

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 14 MAY 2014**

COUNCILLORS

PRESENT Derek Levy, Yusuf Cicek and Elaine Hayward

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Dina Boodhun (Legal Services Representative), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Jane Creer (Democratic Services)

Also Attending: Four representatives of The Southgate Club and two representatives of Nazli Food Centre

990

WELCOME AND APOLOGIES

The Chairman welcomed all those present, and explained the order of the meeting.

991

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of any of the items on the agenda.

992

THE SOUTHGATE CLUB, 17 CHASE SIDE, SOUTHGATE, N14 (REPORT NO.250)

RECEIVED application made by **THE SOUTHGATE MEMBERS CLUB LIMITED** for the premises known as and situated at **THE SOUTHGATE CLUB, 17 CHASE SIDE, SOUTHGATE N14** for variation of the Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The application to vary the Premises Licence was subject to representations from the Metropolitan Police and the Licensing Authority.
 - b. All parties had been forwarded an email received from the Police on 7 May 2014, providing additional information in support of their representation.

LICENSING SUB-COMMITTEE - 14.5.2014

- c. As advised in paragraph 6.5 of the report, the premises was located in the Southgate Cumulative Impact Policy Area. The application was for a full variation of a premises licence. The application was subject to a relevant representation. Therefore the Cumulative Impact Policy (CIP) applied to this application.
 - d. As the application included activities outside the Core Hours, the Council's policy was that this application was subject to the presumption against grant that was implicit in a cumulative impact policy.
 - e. Agreement had been reached between the parties in respect of the hours of opening of the premises. The premises may open, if granted, at 07:00 as this was not covered by the CIP.
 - f. The applicant had agreed to conditions 10 – 19 set out in Annex 07 to the report.
 - g. The responsible authorities considered it appropriate that any part of the application covered by the CIP to be refused, but parts of the application within the CIP core hours eg plays and films to 00:00 to be granted.
 - h. Confirmation that the cost of a Temporary Event Notice (TEN) application was £21.
2. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. She highlighted that providing cold food was not a licensable activity. Providing hot food between 23:00 and 05:00 was a licensable activity. A premises licence was therefore not needed for provision of a tea room.
 - b. Therefore the Licensing Authority did not object to the amended applied for morning opening hour of 07:00.
 - c. The Licensing Authority did still object to applied for later opening hours as the premises was within the Southgate CIP area. The premises was in an area which was already of concern with regard to crime and disorder and public nuisance. The activities would exceed the core hours of the CIP. The presumption in Council policy was that such applications would be refused.
 - d. The remainder of her representation was as set out in Annex 05 of the report.
 - e. The premises had been granted four TENs within the last 12 months. Only one of these had been until 02:00. There had been no complaints.
 - f. If late opening was a regular occurrence, matters could be different. There were commercial and residential properties close by, in Crown Lane and Chase Side. The Licensing Authority was concerned that residents could be disturbed by noise, particularly from the Crown Lane exit. Customers leaving late at night could lead to an increase in noise and disturbance and be detrimental to residential amenity.
 - g. Also, in line with the CIP, the Licensing Authority objected in relation to public nuisance.
 - h. In response to the Chairman's query regarding the reference to planning permission on page 35, it was advised that the issue had been discussed this morning with the applicant, who was under the impression this was a temporary planning permission. If it was intended to operate as a coffee

LICENSING SUB-COMMITTEE - 14.5.2014

shop type premises, the applicant had been advised to contact Development Control as this would fall into a different use classification to a members' club.

3. The statement of PC Fisher, Metropolitan Police representative, including the following points:
 - a. The Police made representation on the grounds of prevention of crime and disorder and the prevention of public nuisance.
 - b. The premises was within Southgate CIP area.
 - c. He confirmed that when the application was originally received, a check had been made and there had been no incidents of crime and disorder linked to this venue. Unfortunately, notification of an incident on Sunday 4 May was received last week. Details had been provided in his email of 7 May. Officers of the club had contacted the Police as soon as they realised there was a problem, and Police had only had to attend at the end of the night. He understood the application related to hiring out premises for parties, weddings, etc and that hirers may be put off by shorter licensed hours, but this incident had to be brought to the sub-committee's attention.
 - d. Access and egress was via Crown Way, where there were shops and residential houses. There were no other late night licensed premises in that area: the other such premises were on Chase Side.
 - e. He felt that customers coming out at 02:00 were going to have an impact on the residents of Crown Way. Cars belonging to residents and the public were already parked there and there was a potential that use for parking would get busier. The Southgate Club had no private parking for customers.
 - f. In response to the Chairman's query, he confirmed that the Police had not objected to any TENs applied for by the club, and that in all dealings he had found the club to be upright and helpful.

