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LICENSING SUB-COMMITTEE

Wednesday, 27 May 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
Direct : 020-8379-4093
Tel: 020-8379-1000
Ext: 4093
Fax: 020-8379-4455
Textphone: 020 8379 4419
E-mail: jane.creer@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Chris Bond (Chair), Vicki Pite and Peter Fallart

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. HERTFORD ROAD SPORTS & SOCIAL CLUB, 99 HERTFORD ROAD, EDMONTON, N9 7EE (REPORT NO. 04) (Pages 1 - 36)

Application for a new premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 37 - 70)

To receive and agree the minutes of the meetings held on:

Wednesday 1 April 2015
and
Wednesday 29 April 2015

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)

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
27 May 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application for a new premises licence</p> <p>PREMISES : Hertford Road Sports & Social Club, 99 Hertford Road, Edmonton, N9 7EE.</p> <p>WARD : Lower Edmonton</p>	

1 LICENSING HISTORY & CURRENT POSITION :

Club Premises Certificate – LN/200500762

- 1.1. On 23 July 2005 an application by **Edmonton United Service Limited** to convert an existing Club Registration Certificate to a Club Premises Certificate, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2. The current Club Premises Certificate permits :
 - 1.2.1. **Hours the premises are open to the public** : 24 hours daily
 - 1.2.2. **Supply of alcohol (on and off supplies)** : Sunday 12:00 to 23:30, Monday to Saturday from 10:00 to 00:00.
 - 1.2.3. **Recorded music: 24 hours daily**
 - 1.2.4. **Late night refreshment** : Sunday from 23:00 to 23:30, Monday to Saturday from 23:00 to 00:30 the following day.
- 1.3. A copy of a location map of the premises is attached as Annex 01.
- 1.4. A copy of the current Club Premises Certificate is attached as Annex 02.

2 **THIS APPLICATION :**

- 2.1 Application is made by **Mr Metin Tarlacick** for a new Premises Licence application. The application seeks:
- 2.1.1 **Hours the premises are open to the public :** 24 hours daily.
- 2.1.2 **Supply of alcohol (on supplies only):** Sunday from 12:00 to 23:30, Monday to Saturday from 10:00 to 00:00.
- 2.1.3 **Recorded music:** 24 hours daily (effectively 23:00 to 08:00).
- 2.1.4 **Late night refreshment:** Sunday from 23:00 to 23:30, Monday to Saturday from 23:00 to 00:30.
- 2.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.3 Each of the Responsible Authorities were consulted in respect of the application.
- 2.4 A copy of the application is attached as Annex 03.

3 **RELEVANT REPRESENTATIONS :**

- 3.1 **Metropolitan Police :** Representation is made on the grounds of the prevention of crime & disorder. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the core hours to be granted and for the parts of the application that are outside the core hours to be refused.
- 3.1.1 A copy of the representation is attached as Annex 04.
- 3.2 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation is made on the grounds of the prevention of public nuisance and the protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the core hours to be granted and for the parts of the application variation that are outside the core hours to be refused.
- 3.2.1 A copy of the representation is attached as Annex 05.

4 **PROPOSED LICENCE CONDITIONS :**

- 4.1 The conditions arising from this application and representations are attached as Annex 06 and have been agreed by the applicant.

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

- 5.1 The paragraphs below are extracted from either :
5.1.1 the Licensing Act 2003 ('Act'); or
5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
5.3.1 the prevention of crime and disorder;
5.3.2 public safety;
5.3.3 the prevention of public nuisance; &
5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
5.4.1 the Council's licensing policy statement; &
5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Cumulative Impact Policy :

- 5.5 The applicant premises/club premises is located in the Edmonton Cumulative Impact Policy Area [Pol s.9.21/22].
- 5.6 The application is for a new premises licence [Pol s.9.22/23].
- 5.7 The application is subject to a relevant representation [Pol s.9.22/23].
- 5.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.22/23].
- 5.9 The Core Hours for this application are :
5.9.1 Sale/supply of alcohol (on supplies only) : Monday to Sunday Indoors and/or outdoors 10:00 to 00:00 [Pol s.9.24.1].
5.9.2 Recorded music: Monday to Sunday Indoors and/or outdoors 09:00 to 00:00 [Pol s.9.24.2].
5.9.3 Late night refreshment: Monday to Sunday 23:00 to 00:00 [Pol s.9.23.4].

- 5.10** The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.23].
- 5.11** Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.36].

Hours :

- 5.12** 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].
- 5.13** Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].

Conditions :

- 5.14** In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives [Guid 8.34].
- 5.15** Applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises [Guid 8.40].
- 5.16** Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardized 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].

Regulated Entertainment:

- 5.17 With effect from 6th April 2015, changes were made to Schedule 1 of the Licensing Act 2003 which determines whether different types of regulated entertainment are licensable or not.
- 5.18 In relation to this application:
No licence is required for recorded music if it takes place on a premises which are authorised by a premises licence for the supply of alcohol for consumption on the premises, as long as it takes place between 8am and 11pm, and the audience is less than 500 people.
- 5.19 No licence is required for the performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- 5.20 No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- 5.21 No licence is required for performances of dance between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

Decision :

- 5.20 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].
- 5.21 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:
 - 5.21.1 the steps that are appropriate to promote the licensing objectives;
 - 5.21.2 the representations (including supporting information) presented by all the parties;
 - 5.21.3 the guidance; and
 - 5.21.4 its own statement of licensing policy [Guid 9.34].
- 5.22 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 :
 - 5.22.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 5.22.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 5.22.3 to refuse to specify a person in the licence as the premises supervisor;
 - 5.22.4 to reject the application [Act s.18].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543





Licensing Act 2003

PART A – CLUB PREMISES CERTIFICATE

Granted by the London Borough of Enfield as Licensing Authority

Club Premises Certificate No. :

Club Details

Club in whose name this certificate is granted and relevant postal address of club :

Club name : Hertford Road Sports & Social Club

Telephone number : 020 8807 4526

Address : 99 Hertford Road Edmonton N9 7EE

Postal address to which this certificate relates (if different from above) :

Telephone number : Not applicable

Address :

Where the certificate is time-limited, the dates :

The opening hours of the club, the licensable activities authorised by the certificate and the times the certificate 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 - On and Off Supplies

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

New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day

(3) Recorded Music - Indoors

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

(4) Late Night Refreshment - Indoors

Sunday :	23:00 - 23:30
Monday :	23:00 - 00:30
Tuesday :	23:00 - 00:30
Wednesday :	23:00 - 00:30
Thursday :	23:00 - 00:30
Friday :	23:00 - 00:30
Saturday :	23:00 - 00:30
New Year's Eve :	23:00 - 05:00

Club Premises Certificate LN/200500762 was first granted on 23 July 2005.

Signed : 

