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LICENSING SUB-COMMITTEE

Wednesday, 9 July 2014 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Committee Secretary
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Councillors : Derek Levy (Chair), George Savva MBE and Glynis Vince

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. SAINSBURY'S, 340-344 GREEN LANES, PALMERS GREEN, LONDON N13 (REPORT NO. 30) (Pages 1 - 22)

Application for a new premises licence.

4. MINUTES OF PREVIOUS MEETING HELD ON 14 MAY 2014 (Pages 23 - 38)

To receive and agree the minutes of the meeting held on Wednesday 14 May 2014.

5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

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MUNICIPAL YEAR 2014/15 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
9 July 2014

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application for a new premises licence</p> <p>PREMISES : Sainsbury's 340-344 Green Lanes, Palmers Green N13</p> <p>WARD : Winchmore Hill</p>	

1 **LICENSING HISTORY & CURRENT POSITION :**

Palmers Green News, 340 Green Lanes -

1.1 The premises is not (and has not been) licensed under the Licensing act 2003.

1001 Supermarket, 342-344 Green Lanes -

1.2 On 11 July 2005 and application by Mr Guzel Oztas to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.3 The current Premises Licence permits :

1.3.1 **Hours the premises are open to the public :** Sunday to Saturday from 00:00 to 00:00 (i.e. 24-hours a day, 7-days a week).

1.3.2 **Supply of alcohol (off supplies) :** Sunday from 10:00 to 22:30, on Monday to Saturday from 08:00 to 23:00, on Good Friday from 08:00 to 22:30 and on Christmas Day from 08:00 to 15:00 & from 19:00 to 22:30.

1.4 A copy of a location map of the premises is attached as Annex 01.

1.5 A copy of the current Premises Licence is attached as Annex 02.

2 **THIS APPLICATION :**

- 2.1 The London Borough of Enfield, as licensing authority, considers (and has so considered since 24 November 2005 when the Licensing Act 2003 took effect) any increase in the perimeter of a premises (as indicated on the plan annexed to the Premises Licence) to be a substantial variation of the premises for which neither a minor variation nor a 'full' variation application may be submitted. In these circumstances an application for a new Premises Licence is required.
- 2.2 Application is made by **Sainsbury's Supermarkets Ltd** for a new Premises Licence. The application seeks :
- 2.2.1 **Hours the premises are open to the public** : Sunday to Saturday from 00:00 to 00:00 (i.e. 24-hours a day, 7-days a week).
- 2.2.2 **Supply of alcohol (off supplies)** : Sunday to Saturday from 07:00 to 23:00.
- 2.3 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.4 Each of the Responsible Authorities were consulted in respect of the application.
- 2.5 A copy of the application is attached as Annex 03.

3 **RELEVANT REPRESENTATION :**

- 3.1 **Other Person** : A representation has been made, against the application, on the grounds of anti-social behaviour.
- 3.1.1 A copy of the email is attached as Annex 04.

4 **RESPONSE TO THE REPRESENTATIONS :**

- 4.1 On 12 & 16 June 2014 Sainsbury's wrote to Mr Raj, without response.
- 4.2 Copies the emails are attached as Annex 05.

5 **PROPOSED LICENCE CONDITIONS :**

- 5.1 The conditions arising from this application are attached as Annex 06, all are agreed.

6 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 6.1 The paragraphs below are extracted from either :
6.1.1 the Licensing Act 2003 ('Act'); or
6.1.2 the Guidance issued by the Secretary of State to the Home Office of June 2014 ('Guid'); or
6.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

General Principles :

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 6.3 The licensing objectives are :
6.3.1 the prevention of crime and disorder;
6.3.2 public safety;
6.3.3 the prevention of public nuisance; &
6.3.4 the protection of children from harm [Act s.4(2)].
- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
6.4.1 the Council's licensing policy statement; &
6.4.2 guidance issued by the Secretary of State [Act s.4(3)].

- 6.5 There can be confusion about the difference between the "need" for premises, and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for the Sub-Committee in discharging its licensing functions [Guid 13.18].

Cumulative Impact Policy :

- 6.6 The applicant premises/club premises is not located in a Cumulative Impact Policy Area [Pol s.9.21/22].

Hours :

- 6.7 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.11].
- 6.8 Licences for the off-supply of alcohol, particularly late night sales, may be resisted and/or limitations may be imposed in the case of premises known to be or likely to be a focus of crime and disorder, nuisance or those presenting a risk of harm to children [Pol s.8.7.3].

Conditions :

- 6.9 Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives [Guid 1.17].

Decision :

- 6.10 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.33].
- 6.11 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 6.11.1 the steps that are appropriate to promote the licensing objectives;
 - 6.11.2 the representations (including supporting information) presented by all the parties;
 - 6.11.3 the guidance; and
 - 6.11.4 its own statement of licensing policy [Guid 9.34].
- 6.12 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 6.12.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.12.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.12.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.12.4 to reject the application [Act s.18].

Background Papers :

None other than any identified within the report.

Contact Officer :

Mark Galvayne on 020 8379 4743



Sainsburys, 340-344 Green Lanes, LONDON, N13 5TW

LONDON BOROUGH OF ENFIELD
 CIVIC CENTRE, SILVER STREET
 ENFIELD, EN1 3XE
 TEL: 020 8379 1000



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Scale: 1:1250
 Dwg.No. 6600DF
 Date: 24/06/14

ANNEX 02

Licensing Act 2003**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200500530**

Part 1 – Premises Details

Postal address of premises :

Premises name : **1001 Supermarket**

Telephone number : **020 8886 9077**

Address : **342-344 Green Lanes Southgate N13 5TW**

Where the licence is time-limited, the dates : **Not time limited**

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

(1) Open to the Public - Whole premises

Sunday :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

(2) Supply of Alcohol - Off supplies

Sunday :	10:00 - 22:30
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 23:00
Saturday :	08:00 - 23:00
Good Friday :	08:00 - 22:30
Christmas Day :	12:00 - 15:00 and 19:00 - 22:30

Part 2

Name and (registered) address of holder of premises licence :

Name : Mr Guzel Oztas

Telephone number : 020 8886 9077

e-mail : Not provided

Address : 12 Winchelsea House, Swan Road, London, SE16 4LH

Registered number of holder (where applicable) :

Not applicable

Name and (registered) address of second holder of premises licence (where applicable) :

Name : Not applicable

Telephone number :

Address :

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name : Mr Guzel Oztas

Telephone number : 020 8886 9077

e-mail : Not provided

Address : 12 Winchelsea House, Swan Road, London, SE16 4LH

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :

Personal Licence Number : 6767

Issuing Authority : London Borough of Southwark

Premises Licence LN/200500530 was first granted on 11 July 2005.

Signed : 

**for and on behalf of the
London Borough of Enfield**

**Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578**

Date : 12th April 2008



Annex 1 - Mandatory conditions

- 1. No supply of alcohol may be made under the premises licence:**
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

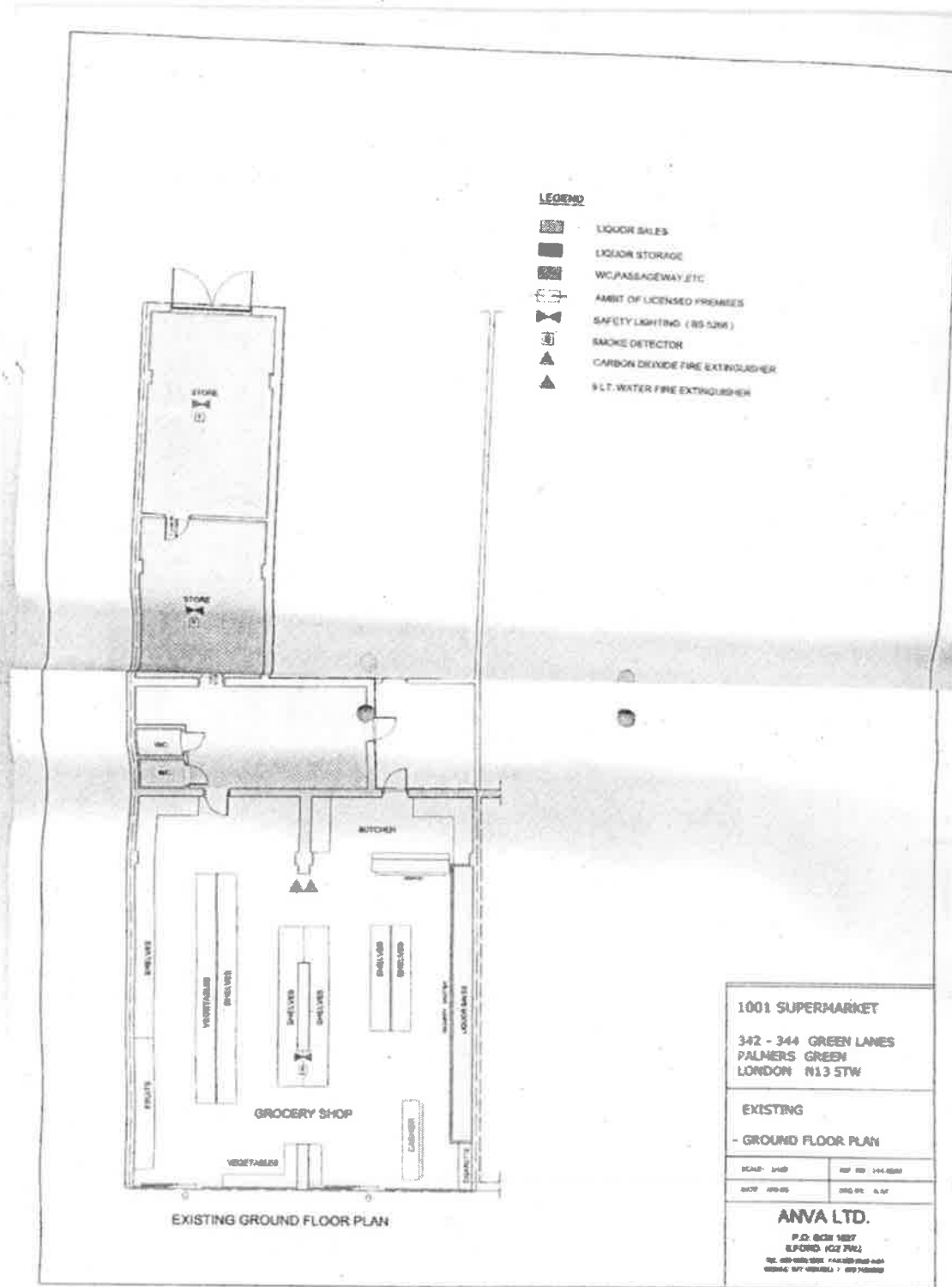
Annex 2 - Conditions consistent with the Operating Schedule

- 3. Alcohol shall not be sold or supplied except during the following permitted hours:**
 - (a) On weekdays (other than Christmas Day or Good Friday) 08:00 - 23:00;**
 - (b) On Sundays (other than Christmas Day) 10:00 - 22:30;**
 - (c) On Good Friday 08:00 - 22:30;**
 - (d) On Christmas Day 12:00 - 15:00 & 19:00 - 22:30.**
- 4. Alcohol shall not be sold in an open container or be consumed in the licensed premises.**

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans



ANNEX 02

WK/ 214005348

wl.

L315
Rec ID
17/4/14
07286

**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 Sainsbury's Supermarkets 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 Sainsbury's 342-346 Green Lanes Palmers Green			
Post town	London	Post code	N13 5TW
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£60,000	

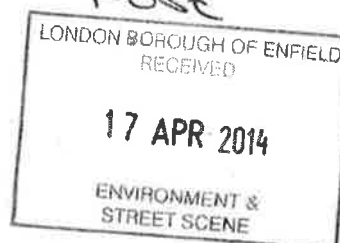
Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership 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)

1

26508/1766/150414153755.docx
VN 1 150414 15-38-01



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

(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.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 020 7695 6000
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
1	6	0	5	2	0
				1	4

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

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 342-346 Green Lanes, Palmers Green, London, N13 5TW.

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

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

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

Provision of regulated entertainment

Please tick yes

- 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)

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

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	0700	2300	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300	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 (please read guidance note 5)		
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Joanne Surguy	
Address 15 Blendon Road Bexley	
Postcode	DA5 1BN
Personal Licence number (if known) 06/00209/BEXLEY/LI	
Issuing licensing authority (if known) London Borough of Bexley	

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 8)

The premises will sell other age restricted products.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish	The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.	
Mon	0000	2400		
Tue	0000	2400		
Wed	0000	2400		
Thur	0000	2400		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 5)
Fri	0000	2400		
Sat	0000	2400		
Sun	0000	2400		

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

Please tick yes

- 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 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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

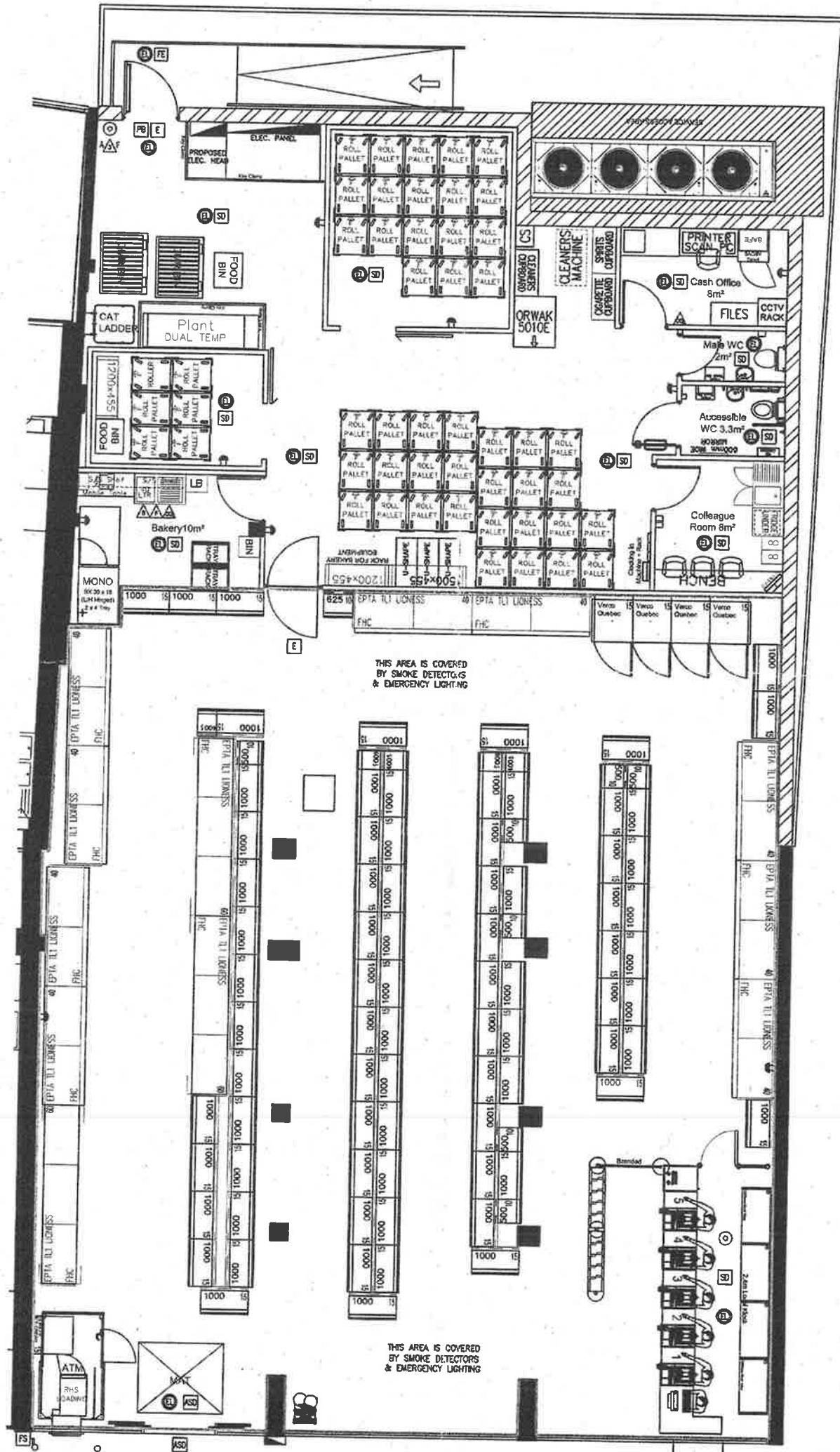
Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>hr</i>
Date	16 April 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	



From: m1security ltd [<mailto:m1security@f2s.com>]
Sent: 23 May 2014 11:19
To: Licensing
Subject: Fw: ref greenlanes palmers green

It has come to my attention, that Sainsburys are seeking change of licence. As a Resident of Devonshire Road this proposal will put a strain on parking and traffic in the area.

Ref: EMF265081766RPB.

It is already congested.

Enfield Council policy is not to put strain on the local surrounding area.

But should help introduce small local shops to the area.

May I draw your attention to policies:

" Policies 6.13 of the London Plan (LP), Core Policy 25 of the Enfield Plan Core Strategy 2010-

2025, (II) GD6, (II) GD8, (II) H10 and (II) T13 of the London Borough of Enfield Unitary Development Plan and DMD 45 and DMD 47 of the Submission Development Manage"

As a result, I consider that the cumulative effect of this would be to generate a demand for free and unrestricted parking to be sought along neighbouring streets and exacerbate the already congested car parking conditions that prevail in these locations. Kerbside parking along both sides of this road restricts the available width of the carriageway. Thus, indiscriminate parking along either road would obstruct and interfere with the flow of traffic and cause severe frustration and inconvenience to other drivers and cyclists.

As a result, I consider that the cumulative effect of this would be to generate a demand for free and unrestricted parking to be sought along neighbouring streets and exacerbate the already congested car parking conditions that prevail in these locations.

Also in The Grove, Palmers Green, parking along either road would obstruct and interfere with the flow of traffic and cause severe frustration and inconvenience to other drivers and cyclists.

Thus would any changes would also cause anti social behaviour.

We strongly object.

Mr .Raj

14 Aldermans Hill

Palmers Green

AMNEX 05

From: Sabrina Cader [mailto:scader@wslaw.co.uk]
Sent: 16 June 2014 16:15
To: 'm1security@f2s.com'
Cc: Mark Galvayne; Robert Botkai
Subject: RE: Sainsburys, 340-344 Green Lanes N13 (26508/1766)

Mr Raj,

I refer to my email below.

Please do give me a call to discuss your concerns. I am keen to speak so as to avoid the matter being dealt with at a public hearing.

Kind regards

Sabrina

From: Sabrina Cader
Sent: 12 June 2014 13:45
To: 'm1security@f2s.com'
Cc: 'Mark Galvayne'; Robert Botkai
Subject: Sainsburys, 340-344 Green Lanes N13 (26508/1766)

Mr Raj,

I represent Sainsbury's Supermarkets Limited. I understand that you have objected to the application for an alcohol licence made by Sainsbury's in respect of the above new store.

As you are the only outstanding objector to the application, if we are unable to reach agreement, the matter will be determined at a public hearing.

Could you please give me a call on the number below to discuss your concerns with the application.

Kind regards

Sabrina

SAINBURY'S - WK/ 214005348**Annex 1 - Mandatory Conditions**

1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
5. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

REQUESTED BY METROPOLITAN POLICE SERVICE (AND AGREED BY APPLICANT):

6. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors, the alcohol displays and floor areas; (2) Cameras on the entrances must be capable of capturing full frame shots of the heads and shoulders of all people entering the premises; (3) The system should include cameras overlooking floor areas which are wide angled to give an overview of the premises; (4) The system, including the cameras, will be maintained regularly to ensure that it is in reasonable working order; (5) The system will provide a record of the date, time and place of any image; (6) The system will provide good quality images - colour during opening times; (7) The system will operate under existing light levels within the premises. The recording device will be located in a secure area or locked cabinet; (8) The system will have a monitor to review images and recorded picture quality; (9) Digital images must be kept for 31 days; (10) Police will have access to images at any reasonable time subject to Data Protection legislation; (11) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. Copies must be made available to Police subject to Data Protection legislation.
7. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' zone and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

REQUESTED BY LICENSING AUTHORITY (AND AGREED BY APPLICANT) :

8. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain: (1) details of the time and date the

refusal was made; (2) - the name of the staff member refusing the sale; (3) details of the alcohol the person attempted to purchase. This register will be available for inspection by a police officer or an officer authorised by the Licensing Authority on request.

9. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales: Induction training which must be completed and documented prior to the sale of alcohol by the staff member. Refresher/reinforcement training at intervals of no more than 6 months. Training records will be kept at the premises for a period of 12 months and will be available for inspection by a police officer or an officer authorised by the Licensing Authority on request.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

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LICENSING SUB-COMMITTEE - 14.5.2014

**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.

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- 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

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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

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- 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.

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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,

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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

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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.

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(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

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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

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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.”

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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.

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- 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

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- 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.

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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.

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- 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:

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“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

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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.”

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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.

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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.