4. The statement of Mr Philip Ransome, Vice Chairman and Director, on behalf of The Southgate Club, including the following points:
 - a. He was accompanied at this hearing by Marek Pospieszalski (Chairman and Director), Sunil Chawla (Director), and Samantha Collins (Bar Manager). The full Board of the Club consisted of 12 people.
 - b. He had been a member of the Club for 25 years. The Club was well established and dated back to 1820. It had recently been through some challenging times and was looking to improve its commercial viability for the future. The intention of its founders was for a community place, and it was also hoped to develop its initiatives in support of the community. The Club had a membership of about 250, but the membership was declining and aging and they were keen to raise awareness of the Club locally, and looking for additional forms of revenue.
 - c. The original application was to open at 06:00, but this had been amended to 07:00. There were a lot of commuters in the area in the early morning, and other local coffee/food establishments opened early.
 - d. The rear hall extension to the premises was added in 1984 and had been used for Club functions every weekend when the membership was

LICENSING SUB-COMMITTEE - 14.5.2014

- higher. Recently this space had been used to host tribute night entertainment, open to both members and the public and designed to appeal to the 30 to 50 year old demographic. It was unique in that people could dance as well as listen to tribute acts, in a party atmosphere.
- e. In the main bar, evening social functions for members were held throughout the week, including dance competitions, snooker and cribbage, and the Club wanted to extend licensed hours every evening.
 - f. Some hirers of the rear hall on Fridays and Saturdays requested later hours for drinking, and he thanked the Authority for granting the TENS.
 - g. There were three licence holders within the Club and there were typically four or five Directors on site during each event.
 - h. Some of the mandatory requirements were already met.
 - i. The Club was aware of the CIP, but considered that they had a good track record and should be considered as an exception.
 - j. They had worked with the Police in several instances and shared a boundary wall with the Police Station. There had been no incidents at the Club in the last year, with the exception of that on 4 May when the Club called the Police. Other establishments had experienced difficulties with the same group of people. The Club had demonstrated due care and attention to staff and public.
 - k. The Club satisfactorily received visits from the Licensing Authority and the Police in March and April. The only comment from officers related to display of a notice on the door, which was actioned on the same night.
 - l. The Club was two doors away from the Maze Inn, which was open until 03:00 and also backed onto Crown Lane. More noise would be expected from that pub than the Club. There were notices displayed and verbal reminders were given to customers prevent noise on leaving the Club. There was no history of complaints about disturbance from the Club.
 - m. Notices were displayed across the Club in respect of under age drinking and 'Think 25' processes were in place, as well as other methods of control including a hand stamp.
 - n. Children were not allowed into the bottom bar without a parent. When the Santa Grotto was run in December 2013, over 250 children came through the Club with their parents, routed through the snooker room and Milner's Bar. The area was fully controlled and the Club wanted to continue this venture. Rules regarding children would be included in the hire agreement and rules would be abided by. Hire without a parent's authority would not be accepted for 18th or 21st parties.
5. The representatives of The Southgate Club responded to questions as follows:
- a. In response to Members' queries, it was confirmed that the application related to commercial viability of the Club. The building's historical features would not be changed, the sash windows could offer a through service, and a period style tearoom could be provided to the public.
 - b. The capacity of both bars was confirmed. The rear bar for functions was licensed for 170 people. A maximum of 80 people could be accommodated in the other bar, lounge, snooker and darts area.

LICENSING SUB-COMMITTEE - 14.5.2014

c. The Chairman asked about steps proposed to strengthen the licence in order to open later for events. It was advised that Milner's Bar was typically used by members who treated it as their own space and were self-regulating with no untoward activity accepted. The procedures for hire of the function space would be tightened up. The incident on 4 May had been from a cash booking made by a new member. No-one could become a full member of the Club for the first year and there was a process around elevation to full membership. The hire agreement would be strengthened and hirers would in future have to provide credit card and other identity details. The function space would also be marketed for hire as a meeting space and to funeral directors, for uses that would be expected to be respectful. The Club would continue to be responsive and to meet all requirements to prevent noise and crime and disorder.

d. There had not been specific contact with residents of Crown Lane, but a good relationship between them and the Club was reported, and that many of the local residents came to Club events.

e. Councillor Cicek asked about control within the Club when it was also open to the public as well as members. It was advised that the members only Milner's Bar was not open freely to the public. Guests were permitted if accompanied by a member and had to be signed in. The function space at the rear was a separate part of the Club used by members and the public and had a separate entrance which enabled control of entry. Doormen and ticketing ensured very good controls. For tribute night events, tickets had to be bought in advance. For private functions like wedding parties, the Club would now insist on proof of ID and hirers' address and credit card details.

f. In response to the Chairman's further queries on systems of management, it was acknowledged that customers who had booked often brought one or two more people with them, and that tickets were bought by one person for a group. However, procedures were enforced by Directors on site including 'Think 25' and no taking drinks outside.

g. In response to the Chairman's query about prices of alcoholic drinks, it was advised that there were two different price levels. A bottle of wine would cost around £9 for a member, but in the function room would cost around £12. A pint of lager cost £3.25 in the function room.

h. In response to the Chairman's query about whether later events could be usefully trialled by use of TENs, it was advised that the Club had started putting on the tribute nights last year and they had proved popular and quite profitable and they had been upscaled to two nights a month in key months. The Club now considered that such events could be run every week. They did not want to have to submit a TEN application every week, and therefore wished to vary the licence to allow for later hours.

i. The Chairman highlighted the potential impact of later drinking hours and large numbers of people exiting the Club and that the sub-committee needed to receive details of how later hours would be managed and how the Club would better promote the licensing objectives. It was advised that the Club frequently had large numbers of patrons, with Friday night being most popular with members, and Saturday night seeing more bookings of the function room. There were obviously management processes in place,

LICENSING SUB-COMMITTEE - 14.5.2014

and as advised, greater control would be insisted on bookings in future, including credit card details. The public did not come into Milner's Bar unless they were a guest of a member. The members took responsibility. There was a formal disciplinary process. During public hire of the function room, there were Directors on site to supervise. Appropriate information was provided and displayed. There was appropriate control over drinking. There was a refusals process in place and an incident log. Everything was monitored as best it could be. They did not consider much more could be done. They understood that if there were issues in the future their licence could be taken away.

j. When questioned further about mitigation of the cumulative impact of later hours, the safeguards of the hire agreements were highlighted. There were controls in relation to 18th and 21st parties whereby a booking would not be accepted independently from a young person. Other hire requirements could include provision of qualified security staff.

k. The Principal Licensing Officer asked about the operation of a typical tribute night. It was advised that the tribute act would normally start playing at 9pm and finish at 11pm.

l. The Principal Licensing Officer confirmed that under the current licence, on a Friday and Saturday, the act could perform until 12:00 midnight and alcohol could be provided until 12:30 and recorded music and dancing up to the closing hour of 1am. Therefore tribute nights as currently described could be run every Saturday without any change to the licence, and he questioned why an extension of hours was needed for tribute events. It was advised that some acts did have to be curtailed to keep within the licence times. Having the extension would also enable the Club to promote itself as a later venue, without promoting itself as a drinking venue.

m. PC Fisher asked about occasions when door staff were considered necessary. It was advised that this was for functions with younger age groups. It was advised that tribute nights did not attract younger people. The music (Elvis Presley, Meatloaf, John Denver, Neil Diamond, etc) was chosen to attract a 30 – 40 year old demographic who it was hoped would keep the Club going into the future.

n. In response to PC Fisher's further queries, it was advised that the tribute nights were advertised in local newspapers, posters outside, and on their own website. They were also able to take bookings online. Customers were known to come from as far away as Southend and Kent. If this application was granted, they would have an extra hour to play recorded music with a DJ and customers would be able to dance for longer and extend the social occasion, which sometimes felt like it was being curtailed at the moment.

o. In response to PC Fisher's question about the Club's current policy around closing at the end of the night, and quiet dispersal of customers, it was advised that the Club did not have a written policy. As a norm three or four Directors would be there, and had control over sound, a/v and lighting, and ticketing. When patrons were leaving at the end of the evening, the Directors liked to chat, say goodnight, shake hands and gather feedback on the event, and exert some control over those exiting the premises. There

LICENSING SUB-COMMITTEE - 14.5.2014

had not been complaints from these events. People would wait outside for their taxis, and there may be a little more traffic down Crown Lane.

p. It was confirmed that a single premises could have 12 TENs per year, for 15 days.

6. The summary statement of the Principal Licensing Officer confirming the provisions the Club already had under its Premises Licence and the CIP policy. Unless the applicant had demonstrated to the satisfaction of the Licensing Sub-Committee that the application should be an exception to the policy, the application was subject to the presumption against grant that was implicit in a cumulative impact policy, and the Licensing Sub-Committee should refuse those parts of the application outside the CIP core hours.

RESOLVED that

1. 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 involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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

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

- (i) **Hours the premises are open to the public** : Sunday to Thursday from 07:00 to 23:30, on Friday & Saturday from 07:00 to 01:00 the following day and on Christmas Eve & New Years Eve from 07:00 to 01:30 the following day.
- (ii) **Supply of alcohol (on supplies only)** : Sunday to Thursday from 11:00 to 23:00, on Friday & Saturday from 11:00 to 00:30 the following day and on Christmas Eve & New Years Eve from 11:00 to 01:00 the following day.
- (iii) **Plays** : Sunday from 11:00 to 23:00, on Monday to Thursday from 11:00 to 23:30 and on Friday & Saturday from 11:00 to 00:00.
- (iv) **Films** : Sunday from 11:00 to 23:00, on Monday to Thursday from 11:00 to 23:30 and on Friday & Saturday from 11:00 to 00:00.
- (v) **Indoor sporting events** : Sunday to Thursday from 11:00 to 23:30 and on Friday & Saturday from 11:00 to 01:00 the following day.
- (vi) **Live music** : Sunday to Thursday from 11:00 to 23:00, on Friday & Saturday from 11:00 to 00:00 and on Christmas Eve & New Years Eve from 11:00 to 00:30 the following day.

LICENSING SUB-COMMITTEE - 14.5.2014

(vii) **Recorded music** : Sunday to Thursday from 11:00 to 23:30, on Friday & Saturday from 11:00 to 01:00 and on Christmas Eve & New Years Eve from 11:00 to 01:30 the following day.

(viii) **Performance of dance** : Sunday to Saturday from 11:00 to 23:00.

(ix) **Late night refreshment** : Sunday to Thursday none and on Friday & Saturday from 23:00 to 00:30 the following day.

NB. Facilities for making music & Facilities for dancing : On 1 October 2012 the Live Music Act 2012 amended the Licensing Act 2003 and these activities ceased to be licensable activities.

Conditions (in accordance with Annex 07 to the LSC Report):

(i) Conditions 1 to 19, which were agreed by the applicant before the hearing.

3. The Chairman made the following statement:

“Having both read the written submissions from all parties, and listened to oral representations at the hearing itself from the Applicant, the Metropolitan Police and also the Licensing Authority, the Licensing Sub-Committee (LSC) has given careful consideration to this Application to vary the licence to allow activities outside the core hours of the Council’s Cumulative Impact Policy (CIP).

We welcomed, from the very outset of the hearing, the fact that the Applicant and the Responsible Authorities had come to an agreement that the opening hours could be advanced to 07:00 to allow the club to offer additional non licensable services as detailed in its Application.

And we further welcomed that agreement was reached between the Applicant and the Licensing Authority to accept the request for new conditions 12 to 19 to be attached to the licence. Likewise, with the Metropolitan Police Service in respect of conditions 10 and 11.

In addition, the sub-committee had no issue with the Application to have the presentation of plays and films, as additional entertainment services, but nevertheless, licensable activities, added to the licence.

We further welcomed the honesty and integrity of the Applicant, and understood the best intentions and commercial motivations that guided the Application to vary. And we had no doubt that the club was operated responsibly and effectively. The LSC noted the incident that occurred on 4th May, within the email from the Metropolitan Police in support of its representation. We heard that the management has a good relationship with, and intends to work closer still with the Responsible Authorities.

So, in this case, we were substantially left to consider extending the hours for the supply of alcohol on a Thursday night from 23.30 to 00.30 (previously

LICENSING SUB-COMMITTEE - 14.5.2014

01.00 applied for); and on Friday and Saturday nights from 01.00 to 02.00) – noting of course that all of the hours on the current licence are, already, in varying degrees, in excess of the core hours permitted under the CIP.

In so doing, the sub-committee welcomed the agreement of all parties to see strengthened conditions attached to the licence.

That said, it was a matter of concern that an incident occurred at the Club, on 4th May. Whilst there is no doubt that the premises was not directly responsible for any disorderly behaviour, and that the Southgate Club management did all they could at the time to manage the trouble, it might have escalated into something even more serious and highlighted the risks that can be associated with contract bookings, and allowing members of the public into the premises who are not Club Members themselves, and not necessarily covered by processes and systems for checking entry.

This is firstly a point made in the representation of the Metropolitan Police Service as detailed on page 32 of the agenda papers – in which PC Fisher submits that: “I am of the firm belief that if these premises were to be granted the proposed extra hours particularly in this location, it would in all likelihood lead to increased incidents of crime & disorder, and public nuisance”.

This submission, in our view, carried some weight in our decision. Likewise, we were concerned that the ability to manage increasing members of the public, as distinct from welcoming solely Club Members, as raised by one of the sub-committee committee members, did not elicit a sufficiently confident answer.

So, despite conditions of the licence now being strengthened, we did not feel that this alone was sufficient or appropriate to grant the Application in full.

The sub-committee was not persuaded, from the operating schedule, the written and oral submissions nor from answers to its questions, that the Applicant has in place, or properly considered, sufficient or appropriate additional steps to mitigate the negative cumulative impact and better promote the licensing objectives. Indeed, when pressed on the way in which the increasing number of “tribute” music acts appear and are timed, the LSC was persuaded that this feature of the club offering could be sufficiently well contained within the hours of the current licence without harming the commercial aspirations of the Southgate Club’s expansion plans.

The Council’s licensing policy is that this Application is subject to the presumption against a grant that is implicit in the Cumulative Impact Policy (sec 9.22). In addition, and adhering to the policy Guidance (8.36), the sub-committee did not believe that the Applicant offered or demonstrated, to its satisfaction, or provided it with mitigation measures to persuade it to extend the hours for alcohol sales outside of the core hours permitted in the

LICENSING SUB-COMMITTEE - 14.5.2014

Southgate CIP. Therefore, the sub-committee was unable to conclude that the Southgate Club be made an exception to this policy.

In conclusion, the Licensing Sub-Committee was not sufficiently satisfied that that there would be no negative cumulative impact on any of the licensing objectives, in particular the Prevention of Public Nuisance, given the close proximity of the Southgate Club to residential properties.

As such our decision to grant the application to vary the licence in part is limited to:-

- The premises opening at 7.00am, as amended by the Applicant from an original 6.00am submission, up to the terminal hours as permitted under the existing licence
- Additional licensable activities (Plays and Films) now being covered by the licence, but only within the core hours permitted under the Cumulative Impact Policy (09.00 – 24.00)
- Newly agreed conditions 10-19 being attached to the licence.”

993

NAZLI FOOD CENTRE, 44 & 44A FORE STREET, EDMONTON, N18 (REPORT NO.251)

RECEIVED application made by **MR ILKER KARAKAS** for the premises known as and situated at **NAZLI FOOD CENTRE, 44 & 44A FORE STREET, EDMONTON N18** for variation of the Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The application was to vary the Premises Licence as set out on page 50 of the agenda pack. Currently the shop had permission to open 24 hours a day seven days a week and for off sales of alcohol from 07:00 to 01:00 the following day. This application was to extend the sale of alcohol by two hours a day until 03:00.
 - b. The application was subject to representation from the Licensing Authority.
 - b. All proposed conditions set out on pages 71 / 72 were agreed by the applicant prior to publication of the agenda.
 - c. As advised in paragraph 6.5 of the report, the premises was located in the Edmonton Cumulative Impact Policy Area. The application was for a full variation of a premises licence. The application was subject to a relevant representation. Therefore the Cumulative Impact Policy (CIP) applied to this application.

LICENSING SUB-COMMITTEE - 14.5.2014

- d. As the application included activities outside the Core Hours, the Council's Policy was that this application was subject to the presumption against grant that was implicit in a cumulative impact policy.
 - e. Confirmation that, if minded, the Licensing Sub-Committee may agree to grant in part to vary the licence to add the conditions 8 to 17.
2. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. She noted that the application had been amended from a request for supply of alcohol 24 hours a day to 07:00 to 03:00.
 - b. The Licensing Authority still raised objection to the application as the premises was within the Edmonton CIP area. The premises was in an area which was already of concern with regard to crime and disorder and public nuisance. The hours would exceed the core hours of the CIP. The presumption in Council policy was that such applications would be refused.
 - c. The premises was also in a drinking control area.
 - d. There were residential properties close by, in Nuffield Close, above the premises and also blocks of flats opposite the premises. The Licensing Authority was concerned that there would be increased numbers of customers late at night and that residents could be disturbed in the early hours.
 - e. In a full inspection visit on 26 April, issues remained about compliance with CCTV and raid control conditions, and the premises were given 14 days to comply. As of 14 May, the CCTV was unable to retain recordings for a minimum of 31 days, and the smoke note system was still not in place.
 - f. In line with the CIP and due to failed compliance with the current licence, the Licensing Authority objected in relation to prevention of public nuisance and prevention of crime and disorder.
 - g. PC Fisher had confirmed it had been the intention of the Metropolitan Police Service to make representation, but due to administrative oversight this did not happen.
 - h. In response to the Chairman's query regarding current compliance, Charlotte Palmer understood from the applicant that work was being done to change the CCTV. There was an error in the system so that it had not been able to store 31 days' footage. Officers were concerned that, given that this application was pending, and the need for the applicant to demonstrate why they should be considered an exception to the CIP, that there should be breaches of conditions was even more alarming.
 - i. In response to a question from the applicant's representative, it was confirmed that officers provided additional information to the applicant, discussed raid control, and provided the contact details of PC Fisher in respect of the raid control system as required by the Police.
3. The statement of Mr Noel Samaroo, licensing consultant, on behalf of Nazli Food Centre, including the following points:
- a. When he was initially approached, the applicant wished to bring the alcohol licence into line with the existing 24 hour trading hours of the shop. After finding out the premises was in a CIP, he had advised his client that

