

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 15 OCTOBER 2014**

COUNCILLORS

PRESENT (Chair) Derek Levy, Daniel Anderson and Peter Fallart

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), PC Martyn Fisher (Police Licensing Officer), Ellie Green (Principal Trading Standards Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Trevor Hughes (J & H Licensing Consultants – Agent for Dillons), Marios Ioannou (Applicant / Premises Licence Holder), Constantinos Ioannou (Designated Premises Supervisor)

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WELCOME AND APOLOGIES FOR ABSENCE

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

There were no apologies for absence.

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DECLARATION OF INTERESTS

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

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**DILLONS, 4 - 6 STATION PARADE, SOUTHGATE, LONDON, N14
(REPORT NO. 99)**

RECEIVED the application made by Mr Marios Eugenios Ioannou for the premises known as and situated at Dillons, 4 – 6 Station Parade, Southgate N14 for a variation of the Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application to vary the existing premises licence.
 - b. The application was subject to two relevant representations: from the Metropolitan Police Service and the Licensing Authority.

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- c. All conditions proposed had been agreed by the applicant, and were attached as Annex 07 on pages 34 to 36 of the agenda pack.
 - d. It was clarified that if this application was refused, the licence and conditions would remain as existing.
 - e. The premises was within the Southgate Cumulative Impact Policy (CIP) Area.
 - f. This application was for a full variation of a premises licence and was subject to relevant representations. Therefore the CIP did apply to this application.
 - g. The application sought supply of alcohol and live music, recorded music and performance of dance until 03:00 on Friday and Saturday. This was outside the Core Hours of the CIP, which were sale of alcohol to 00:00 and entertainment to 23:00. Therefore, Council policy was a presumption against grant.
 - h. The applicant had provided a statement to rebut the presumption against grant, included at Annex 06 on page 32 to 33 of the agenda.
 - i. Clarification that the premises name changed from Southgate Snooker Club to Dillons between December 2013 and August 2014.
2. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
- a. The application for variation sought alcohol and entertainment to 03:00 on Friday and Saturday only. All other activities remained unchanged throughout the week.
 - b. The premises was within the CIP area and therefore subject to the restrictions within the Council's policy. The application exceeded the Core Hours. There was therefore a presumption that the application would be refused.
 - c. The entrance to the premises was in Crown Lane and was 75 yards away from residential houses. There were also flats above the shops opposite the entrance.
 - d. He had searched crime records and found no allegations linked to this venue.
 - e. The premises was near to other licensed premises, particularly the Southgate Club, which closed at 01:00, the Maze Inn, which closed at 03:30, and the New Crown, which closed at 01:30.
 - f. If this premises was to be open until 03:00 it would add considerably to the numbers of people on the street and to crime and disorder at this time of night.
 - g. On this basis, the Police objected to the application in its entirety.
3. In response to the Chair's query about the other licensed premises referred to, it was confirmed that their licences pre-dated the introduction of the CIP.
4. The statement of Ellie Green, Principal Trading Standards Officer, on behalf of the Licensing Authority, including the following points:

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- a. She provided an update that the Planning Department had still not received the planning applications as advised in respect of change of use of the premises.
 - b. Confirmation that the Council had not received any further complaints linked to the premises since August.
 - c. There were still points which gave concern. The premises was within the Southgate CIP Area. This was already a location of concern in relation to crime and disorder and public nuisance. The Licensing Authority supported the Council policy and the presumption that the application be refused.
 - d. The premises was in a mixed residential and commercial area. There was concern that residents living in this road could be disturbed by those arriving and leaving, especially in the early hours when background noise was lower. This could be detrimental to residents' amenities and quality of life.
 - e. The premises had been granted two Temporary Event Notices (TENs). Following the TEN on 15/03/14 the Council had received a complaint regarding loud music from the premises until around 02:30 and shouting coming from people outside the premises.
 - f. There had been a further complaint in June in relation to loud music and talking at 20:30. This showed that noise issues can be a problem at any time, and that there may be controlling issues.
 - g. Officers were concerned that there was no sign of a kitchen at the premises and it would be difficult to comply with proposed Condition 21 that after 23:00 alcohol would be supplied only if ancillary to a table meal. It would be expected for a table meal to consist of more than a sandwich.
 - h. The Licensing Authority did not support the applicant's statement to rebut the presumption against grant.
 - i. The Licensing Authority would recommend the latest time for supply of alcohol to be 00:00 on Friday and Saturday and that there be no permission for entertainment.
5. Ellie Green responded to a question from the Chair about officers' knowledge or explanation regarding lack of a kitchen area or menus. It was advised that officers were told there would be small scale facilities in a bar area. No kitchen facilities were shown on the plans before or currently.
6. The statement of Trevor Hughes, Agent, J&H Licensing Consultants on behalf of Dillons, including the following points:
- a. He was accompanied by the applicant and Premises Licence Holder, Marios Ioannou, and the Designated Premises Supervisor, Constantinos Ioannou.
 - b. This was a family business run by the brothers who were both effectively personal licence holders (Constantinos Ioannou expected to gain a personal licence in the near future) and were both on the premises most of the time.

