were the concerns about anti-social behaviour & criminal activities around these Premises. The objections were essentially that the current Applicant was sufficiently connected in some way to the previous Owners that there is potential for the anti-social behaviour and criminal activity to continue and that the previous owners were in some way still in control. The Committee did not find this convincing. The Applicant had demonstrated through their application & from their answers to these concerns raised by the Committee, that there was no credible link. The Applicant had shown as per Councillor Cawley-Harrison's statement that since the Applicant had taken over, there had no complaints of anti-social behaviour by residents. Most importantly, the issues around anti-social behaviour and criminal activity related entirely to the previous occupant of the Premises and not the current Applicant. In these circumstances the Committee found that it could not reject this application on the basis of behaviour associated with someone other than the Applicant.

Finally it was also noted with approval that the Applicant had agreed additional conditions, had reached out to objectors to liaise and had reduced it's request for hours.

In light of the above, it was deemed that a grant of the application with the above conditions balanced the interest of the applicants, the residents and the licencing objectives.

ADVISORY & INFORMATIVE

The Applicant indicated during the hearing that it would take approximately 1-2 months for the Lease to be assigned to him. It is imperative that the Lease is transferred to the Applicant and if that does not occur within the next 2 months for the Applicant to notify the Local Authority & update on progress.

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 applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

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