

	<h2>Licensing Sub-Committee</h2> <h3>Thursday 31<sup>st</sup> May 2018</h3>
<b>Title</b>	<b>Review of Premises Licence Milkshake City, 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB</b>
<b>Report of</b>	Trading Standards & Licensing Manager
<b>Wards</b>	Coppetts Ward
<b>Status</b>	Public
<b>Enclosures</b>	Report of the Licensing Officer Annex 1 – Application Annex 2 – Representations Annex 3 – Matters for decision
<b>Officer Contact Details</b>	Mariesa Connolly 0208 359 2125 mariesa.connolly@barnet.gov.uk
<h3>Summary</h3>	
This report asks the Sub-Committee to consider the application for a New Premises Licence under section 17 of the Licensing Act 2003.	

<h3>Recommendations</h3>
<p style="text-align: center;"><b>This report asks the Sub-Committee to consider the application to New Premises Licence under section 17 of the Licensing Act 2003 for Milkshake City, 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB</b></p>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The licensing authority having received valid new premises licence application that has received valid representations must hold a hearing to consider that application and the valid representations that have been submitted.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Where an application is submitted under section 17 of the Licensing Act 2003 to which valid representation have been made, the authority must hold a hearing to consider it.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The decision will have immediate effect

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration

- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 N/A

### **5.3 Legal and Constitutional References**

- 5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.

- 5.3.2 Under the Council's Constitution, Article 7 – Committees, Forums, Working Groups and Partnerships, responsibility for hearings relating to licensing matters are delegated to the Licensing Sub-Committee

### **5.4 Risk Management**

- 5.4.1 N/A

## **5.5 Equalities and Diversity**

5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the

## **5.6 Consultation and Engagement**

5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003

## **6. BACKGROUND PAPERS**

6.1 The application and report of the Licensing Officer are and necessary appendices are attached to this report.

# Officers Report

## LICENSING ACT 2003

### REPORT FOR PUBLIC HEARING

#### New Premises Licence Application

**Milkshake City, 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB**

#### 1. The Applicant

An application was submitted by Milkshake City N12 Ltd of 227 Woodhouse Road, London, N12 9BD.

#### 2. The Application

This application has been made under Section 17 of the Licensing Act 2003 for a new premises licence. The application seeks to allow the following:

- The Supply of alcohol for consumption on the premises only from 12:00hrs until 23:00hrs Sunday to Thursday and from 12:00hrs until 00:00hrs Friday and Saturday.
- To allow the premises to remain open to the Public from 12:00hrs until 23:00hrs Sunday to Thursday and from 12:00hrs until 00:00hrs Friday and Saturday.

A full copy of the application is attached to this report in **Annex 1**

#### 3. Representations

##### Responsible Authorities

The licensing team are in receipt of a representation from PC Francesca Downes of the Metropolitan Police. Within PC Downes representation she has stated that:

*“the Police are satisfied that the exceptional circumstances of the case are such that by granting the application would undermine the licensing objective in particular the protection of children from harm and prevention of public nuisance”*

##### Other representations

The licensing team have received one representation in relation to this application from a member of the public. The representations relate to the likely effect the granting of the application could have on the following licensing objectives:

- The prevention of public nuisance
- The protection of children from harm

The representations received can be found in **Annex 2** attached to this report.

#### **4. Attaching Conditions**

The operating schedule, which is part of the application, includes certain additional steps that the applicant will take to protect the licensing objectives. These will become enforceable conditions, should the licence be granted. Additional conditions may be attached to the licence if the committee thinks it appropriate.

The Committee must have regard to all of the representations made and the evidence it hears, and is asked to note that it may not attach conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

In relation to conditions, the statutory guidance at chapter 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

A map centrally locating the premises and a plan shall be made available at the hearing.