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- c. Historically, the premises used to be a snooker club. It had now been refurbished and was a plush venue with a new bar. Snooker tables had been removed and replaced with four pool tables. Previous issues had now been resolved and photos had been sent to the Planning Department.
- d. The Chair advised that planning and licensing were parallel regimes and that this hearing dealt with licensing, but it was acknowledged that the Licensing Authority representation had made reference to planning matters. The applicant reported they had received advice and the situation was being addressed.
- e. The agent confirmed that the applicant was fully aware of the CIP and the reasons behind it. The crime statistics provided were from 2010 and had been noted, as had the presence of nearby licensed premises with later hours. He was grateful for the Police confirmation that there had been no complaints about crime and disorder relating to this premises.
- f. His clients reported that the area had improved recently and there had not been as much trouble.
- g. The current premises licence permitted 24 hour opening, and they did remain open if they had customers. It was only the licensable activities which were restricted to 23:00 finish time. This was relevant to reasons for rebuttal. Customers were able to leave at any time of night and there had been no evidence of crime and disorder, just the two noise complaints.
- h. In respect of the noise complaints, it was noted that the complainant in March had contacted the Council the following day and so no-one from the Council had attended and investigated if the complainant was correct. There had been a TEN until 02:00 that night for an event and there were security staff on duty and they remembered a group who were not connected with the event, in the alleyway causing noise. There was nothing to substantiate the complaint being attributable to Dillons. The second complaint was on 06/06/14. It was not clear at what time the complaint had been made, but the music had finished at 22:30 that night and officers had confirmed there was no noise audible when they visited at 23:45. The applicant recalled that windows had been left open that night, which was not the norm when music was playing. They were agreeable to a condition that windows and doors must be kept closed when the premises are in use for regulated entertainment. Also, secondary glazing had now been fitted which would further insulate noise.
- i. At the visit on 01/02/14 officers recorded that music could not be heard when the door was closed. The proposed Condition 19 would ensure that two door supervisors were in place and they could make sure the door was kept closed apart from access and egress.
- j. Despite the two noise complaints, there had been no objections to this application from any residents. It would appear that, apart from the two phone calls, local residents did not have a problem with the premises.

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k. The applicants had offered several conditions, including a membership condition. He apologised that membership rules had not been attached, but they had been drafted, and been sent by email and copies were available. These were proposed conditions, which would be introduced subject to the application being granted. The rules around membership would be strict, and because of the expense of introducing them they would only be implemented on a grant of this application.

l. A membership condition would ensure this premises was different from other licensed premises in the area, particularly in terms of clientele. The premises was a pool club at the moment and advertised as such. The refurbishment meant it now had a nice bar and seating area conducive to relaxing with a drink. There was no intention to make the venue into a night club. A food element had been brought in to meet a condition that alcohol be available after 23:00 only as ancillary to a table meal. There was currently no kitchen, but the plan showed a 'coffee bar'. This bar already had an extractor fan in place if it was required to cook food there.

m. In response to Members' requests for clarification, officers confirmed that supplying alcohol after 23:00 not ancillary to a table meal would be a breach of proposed Condition 21.

n. The agent confirmed that, similarly to membership proposals, the measures to meet the proposed condition in respect of table meals would be put in place if this application was successful. If the application was granted, his clients would prepare a menu as they would then provide meals. The premises had a microwave, and they had permission to supply late night refreshment to 05:00 and licensing permission for hot food. It should also be noted that a table meal did not have to be hot food. It was accepted that alcohol could not continue to be supplied after 23:00 unless customers were having a meal. This would be good for the operators as customers would be buying a meal and a drink.

o. A condition in respect of door supervisors was agreed when entertainment was taking place. Entertainment would not be provided every Friday and Saturday. The premises was not going to be a night club or a disco. It would continue to cater for people sitting down after a game of pool.

p. The other condition agreed was that there be no new entry after 00:00. This would be very useful in the CIP area as people coming out of other venues and moving to a premises that was open was problematic. This would not be an issue with this condition in place and control by door supervisors.