Date : 3rd March 2015

for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578



Annex 1 - Mandatory Conditions

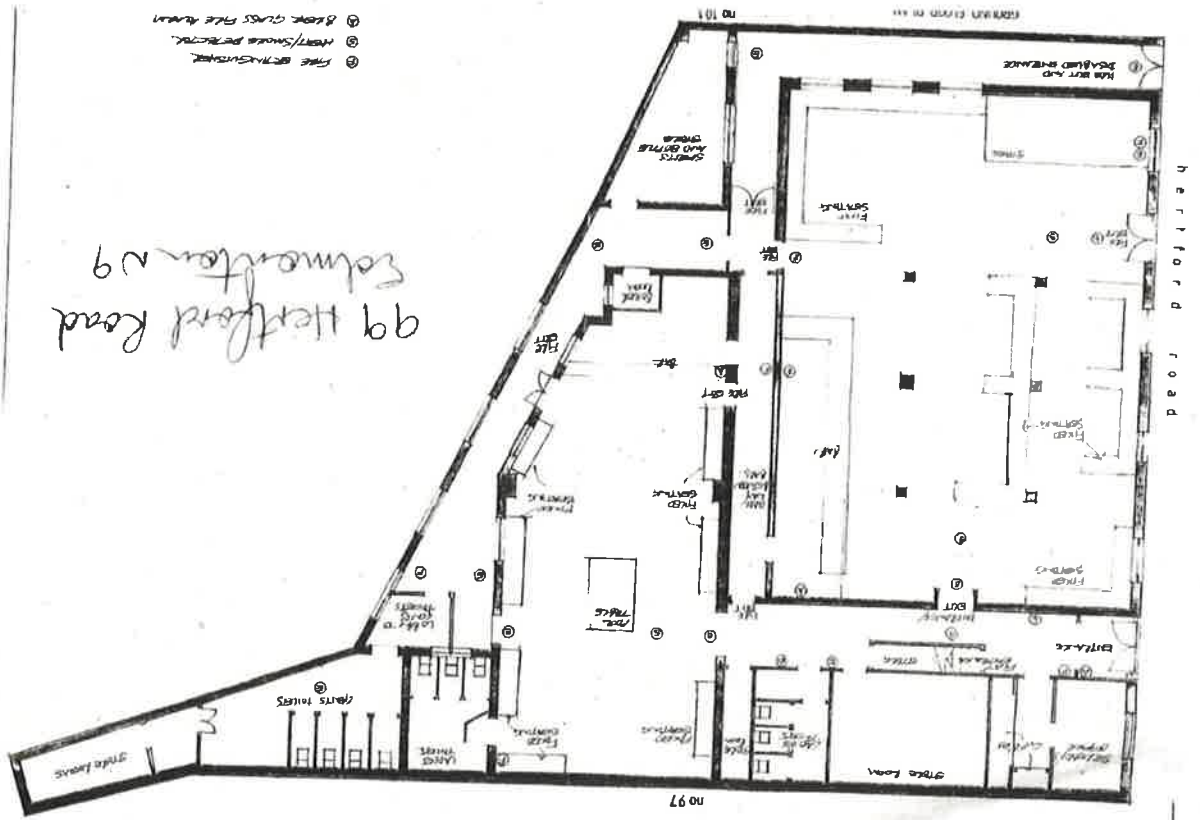
- 1. Any supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.**
- 2. Any supply of alcohol for consumption off the premises must be in a sealed container.**
- 3. Any supply of alcohol for consumption off the premises must be made to a member of the club in person.**

Annex 2 - Conditions consistent with the Operating Schedule

- 4. Alcohol shall not be sold or supplied except during the following permitted hours:**
 - (a) On weekdays (other than Christmas Day or Good Friday) 10:00 - 00:00;**
 - (b) On Sundays (other than Christmas Day) 12:00 - 23:30;**
 - (c) On Good Friday 12:00 - 22:30;**
 - (d) On Christmas Day 12:00 - 15:00 & 19:00 - 22:30;**
 - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.**

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

Not applicable



- ① STEEL BEAMS
- ② WOOD/STEEL JOIST
- ③ BRICK CLASS FLE MASH

99 Hertford Road
Edmonton, N9

Annex 4 - Plans

W/24096999

CHARGE 190.00
08680

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 Mr METIN TARLACIK

(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			
EDMONTON GREEN SOCIAL CLUB 99 HERTFORD ROAD			
Post town	LONDON	Postcode	N9 7EE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 16,750	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company 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)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)



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

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname TARLACIK			First names METIN		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		111 HERTFORD ROAD			
Post town	LONDON		Postcode	N9 7EE	
Daytime contact telephone number			07507244580		
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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 any that apply