Michelle Rudland  
Team Leader – Community Protection (Regulation)  
Tuesday 15<sup>th</sup> May 2018

Annex 1 – Application Form  
Annex 2 – Representations  
Annex 3 – Matters for decision

# Application

LAPRE 1/18/58184

Application for a premises licence to be granted  
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MILKSHAKE CITY N12 LTD  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
2 HALLWICK COURT PARADE WOODHOUSE ROAD 1			
Post town	LONDON	Postcode	N12 0NB

Telephone number at premises (if any)	0208 362 0957
Non-domestic rateable value of premises	£ 14,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as      Please tick as appropriate

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership       please complete section (B)
- ii as a partnership (other than limited liability)       please complete section (B)
- iii as an unincorporated association or       please complete section (B)
- iv other (for example a statutory corporation)       please complete section (B)
- c) a recognised club       please complete section (B)
- d) a charity       please complete section (B)



- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current postal address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b>	MILKSHAKE CITY N12 LTD
<b>Address</b>	227 WOODHOUSE ROAD LONDON, N12 9BD
<b>Registered number (where applicable)</b>	07735368
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>	LIMITED COMPANY
<b>Telephone number (if any)</b>	07946 466 744
<b>E-mail address (optional)</b>	BOTAN@MILKSHAKECITY.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

RETAIL PREMISES WITH REAR GARDEN. USED AS A MILKSHAKE CAFE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

5 / 10
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What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)  IN SUMMER WE WILL USE BEER GARDEN MORE		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00			
Fri	12.00	00.00			
Sat	12.00	00.00			
Sun	12.00	23.00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	BOTAN HOURAMI	
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)		

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	23.00	
Tue	12.00	23.00	
Wed	12.00	23.00	
Thur	12.00	23.00	
Fri	12.00	00.00	
Sat	12.00	00.00	
Sun	12.00	23.00	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)**

**M** Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

NOTHING BEYOND EXISTING H + S / FIRE SAFETY REQUIREMENTS.

b) The prevention of crime and disorder

AS EXISTING

c) Public safety

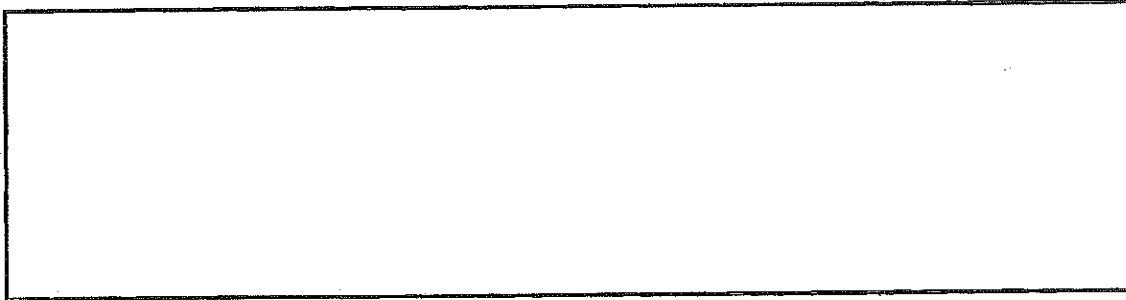
AS EXISTING

d) The prevention of public nuisance

AS EXISTING

e) The protection of children from harm

N/A



**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

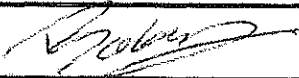
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures (please read guidance note 11)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.**



<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	10/04/18
Capacity	DIRECTOR.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

# Representations



London Borough of Barnet  
Licensing Team  
Barnet House  
1255 High Road  
Whetstone  
London  
N20 0EJ

**BARNET POLICE STATION**  
**Please post to:**  
**Licensing Office @SA**  
**Colindale Police Station**  
**GRAHAM PARK WAY**  
**LONDON**  
**NW9 5TW**  
**Telephone: 020 8733 4195**  
**Email: [barnet.licensing@met.police.uk](mailto:barnet.licensing@met.police.uk)**  
**Date: Friday 4<sup>th</sup> May 2018**

Ref:

Our ref: 095/18

CC: London Borough of Barnet

**Police objection to a new premises licence**

<b>Section</b>	<b>17</b>						<b>Licensing Act 2003</b>
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**Notice Received: 9<sup>th</sup> April 2018**  
**From: Botan Hourami**  
**Premises: Milkshake City, 2 Halliwick Court Parade, Woodhouse Road. N12 0NB**

**For the following reason(s) Police are satisfied that the exceptional circumstances of the case are such that by granting the application would undermine the licensing objective in particular the protection of children from harm and prevention of a public nuisance.**

The aforementioned property sells milkshakes, crepes and ice creams – and also has a section of the property for the sale of vaping products. The application for the sale of alcohol has caused concern because due to the nature of the product, the venue attracts a lot of custom from people under the age of 18. There are several secondary schools in the vicinity and is a popular place for children to gather after school hours.