7. The agent and applicant responded to questions, including the following:

a. The Chair noted that much which was proposed would be put in place if a licence was granted and asked why they were not done before the application was made. It was advised that membership rules

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had been prepared and the operators knew what they intended to do in the future, but would not go to the expense of implementing the proposals without a grant of the variation.

b. In response to the Chair's query, Marios Ioannou confirmed that he felt that the extension of hours would deter binge drinking. In countries where there was less time restriction on supply of alcohol there was less drunkenness on the streets. He thought that in Britain people were likely to storm the bars at closing up time, though he did not have local evidence. The agent noted that similar arguments about drinking culture had informed the changes in licensing legislation in 2002/3.

c. The Chair questioned how a variation which added eight more drinking hours would have no cumulative impact on the CIP area. The agent stressed that it would be eight more selling hours and that the premises was allowed to open 24 hours. Customers could already buy a bottle before 23:00 and stay all night, but the operators wanted to do things properly and therefore made this licensing application.

d. Councillor Fallart asked whether the premises was open to members only or to the general public. Marios Ioannou advised that it was currently not a private members' club, but he would like to introduce a membership system as he did not like just anyone walking in and did not want 'riff raff' in the bar. If there was a membership system he would know who all the members were and if there was a problem the person could be identified and barred. He would prefer to know who the clientele was, and people did like bars that were members' only. The agent confirmed that the business was open to the public at the moment and there was no crime and disorder. A membership system would make entry more restrictive and crime and disorder even less likely. There would be a requirement for photographic identification. There was already CCTV at the premises. Any trouble-makers would be instantly identifiable.

e. The applicant declined an opportunity for a short adjournment to clarify the proposed future status of Dillons, and it was confirmed that if there was a membership condition it would be a private members' club.

f. In response to Councillor Anderson's further queries in respect of membership, the agent confirmed that full rules had been drafted and that anyone who wished to become a member would have to be over 18, supply proof of age and provide two photographs for identification. They may not be admitted as a member earlier than 48 hours from applying. Guests would be allowed in if accompanied by a member and would also need to provide proof of age. The usual scenario would be for a member to bring a guest who would then complete the application form to become a member and hence the membership would grow.

g. In response to Councillor Anderson's query why planning permission had not been sought first, it was advised that the licensing variation did not depend on the planning permission. The premises could sell cold food which did not rely on kitchen cooking facilities, and they had a microwave which enabled them to serve burgers and chips for example. Marios Ioannou clarified that when the premises was

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designed there were facilities to provide food and coffee to 05:00 in the coffee bar. The coffee bar had a full extraction unit in place which had been maintained and it could be converted to meet the proposed conditions. It was confirmed that the coffee bar would be the area for food preparation. The coffee bar was separate from the bar with alcohol and was a separate sales area. There were already toasted sandwiches, dips, hot bread and salad on the menu at the moment.

h. In response to further queries from Councillor Anderson, Marios Ioannou advised that they had not yet applied for certificates in relation to serving food. Mark Galvayne advised that a food business must be registered with Environmental Health before beginning.

i. Councillor Anderson asked how many tables and seats were in place for meals. Marios Ioannou could not provide exact numbers but advised that there were big tables and they could probably seat 20 to 30 at the moment. The tables were around the sofa areas that would cater for them.

j. The Chair expressed concern about some points raised during the submissions and the control over the current licence, and questioned the applicant's ability to potentially operate a stronger licence in a CIP area. Marios Ioannou reported that there had been trouble with the building and the premises had not been very busy. There had been a leak and the premises had not been able to open as it should and had not been promoted well. There was a DPS in place now: there had been a temporary DPS previously. He was an accountant and his brother was an architect: they were new to the business and had made mistakes, but they wanted to learn and move forward with this licence.

k. The Chair asked why the four extra hours for supply of alcohol on two nights were sought, given that 24 hour opening was in place and that it could have cumulative impact, and whether alcohol was required for the business. Marios Ioannou reported that when they had opened on a Friday and Saturday, as soon as they stopped selling alcohol the clientele left. He wanted to keep them in the premises longer and spending more.

l. In response to the Chair's query, if clients stayed longer and drank more, whether there would be sufficient steps in place to ensure that there would not be an impact on the area, it was advised by Marios Ioannou that he felt the clientele they would attract would not cause problems. There had been a few late night TEN events at the premises with no problems.

m. In response to further queries from the Chair, it was advised that restriction would be put in place through a membership system. In respect of positive promotion of the licensing objectives, door supervisors would ensure that people left quietly. A condition would require two door supervisors.

n. In response to Councillor Anderson's query about numbers of customers currently attending the premises during Friday and Saturday evenings, Marios Ioannou reported that, unless there was a special booking, there were not a lot. It was a struggle and they wanted to do

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something to attract more customers. They had maybe 20 or 30 customers throughout the whole day.

o. The Chair asked whether it had been considered applying for TENs until the business was more organised. Marios Ioannou considered that if this variation was granted it would improve their business.

p. In response to further queries from the Chair about potentially adding to the cumulative impact in the Southgate area, Marios Ioannou stated that he thought it would not, and that he could run the business in a way that it would not.

q. Members asked about how many people the venue could hold. It was advised that an inspection was carried out by the Fire Brigade in April 2014 and fire regulations set a capacity of 184. It was clarified there were two exits: the main entrance and one fire exit. In response to further queries, Marios Ioannou advised there had been around 120 present until 02:00 on a TEN event. There had not been any crime issues, and a very limited number of complaints. He would of course like to fill the venue with customers. He was happy to work with Licensing and was aware of the consequences of not fully complying with a licence.

r. Noting that the premises at the moment was not licensed for any music or dance, Mark Galvayne queried this application for licensable entertainment from 23:00 and asked what would change at that time. Marios Ioannou advised that background music was played up to 23:00 and, if this application was granted, after that time the volume would be turned up.

s. In response to Mark Galvayne's queries regarding normal closing times at the premises at the moment, it was advised that during the week and bearing in mind that the operators had got families, they liked all customers to leave by 00:00. If there were less than five customers on the premises, they would ask the customers to leave and close up. On the previous weekend on Friday they closed at 07:00 and on Saturday they did not open at all.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The CIP did apply in this case.
 - b. The sub-committee, having heard all representations, were invited to take such steps as were considered appropriate to promote the licensing policy.
 - c. Unless the sub-committee was satisfied that granting the application would not cause any issues with public safety, crime and disorder, or public nuisance, they should refuse the application.

9. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
 - a. The area had been described as quiet, and improved recently. He would guess that was because the CIP was having a positive effect.

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- b. The potential capacity of the premises had been stated as 184. This club had an entrance at almost the same point as the Southgate Club. This was a very busy area with several licensed establishments, where parking was at a premium. If this premises were to attract numbers close to 184, parking would become a big issue in Crown Lane and there would be the potential for a lot more noise and disturbance in this residential street at weekends.
 - c. In respect of comments regarding binge drinking, there were three other nearby licensed premises, so there were plenty of opportunities for people to drink to late hours. There was no need to have this venue.
- 10. The closing statement of Ellie Green, Principal Trading Standards Officer, on behalf of the Licensing Authority, reiterating that she had concerns about the number of customers that the operator wished to attract, which would certainly have an impact on that area.
 - 11. The closing statement of Trevor Hughes, Agent, J&H Licensing Consultants on behalf of Dillons, including the following points:
 - a. The key issues raised were around potential crime and disorder, but there were more considerations than just numbers of people. If clientele were well behaved and not causing problems there would not be an impact on crime and disorder, public nuisance or public safety.
 - b. The measures to be taken including membership requirements, provision of alcohol with table meals, etc would mean that this premises' clientele would not be causing problems.
 - c. Conditions 15, 16 and 17 were what were offered by the applicant.
 - d. Customers would be leaving quietly.

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

- 2. The Chairman made the following statement:

“Having read and listened attentively to all written and oral submissions, the Licensing Sub-Committee resolved that the appropriate step to take in consideration of this application is to refuse the variation of the licence through the proposed extension of hours as sought.

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The sub-committee was not satisfied that granting such hours would not cause or have a cumulative effect in the area on the four licensing objectives.

The applicant failed to demonstrate to our satisfaction what steps would be taken to promote the licensing objectives; and therefore the presumption to refuse, as stated in the Council's Licensing Policy, was not rebutted. Nor did they make the case as to why this application should be an exception to the cumulative impact policy.

The applicant was indeed unable to demonstrate an understanding of how the policy impacts on their application, or realistic measures they will take to mitigate the impact.

And we were sufficiently persuaded by the objections expressed in the submissions from the responsible authorities.

We would strongly recommend that the applicant takes all available advice from the Council officers as to appropriate regulatory steps necessary to meet the intended business objectives.”

3. The Licensing Sub-Committee resolved that the application be refused.

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MINUTES OF PREVIOUS MEETING HELD ON 6 AUGUST 2014

RECEIVED the minutes of the meeting held on 6 August 2014.

AGREED that the minutes of the meeting held on 6 August 2014 be confirmed and signed as a correct record.