

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 20 OCTOBER 2010**

COUNCILLORS

PRESENT (Chairman)Yusuf Cicek, Chris Bond (Cabinet Member for Environment, Street Scene and Parks) and Alan Barker

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Dina Boodhun (Legal representative), Ellie Green (Principal Trading Standards Officer), Jane Creer (Democratic Services)

Also Attending: Mr Mohammad Wasim Khan (Licence Holder, S.T. Food & Wine), Mr David Dadds (Licensing Lawyer)
Interested Party – Mr Andy Barker (Fox Lane & District Residents' Association)
Mr Andreas Demetriou (Licence Holder, Pringipessa) and representative

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WELCOME AND INTRODUCTIONS

The Chairman of the meeting was confirmed as Councillor Yusuf Cicek, who welcomed all those present and introduced the Sub-Committee members.

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DECLARATION OF INTERESTS

NOTED that there were no declarations of any personal or prejudicial interest in respect of items on the agenda, but Councillor Alan Barker stated that S. T. Food & Wine premises was near to where he lived (one and a half blocks away) and he sometimes bought a newspaper there, but he had not discussed this application with anybody previously and was coming to the hearing with an open mind.

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S. T. FOOD & WINE, 360-362, GREEN LANES, LONDON, N13 (REPORT NO. 87)

RECEIVED an application from Mr Mohammad Wasim Khan and Mrs Shabnum Khan to vary the Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:

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- a. The application was to vary the existing Premises Licence. The existing hours were set out on page 4 of the agenda pack. No variation was sought to the hours the premises were open to the public, but the applicants sought to extend the hours for supply of alcohol to match the hours of opening.
 - b. The Police and Trading Standards had no objection to hours sought, but requested additional conditions, as set out on pages 21 to 23 of the agenda pack. All the requested conditions had been agreed by the applicants and the representations of the Police and Trading Standards had therefore been withdrawn.
 - c. The only representations remaining were from three Interested Parties whose letters were set out on pages 17 to 20 of the agenda pack.
 - d. Ms Elaine Barthus and Jane and Steven Morley had confirmed that they maintained their objections but were not able to attend the hearing today.
 - e. The Fox Lane and District Residents' Association had a representative in attendance to make representation.
2. The opening statement of Mr Andy Barker, Fox Lane and District Residents' Association, including the following points:
- a. He was the Chairman of the Fox Lane and District Residents' Association and was attending to represent the members of that association, amounting to 530 households in the local area. The Association covered the area within N13 and N14 bounded by Bourne Hill, The Bourne, High Street, Cannon Hill, Aldermans Hill and Green Lanes, and many of their members would be affected by any problems emanating from this premises.
 - b. They objected on the grounds of three of the Licensing Objectives: the prevention of crime and disorder, public safety and the prevention of public nuisance and would argue that the fourth objective of the prevention of children from harm also applied.
 - c. He highlighted s.8.4 of the Council's Licensing Policy as highly relevant in this case; that stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This premises, although situated on Green Lanes, was directly opposite a large residential area and there was a residential area to the rear and many customers would pass through.
 - d. Granting this application would exacerbate the problems already experienced in the locality of rowdiness, vandalism and litter, particularly discarded beer cans.
 - e. The Police and Trading Standards had felt that further conditions needed to be applied, but most covered only the premises themselves. Only two conditions affected outside the premises: the requirement for signs advising customers that the premises was in a Drinking Control Area and that alcohol should not be taken off the premises and consumed in the street; and that prominent, clear and legible notices shall be displayed at all public exits from the premises requesting