The initial application lodged with the local authority offered nothing by way of an operating schedule – and therefore no information on how the premises would promote the ‘**protection of children from harm**’ licensing objective.

In relation to the ‘**prevention of public nuisance**’ - The area around the venue is highly residential and the applicant has expressed a desire to extend the use of the premises to the rear garden for summer. In our experience the addition of alcohol can alter people’s behaviour causing them to become louder and inconsiderate to their surroundings. Again, Mr Hourami in the initial application has not provided any information in the operating schedule for managing the potential noise pollution that may be caused.



**METROPOLITAN  
POLICE**

*Working for a safer London*

We have met with the applicant and expressed our concerns. He has since provided us with a more detailed operating schedule, which we appreciate. However at this stage we are not satisfied that the licensing objectives will be fully promoted.

**The Police respectfully request the application of appropriate conditions be attached to the licence in order to fully promote the 4 licensing objectives.**

**\*\*Please note, if a hearing is required I am unavailable on Wednesdays and Thursdays. If this could be taken into consideration when arranging a date it would be appreciated.**

Yours Sincerely,

PC Francesca Downes 529SX  
Licensing Team  
Barnet Police Station  
26-32 Barnet High Street  
EN5 5RU

## Rudland, Michelle

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**From:** PENNY & DAVID <[REDACTED]>  
**Sent:** 04 May 2018 21:38  
**To:** LicensingAdmin  
**Subject:** Milkshake City N12 - Alcohol License Application

Good Evening,

I'm writing to express my concern re the above premises applying to sell alcohol.

The premises is a milk shake bar which also sells coffee and has a Vaping area. The shop is adjacent to a busy bus stop where school pupils from 3 local schools (Friern Barnet, The Compton and The Wren Academy) congregate at the end of the school day. There are often large numbers of children in this area with occasional scuffles and rowdy behaviour. I am concerned that a shop that primarily sells soft drinks and therefore suitable for a younger age group, now wishes to sell alcohol from midday. I can foresee problems with children endeavouring to buy alcohol, or even asking 18 yr old friends to buy it for them. It might even encourage yet more youngsters to the area with attendant poor behaviour. This would be in contravention of possibly 2 or even 3 of your licensing objectives - particularly protecting children from harm and prevention of public nuisance.

I appreciate that the business wants to diversify and I have no wish to prevent their success, but I do feel that selling alcohol from midday is inappropriate. Perhaps an evening licence could be considered, once the school pupils have long gone?? From say, 7pm which would be far more acceptable.

Regards,

Penny Marlton  
Glenthorne Road  
Friern Barnet  
N11 [REDACTED]

# Matters for Decision

## MATTERS FOR DECISION

### Milkshake City, 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Part J: to allow the sale by retail of alcohol for consumption both on and off the premises.

#### Standard Days and Timings

Day	Proposed start time	Proposed finish time	Granted as application	Amended to:	Refused
Monday	12:00	23:00			
Tuesday	12:00	23:00			
Wednesday	12:00	23:00			
Thursday	12:00	23:00			
Friday	12:00	00:00			
Saturday	12:00	00:00			
Sunday	12:00	23:00			

Added conditions, if any:

Reasons for decisions above:

**Part L: the hours in which the premises are open to the public.**

**Standard Days and Timings**

<b>Day</b>	<b>Proposed start time</b>	<b>Proposed finish time</b>	<b>Granted as application</b>	<b>Amended to:</b>	<b>Refused</b>
Monday	12:00	23:00			
Tuesday	12:00	23:00			
Wednesday	12:00	23:00			
Thursday	12:00	23:00			
Friday	12:00	00:00			
Saturday	12:00	00:00			
Sunday	12:00	23:00			

Added conditions, if any:

Reasons for decisions above: