

Decision Notice

The Licensing Sub Committee carefully considered the application for a new premises licence for Lilywhite Sandwich Bar, 799 High Road, Tottenham, London N17 8ER. In considering the application, the Committee took account of the Application, Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 Guidance, the report pack and the Applicant's and objectors' representations.

The Applicant sought a licence for the following licensable activities and hours (as clarified at the commencement of the hearing):

Hours sought:

Late Night Refreshment (indoors only):

Friday 2300 to 0400 hours

Saturday 2300 to 0400 hours

Sale of Alcohol

Monday to Thursday 0900 to 0200 hours

Friday & Saturday 0900 to 0400 hours

Sunday 1100 to 2400 hours

Supply of alcohol ON and OFF the premises.

Hours open to Public

Monday to Thursday 0900 to 0200 hours

Friday & Saturday 0900 to 0400 hours

Sunday 1100 to 2400 hours

Having carefully considered the application and heard from all the parties, the Sub-Committee decided to refuse the application

REASONS

The premises are situated on the opposite side of the High Road from Tottenham Stadium just North of White Hart Lane. They consist of a dining area and bar to the front, with access through a small intermediate room to a larger area used as a shisha lounge.

In response to a question at the hearing, the applicant indicated that his intention was that the premises would operate as a bar on Tottenham Hotspur matchdays, to take advantage of the opportunity for trade created by the match.

The Police and Noise Team had made representations in response to the application.

Prior to the hearing the panel had read the report pack including the application and the representations, the objection from the Noise Team and the conditions and operating hours proposed by the Police, and the responses from the applicant.

The Licensing Officer introduced the application as set out in the report forming part of the hearing pack.

The background included a TEN served for an event on 2-4 August 2025. Complaints were received about noise overnight 17-18 August, two weeks later. Noise Officers reported that when they attended, from 1:30am onward, they found the premises operating and patrons with open bottles of alcohol. They were informed that a TEN had been applied for, but it transpired that the only TEN issued had been for the weekend 2-4 August that the Applicant thought permitted him to operate after those dates if he had not used all the dates for which the TEN was issued. The applicant also stated that the event was a birthday

He was, the Noise Team said, informed that he was operating without a licence, and a Noise Abatement Notice was served.

Further noise complaints followed, mentioned in the report.

In answer to questions, the LO indicated that she had been informed by Environmental Health Officers that the shisha area was non-compliant with smoke-free legislation, and that no application for planning permission had been made in this respect of this *sui generis* use.

The Applicant was represented and his representations were mostly made through his representative

He confirmed that there was no application for live or recorded music – only background music would be played. He asserted

that the shisha area was half open in accordance with the law and hence compliant.

He indicated that he was not now applying for off-sales – only an on-licence. And that he sought to open on Friday and Saturday only until 0200; not 0400. In answer to questions he confirmed that he now sought a licence to sell alcohol until 30 minutes before then; that from Sunday to Thursday closing time be midnight (and sales of alcohol ending 30 minutes before); and he also offered a condition that no new customers be allowed entry after midnight on Friday and Saturday. He felt that he should be allowed similar hours to other local premises with licences such as The Bricklayers.

He had requested a fire risk assessment – the inspection was on 24 October - which he had seen in draft; in response to questions he indicated that it broadly approved of the fire exit arrangements on the basis of occupancy of 15 in the front area and 20 in the shisha lounge; there would be two fire exits, one through the front and one through the area between there and the shisha lounge.

He denied that alcohol had been sold or that loud music was played on 17 August and questioned the Noise Team's report on the basis of what he saw as a discrepancy in the times of the visit – was it 1:30, or 1:47? He also complained that the Noise Team had asked to be served alcohol without identifying themselves as Council officials. He argued that the noise witnessed came from other premises, including The Bricklayers.