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- customers respect the needs of local residents and leave the premises and area quietly. However, he understood that a designation of a Drinking Control Area did not stop people from drinking, but if asked by Police to do so they must comply. Further action would only be taken if drinkers were not compliant and being a particular nuisance. The Residents' Association had also been advised that Police would not attend in response to calls unless there was a serious problem.
- f. It was questionable why there was a need to provide alcohol until 2.00 or 3.00 am and encouraging people to drink more alcohol by making access to it easier. Problems were likely to result from this.
 - g. Residents should not be expected to have to confront drunken people close to their homes late at night.
 - h. There was no need to grant this application.
 - i. Other retail premises may see any approval as a precedent and make more applications to extend their licensing hours.
 - j. Increasingly over the last three months Palmers Green had been suffering and looking more down-at-heel as time went by. Applications such as this did nothing to help and he requested the application be refused.
3. In response to a question from Mr Dadds as to whether a resolution had been passed by the Residents' Association or a meeting held in respect of this representation, Mr Andy Barker advised that as a committee they made decisions on behalf of their members. They also held regular general meetings. The consensus at a meeting was that this application should be opposed, but specific meetings were not called in regard to each licensing application.
4. The opening statement of Mr David Dadds, licensing lawyer representing Mr Khan, the applicant, including the following points:
- a. A principle of the Licensing Act was that commercial need was not a matter that licensing authorities needed to consider. Decisions should be based on the four licensing objectives.
 - b. Guidance stated that licensing law was not the primary mechanism for control outside licensed premises. Premises were expected to take reasonable steps as set out in the conditions. In respect of public nuisance, once people were away from the premises it was a matter of personal responsibility of people to be law-abiding.
 - c. Concerns related to cumulative impact could only apply to on-premises supply of alcohol as it related to dispersal all at the same time causing a burden on infrastructure. This was an off-licence and not affected by that type of policy.
 - d. The Police were the main source of advice in regard to crime and disorder, consulted by licensing authorities, and they would raise objections if they felt an application would undermine the appropriate licensing principle. It had to be taken into account that the Police were not making a representation at this hearing.

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- e. With regard to hours, general guidance was that shops, stores and supermarkets should be allowed to sell alcohol at any time they were open unless there was a good reason not to do so. This premises was already open until 02:00 and 03:00. Environmental Health noted there had been no complaints. The Police did not object. The guidance therefore steered towards accepting the hours sought for sale of alcohol.
 - f. The Interested Party writing from an address in Grovelands Road seemed to live some distance away and would not be able to see or hear the premises and was not on a through-road.
 - g. In respect of the representation from the Residents' Association, no meeting had been called regarding this matter and no resolution made about the application. General discussion by the committee was not good enough to make representation. Interested Parties must be people living in the vicinity and each application must be considered on its own merits. Interested Parties were those who could be affected by an application and could evidence why they would be affected. The Residents' Association representation contained general assumptions and no direct evidence and on that basis the representation carried little or no weight.
 - h. With the conditions in place, all the licensing objectives could be met.
 - i. Mr Khan was a hard working businessman who wanted to provide value to the community and provide a facility for the supply of alcohol.
5. Mr Dadds responded to questions as follows:
- a. In response to a query by Councillor Barker, it was confirmed by Mr Khan that training records were kept on the premises, and Mr Dadds advised that J & H Licensing Consultants were retained, who steered them very professionally, and that he had visited the premises and could confirm this was a professionally run shop.
 - b. Mr Andy Barker questioned the dismissal of evidence from the Interested Party in Grovelands Road since he lived further away yet had suffered up to 5.00am from people who had been drinking and were still drinking outside, and objected to the comments made in respect of the representation on behalf of the residents' association. In response, Mr Dadds made the comparison that a councillor may take instructions and speak on behalf of objectors but would not make assumptions without consultation. Objectors could make representations or as someone to speak on their behalf but that would need a specific meeting for the purpose.
 - c. Mr Andy Barker questioned how the granting of this application would 'provide value to the community'. Mr Dadds stated that there were many reasons why people wished to shop at 2:00am eg. if they worked at late hours. They may want to buy food and they may want alcohol to accompany their meal. There were many different times and patterns to people's shopping in our society.
6. The closing statement of Mark Galvayne, Principal Licensing Officer highlighting for Members' attention three matters:

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- a. Enfield's Licensing Policy (para 14.1) advised that commercial demand was not a matter for consideration by the Licensing Sub-Committee.
 - b. Para 10.21 of the statutory guidance confirmed that shops should normally be free to provide sale of alcohol off premises during normal opening hours unless there were good reasons not to.
 - c. Enfield's Licensing Policy (para 8.4) stated that stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.
7. The closing statement of Mr Andy Barker, re-enforcing his earlier statements and the written representations submitted, and confirming that he did represent the residents' association members.
 8. The closing statement of Mr David Dadds, stating that there was no evidence why hours for sale of alcohol at this premises should be restricted and there were no good reasons for doing so. The Police, Trading Standards and Environmental Health had not objected and there was no history of complaints and hours for the sale of alcohol should reflect the opening hours to enable the premises to provide all its services.

RESOLVED that

9. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

The Chairman stated that; "After listening carefully to both parties and reading all the written evidence, the Licensing Sub-Committee has made a decision.

In arriving at our decision, the Sub-Committee has had regard to Paragraph 8.4 of Enfield's Licensing Policy Statement. This states that 'Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.'

10. The Licensing Sub-Committee RESOLVED that the application be GRANTED IN PART as follows:

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- (i) Hours the premises are open to the public : no change.
- (ii) Supply of alcohol (off supplies) : 7 days a week from 07:00 to 02:00.

Conditions (in accordance with Annex 05 to the LSC Report) :
Conditions 1 to 18, which are not disputed.

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PRINGIPESSA (FORMERLY SHOOTERS), 6, GREEN LANES, LONDON, N13 (REPORT NO. 88)

RECEIVED an application from Mr Andreas Demetriou to vary the Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The application sought to vary the existing Premises Licence.
 - b. The applicant sought to extend hours for supply of alcohol and late night refreshment, and to extend the licence to provide live music and facilities for dancing.
 - c. Additional conditions requested by the Police and Trading Standards were listed on pages 51 to 53 of the agenda pack. On Monday 18 October the applicant, Mr Demetriou, had provided a letter, copies of which had been distributed to all parties, to advise that he agreed to the conditions as requested by Police and Enfield Trading Standards numbered 1 to 18.
 - d. On that basis, the Police representation had been withdrawn.
 - e. Trading Standards' representation was set out on pages 44 to 47 of the agenda pack. The representation in respect of the conditions was withdrawn, but Trading Standards maintained the representation in respect of hours.
 - f. Trading Standards had provided a further document, copies of which had been distributed to all parties, setting out additional information in support of their representation, from two further visits made to the premises.
 - g. One representation was received from an Interested Party, Ms Jenny Singleton, as set out on pages 48 to 50 of the agenda pack. Officers had not heard from Ms Singleton and had to proceed on the basis that that representation remains.
2. The opening statement of Ellie Green, Principal Trading Standards Officer, including the following points:
 - a. Trading Standards were pleased that Mr Demetriou had agreed to all conditions.
 - b. The representation therefore focussed on the objection to the full licensing hours applied for.

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- c. Trading Standards proposed alternative times as set out in the table on page 46 of the agenda pack.
 - d. The reasons for that proposal were:
 - (i) On five occasions live music had been observed without a licence or TEN in place. Advice was given on each occasion.
 - (ii) When officers visited on the second occasion on 28/08/10 at 02:25 they witnessed live music still being played which was very loud outside the premises and was audible up to 350 High Road into LB Haringey in one direction and to 18 Green Lanes (corner of Berkshire Gardens) in the other.
 - (iii) Observations on 28/08/10 showed that live music was escaping through air vents. Officers offered to carry out a noise assessment the following week to assess effectiveness of work to prevent this noise escape. To date no request had been made and so officers had to assume that no such work had been carried out.
 - (iv) There were several residential properties in the area, and a representation had been received from a resident of Lyndhurst Road.
 - (v) Four out of five of the observations recorded were carried out after the application was made on 09/08/10. Despite advice given orally and in writing, issues of concern relating to music still continued and also alcohol was observed still being served at 23:45 on 03/09/10.
 - (vi) Loud music was observed at 02:08 on 25/09/10 and officers considered that this was not a suitable location to have live music at such a late hour.
 - (vii) Mr Demetriou had not demonstrated good management in having carried out unlicensed activities and therefore until good management was demonstrated officers could not support the application. Loud music or rowdy customers who were not controlled would have a significant impact on local residents.
 - e. Trading Standards objected to the hours proposed by the applicant, which they felt would undermine the licensing objective of the prevention of public nuisance.
3. The opening statement of Mr Demetriou, the applicant, also represented by a family friend, including the following points:
- a. He had not confirmed to officers the sound proofing of the premises, but he had blocked all vents.
 - b. This was a new business, and Mr Demetriou had not been aware of all the correct processes. He confirmed he had now arranged for TENs to be in place where necessary and he was working to address all points raised.
 - c. Originally the back door had been left open for use of smokers. Now this door was no longer able to be opened during regulated entertainment.
 - d. He confirmed the vents had also been blocked. Mr Demetriou advised that he did notify the Police of that, but Trading Standards officers were welcome to come to the premises to carry out a noise assessment.