LICENSING SUB-COMMITTEE - 14.5.2014

- gaining a 24 hour alcohol licence was probably unheard of, and the application had been amended.
- b. In respect of the special circumstances why this licence should be granted and the premises made a special dispensation, a statement had been prepared for consideration, as set out in Annex 05, and he wished to highlight the key points.
- c. Most of the problems in the CIP area were linked to licensed premises. There were very few calls to the Police about public areas.
- d. Conversations with customers and local residents confirmed that a reduced application to 03:00 would be preferred to a 24 hour off licence.
- e. The difficulty faced by this trader was the presence of other shops just outside the borough, such as Sainsburys, which had later licences. This premises was losing customers to other premises 400 yards up the road that were outside the CIP area.
- f. This application was nothing to do with gaining trade, but was to help the owner survive by not losing trade. An extra two hours to sell alcohol would greatly help this trader.
- g. The Police had never been called to the premises. The shop had never failed a test purchase. Most of its customers were local, including many from the nearby flats. There were no complaints, and no representations from local residents.
- h. He hoped the sub-committee would take the view that there would be no negative impact on any of the licensing objectives if the application was granted.
- i. Concern in respect of noise had been mentioned, but it should be borne in mind that this shop opened for 24 hours, and had been trading this way for six or seven years with no negative impact on disturbance or noise nuisance.
- j. He had spoken with the Licensing Authority officers in respect of extra conditions and upgrading conditions. The applicant was more than happy to agree all proposed conditions and had put forward two conditions of their own. The applicant had already signed up to the voluntary agreement in respect of sales of super strength lager and was already part of the scheme.
- k. Cans or bottles left lying around could help to identify problem premises if it was clear where they originated. This applicant had advised they were happy to print their price labels so that the origin could be identified.
- l. He gave assurance that issues around compliance with conditions were being put right, and gave an explanation of the issues. Because this hearing was pending, the CCTV had been upgraded to film 24 hours rather than during licensed hours only, but the disk then got filled up, so the system had to be changed to ensure 24 hour filming was enabled. In respect of the smoke note system, they had one, but it was broken, and they had tried to get another, but had found it very difficult to find a supplier. The advice of the Police had been sought and they had provided a telephone number and it was hoped to source one soon.

LICENSING SUB-COMMITTEE - 14.5.2014

4. The representatives of Nazli Food Centre responded to questions as follows:
 - a. In response to Members' questions about what would be done to comply with condition 14, it was advised that they did not get customers congregating outside this shop, but if they did, one of their employees would ask people to move away. There was no reason for people to be congregating outside. There would also be CCTV cameras there.
 - b. The number of employees was confirmed. There were a minimum of two at any one time, but in the evenings there were between three and five male employees in the premises, carrying out re-stocking and other jobs.
 - c. Members asked about current sale of alcohol and stopping sales at 01:00. It was advised that at 01:00 shutters were pulled down and the alcohol locked behind them. No alcohol was sold after 01:00.
 - d. It was confirmed that since the business had been in operation, since 2010, there had been no incidents or problems after licensing hours.
 - e. In response to the Chairman's highlighting of information provided that this was a general store with a maximum of 20% of its sales being of alcohol, and questioning the reasons for the application, it was confirmed that this was a general store, but sale of alcohol provided large margins and was a vitally important part of its turnover. People went away because they could not buy alcohol at 02:00 and customers were being lost because they did not offer alcohol sales for long enough hours. Once a customer had been lost, it was hard to get them back.
 - f. In response to the Chairman's queries about strength of conditions in support of current and of extended hours, it was advised that there was no crime and disorder associated with this store. Consideration had been given to a locked door policy and buzzer entry, but was not felt appropriate, given that this was a general store. There was also consideration of SIA door supervisors, but that would be inappropriate for this business which had staff on site anyway. In the original application there were lots of conditions to support longer hours, and it was agreed that the proposed additional conditions were very sensible. Employees would also be encouraged to gain a certificate for safer retailing.
 - g. In response to the Chairman's request for details of proactive mitigation measures to promote the licensing objectives, it was reiterated that the premises was trading 24 hours, but that in the daytime, different products made up a greater percentage of sales and alcohol was sold more as an evening product. It was emphasized that the applicant was happy to comply with everything the Licensing Authority asked for, including staff numbers and cameras outside with footage available to the Police, and both covert and highly visible CCTV cameras. It was difficult to suggest what more could be done. Problems had never arisen at the premises. If anything had been missed, he was sure the Licensing Authority would advise accordingly. If necessary, the trader would agree to still cover the alcohol during later hours so it was not visible, but could be sold, or to install electric door shutters to give control over which customers could be admitted.