He recognised that he needed to learn as a new business owner and wanted to work with the Council. That, he indicated in answer to questions, was why he had not, in his application, made reference to CCTV, a refusals log, Challenge 25 or any reference to dispersal or management of patrons. He was said now to be aware of the four licensing objectives and what would be needed to meet them, and apologised and indicated that if he needed to improve the application and resubmit it, he'd be more than happy to do so.

The panel pointed out that while reference was made in the pack to a series of voluntary measures such as staff refresher

training, compliance checklists and better recordkeeping, there were no documents, plans evidence or policies attached for the panel to review and verify. He indicated that he had arranged to go and do the courses, and was willing to do that before approval; and that he would have all the necessary documents etc in place within two weeks.

He sought to explain why Noise Team officers had been delayed in accessing the premises on the basis that the doorbell only rang in the front part of the premises, so was not audible from the rear; but that this was being dealt with.

He said that the blackout curtain described in the pack was there for aesthetic reasons.

Responsible Authorities

The Local Authority Noise Team objected to the licence being granted in the terms set out in the pack. In response to questions, its representative insisted that identification badges had been produced and denied having requested service of a beer on their visit.

The supposed discrepancy in visit timings was accounted for, they said, by the fact that the Team had attended the complainants' premises overlooking the shisha area at 0130 and witnessed what in their professional opinion was a statutory nuisance and gone downstairs maybe 15 minutes later to gain access. They had not used measuring equipment; in their professional view the noise constituted statutory nuisance. They were clear that the noise witnessed was emanating from the Applicant's premises.

Their representative considered that it would be difficult to police compliance with licensing conditions; that they had no faith that the applicant would uphold the licensing objectives; and that with the blackout curtain at the front of the shop, the Ring doorbell and CCTV covering the entrance the premises were set up for covert operation.

The Police had produced an analysis of offences committed in the area of the premises. They felt that, while they did not directly connect any of the incidents with the premises

themselves, allowing late hours at the premises would increase public nuisance in the area.

They had questioned the blackout at the front of the premises, and were told that the blackout was there because the premises were under refurbishment and that they were trying to avoid break-ins.

Decision

The Panel carefully considered the representations made.

It accepted the evidence given by the Council's Noise team and discounted the Applicant's criticism.

The Panel was concerned by two things; firstly, the positive evidence of lack of concern for the licensing objectives, in particular the noise that had generated numerous complaints, and in particular the Noise Team's view that the premises were set up to operate covertly. The panel did not understand the Applicant's logic that the blackout at the front was for aesthetic reasons, since it made the premises appear closed; particularly in the light of the comment to the police that the blackout blind would be removed on completion of the works.

The second concern was that the Applicant had failed to offer many routine conditions that would assist in promoting the licensing objectives, and had produced none of the documentation that the Panel would expect in support of an application. He had made piecemeal offers of conditions, not reduced to writing, in response to points raised during the hearing, but had demonstrated no overall understanding of what was required of him.

By way of example, the Applicant had failed to produce:

Any mention of CCTV

A refusals log

Challenge 25 Policy

Procedures/policies for dispersal of patrons

Ditto for managing patrons

A Fire Risk Assessment and any plan to comply with any recommendations made

A Noise Management Plan

Staff training plans

Compliance checklists

His response when this was raised was that he would go away and do all these things.

In all these circumstances, the Panel was not satisfied that the licensing objectives would be upheld if a licence was granted. It considered whether to grant a licence conditional upon provision of all the various missing documents, policies, plans etc to the Council's satisfaction, but took the view that for the objectives to be promoted it was for the Applicant to understand what was required to promote the objectives and from that understanding to develop the necessary documentation, rather than have it imposed without understanding.

Informative

The Panel advises the Applicant, if he wishes to resubmit an application, to take steps to demonstrate that he has taken positive action to remedy the nuisances that his operation of the premises had caused, and in such application to deal with all the issues raised both in this decision and in any further discussions with the Licensing Officer.