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- e. Mr Demetriou advised that his customers were of the older generation. The service he was trying to provide was more of a social gathering where people could listen to a band, enjoy a meal and drink slowly throughout the evening. This was not a nightclub-like premises and would not cater for teenagers.
 - f. Throughout the TEN events, no objections or complaints had been received, though some residents lived above the premises.
 - g. Now that doors were kept closed and vents blocked, no noise was escaping.
4. Mr Demetriou responded to questions as follows:
- a. In response to Councillor Barker's query, Mr Demetriou confirmed that training records were kept on the premises.
 - b. In response to Councillor Bond's query, Mr Demetriou advised that the Designated Premises Supervisor had been trained and completed a course. Mr Demetriou himself and another member of staff had not yet been trained, but had applied to attend a course and were currently awaiting the dates for that.
 - c. In response to Councillor Cicek's query regarding the plan on page 32 of the agenda pack entitled 'Ground Floor Plan – Michael's Pool Club', Mark Galvayne confirmed that the layout remained the same. The premises was previously known as Michael's Pool Club and then Shooters. Mr Demetriou clarified that he took transfer of the licence in August 2010 and the layout of doors, lavatories and fire exits remained the same.
5. The closing statement of Mark Galvayne, Principal Licensing Officer highlighting for Members' attention Paragraph 8.4 of the Council's Licensing Policy, that stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.
6. The closing statement of Ellie Green, Principal Trading Standards Officer, confirming that Trading Standards believed that the amended times proposed were necessary and proportionate to support the licensing objectives and to avoid further complaints.
7. The closing statement of Mr Demetriou, the applicant, including the following points:
- a. The clientele would be the older generation and later hours were necessary so that customers were allowed to enjoy their evening at a slow pace rather than being rushed to eat and drink and leave the premises.
 - b. The clientele did mainly know each other and would not cause disruption in the street or argue.
 - c. When officers attended the premises, if they were not happy with the works carried out, he was willing to do anything more that was

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necessary. He had done everything so far that had been requested of him and would willingly co-operate to enable the application to be granted.

RESOLVED that

8. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

The Chairman stated that; "After carefully listening to all parties and reading all written evidence, the Licensing Sub-Committee has made a decision.

In reaching their decision, the Licensing Sub-Committee had regard to Trading Standards' recommendations and Enfield's Licensing Policy Statement Paragraph 8.4.

In making its decision the Licensing Sub-Committee had particular regard to promoting the licensing objective of the prevention of public nuisance."

9. The Licensing Sub-Committee RESOLVED that the application be GRANTED IN PART, as recommended by Trading Standards on page 46 of the agenda pack.

(i) Hours the premises are open to the public : 09:00 to 02:00 Monday to Saturday and 09:00 to 23:30 on Sunday.

(ii) Recorded Music : 09:00 to 01:30 Monday to Saturday and 09:00 to 23:30 on Sunday.

(iii) Live Music : 22:00 to 00:00 Friday to Saturday and 17:00 to 23:00 on Sunday.

(iv) Facilities for Dancing : 22:00 to 01:30 Friday to Saturday and 17:00 to 23:00 on Sunday.

(v) Supply of alcohol (on supplies only) : 12:00 to 21:00 Monday to Thursday, 12:00 to 01:30 Friday to Saturday and 12:00 to 23:00 on Sunday.

(vi) Late night refreshment : 23:00 to 01:00 Friday to Saturday.

Conditions (in accordance with Annex 07 to the LSC Report): Conditions 1 to 18, which are not disputed.

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