LICENSING SUB-COMMITTEE - 14.5.2014

- h. In response to Members' queries about the importance of sale of alcohol at the shop, and how much the trader was losing by not being able to sell alcohol after 01:00, it was advised that it had a huge impact. If they were not able to buy alcohol there, customers would go to other stores, and would make their other purchases elsewhere also.
 - i. The Licensing Authority representative cautioned that seeing staff unlocking alcohol to sell during the later hours may lead other customers to make complaints which would have to be investigated. Keeping the alcohol where only staff could access it would be preferable. She asked for details on how a closed door policy operated, and it was advised that electronic doors were controlled by a button next to the counter to let customers in and out and that this system worked well in other boroughs.
5. The summary statement of the Principal Licensing Officer confirming that unless the applicant had demonstrated to the satisfaction of the Licensing Sub-Committee that the application should be an exception to the policy, the application was subject to the presumption against grant that was implicit in a cumulative impact policy, and the Licensing Sub-Committee should refuse those parts of the application that would extend alcohol sale hours.

RESOLVED that

1. 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 involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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

2. The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED IN PART** as follows :
- (x) **Hours the premises are open to the public** : Sunday to Saturday from 00:00 to 00:00.
 - (xi) **Supply of alcohol (off supplies only)** : Sunday to Saturday from 07:00 to 01:00 the following day.

Conditions (in accordance with Annex 06 to the LSC Report):

- (ii) Conditions 1 to 17, which were agreed by the applicant before the hearing.
3. The Chairman made the following statement:

LICENSING SUB-COMMITTEE - 14.5.2014

“Having both read the written submissions from all parties, and listened to oral representations at the hearing itself from the Applicant, the Applicant’s representative, and also the Licensing Authority, the Licensing Sub-Committee (LSC) has given careful consideration to this application to vary the licence to allow activities outside the core hours of the Council’s Cumulative Impact Policy.

In this case, we were asked to consider extending the hours for the supply of alcohol (off sales) from the present 01.00 – which is already beyond the core hours – to 03.00. In so doing, the sub-committee welcomed the agreement of all parties to see strengthened conditions attached to the licence; and in particular welcomed those additional conditions that had been provided by the Applicant.

We further welcomed the honesty and integrity of the Applicant, and understood the best intentions and commercial motivations that guided the application to vary. And we acknowledged that the Applicant had already retracted from an initial submission to seek permission to sell alcohol 24 hours a day from what, in its own submission is by definition a general store in which alcohol sales constitutes no more than 20% of its trade.

However, the Licensing Sub Committee was mindful of the fact that the premises operates in the Edmonton CIP area. We were also further concerned that there have been issues even with the current conditions of the licence, not all of which – as evidenced by the Licensing Authority – had been fully complied with, including ongoing problems with the CCTV system and its ability to function satisfactorily.

In its submission, the Applicant had contended that the existing licence has extensive conditions that already support a later licence. However, and despite those conditions now being strengthened, the sub-committee was not persuaded, from the operating schedule, the Applicant’s written and oral submissions nor from the answers to its questions, that the Applicant has in place, or properly considered sufficient or appropriate additional steps to ensure that there is no negative impact on any of the licensing objectives.

The Council’s licensing policy is that this Application is subject to the presumption against a grant that is implicit in the Cumulative Impact Policy (sec 9.22). In addition, and adhering to the policy Guidance (8.36), the sub-committee was not persuaded that the Applicant offered or demonstrated sufficient proactive mitigation measures to persuade it to consider this application to extend the hours for alcohol sales outside of the core hours permitted in the CIP and be an exception to the Edmonton CIP. The LSC noted that the current hours are already in excess of those hours.

In conclusion, the Licensing Sub-Committee was not sufficiently satisfied that that there would be no negative cumulative impact on any of the licensing objectives; and therefore its resolution to grant the application to vary the

LICENSING SUB-COMMITTEE - 14.5.2014

licence in part is limited solely to the extent that those conditions requested by the licensing authority (and agreed by the Applicant on 6th Mar 2014), and those conditions proposed by the licence holder also on 6th Mar 2014 now be attached to the licence.”

994

MINUTES OF PREVIOUS MEETINGS HELD ON 26 FEBRUARY AND 19 MARCH 2014

RECEIVED the minutes of the meetings held on 26 February and 19 March 2014.

AGREED that the minutes of the meetings held on 26 February and 19 March 2014 be confirmed and signed as a correct record.

995

THANKS

As this was the final meeting of this municipal year and Council administration, the Chairman wished to record his thanks to all those officers who had taken part in the Licensing Sub-Committee over the last four years.