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

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

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

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	00:00	00:00	Please give further details here (please read guidance note 3)		
Tue	00:00	00:00			
Wed	00:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	00:00	00:00			
Fri	00:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	00:00	00:00			
Sun	00:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	00:30			
Fri	23:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	00:30			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	12:00	23:30			
			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)		

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

Name Mr METIN TARLACIK	
Address 111 HERTFORD ROAD LONDON	
Postcode	N9 7EE
Personal licence number (if known) LN/200900624	
Issuing licensing authority (if known) ENFIELD	

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).
 n/a

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) NONE
Day	Start	Finish	
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NONE

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

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

- STAFF TO BE TRAINED REGULARLY ON LICENSING PROVISIONS AND THIS TO BE DOCUMENTED.

b) The prevention of crime and disorder

- ALL INSTANCES OF CRIME AND DISORDER SHALL BE REPORTED TO THE POLICE.

- AN INCIDENT BOOK SHALL BE USED TO RECORD ALL INSTANCES OF PUBLIC DISORDER.

- CCTV SHALL BE INSTALLED, OPERATED AND MAINTAINED IN AGREEMENT WITH THE POLICE. THE SYSTEM WILL ENABLE FRONTAL IDENTIFICATION OF EVERY PERSON ENTERING THE PREMISES. THE SYSTEM SHALL RECORD IN REAL TIME AND OPERATE WHILST THE PREMISES ARE OPEN FOR LICENSABLE ACTIVITIES. THE RECORDINGS SHALL BE KEPT AVAILABLE FOR A MINIMUM OF 31 DAYS. RECORDINGS SHALL BE MADE AVAILABLE TO AN AUTHORISED OFFICER OR A POLICE OFFICER (SUBJECT TO THE DATA PROTECTION ACT 1998) WITHIN 24HRS OF ANY REQUEST.

c) Public safety

- TO COMPLY WITH THE FIRE REGULATIONS AND THE PROVISIONS OF THE MANAGEMENT REGULATIONS.

- MAINTAIN AND CHECK SYSTEMS IN PLACE, SMOKE DETECTORS, FIRE EXTINGUISHERS, EMERGENCY SAFETY LIGHTING AND FIRE ALARMS.

d) The prevention of public nuisance

DISCOURAGE NOISE FROM PATRONS ARRIVING AT, QUEUING OR DEPARTING FROM THE PREMISES BY DISPLAYING POLITE NOTICES FOR CUSTOMERS' ATTENTION.

e) The protection of children from harm

- THE LICENSEE SHALL ADOPT THE CHALLENGE 25
 - THE LICENSEE SHALL ENSURE THAT STAFF ARE TRAINED ABOUT AGE RESTRICTED PRODUCTS AND ENSURE THAT THEY SIGN TO CONFIRM THAT THEY HAVE UNDERSTOOD THE TRAINING. THE LICENSEE SHALL KEEP RECORDS OF TRAINING AND INSTRUCTION GIVEN TO STAFF.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	T. AY
Date	17/03/2015
Capacity	AGENT

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	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) MR T. AY ANVA 109 BAWDSEY AVENUE			
Post town	ILFORD	Postcode	IG2 7TN
Telephone number (if any)	07710942923		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) INFO@A-ANVA.CO.UK			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I METIN TARLACIK
[full name of prospective premises supervisor]

of 111 HORTFORD ROAD
LONDON N9 7EE

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE [type of application]

by MR METIN TARLACIK [name of applicant]

relating to a premises licence [number of existing licence, if any]

for EDMONTON GREEN SOCIAL CLUB
99 HORTFORD ROAD, LONDON
N9 7EE

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by MR METIN TARLACIK [name of applicant]

concerning the supply of alcohol at EDMONTON GREEN SOCIAL CLUB
99 HORTFORD ROAD, LONDON N9 7EE

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number LN/200900624
[insert personal licence number, if any]










Personal licence issuing authority ENPSA
[insert name and address and telephone number of personal licence issuing authority, if any]

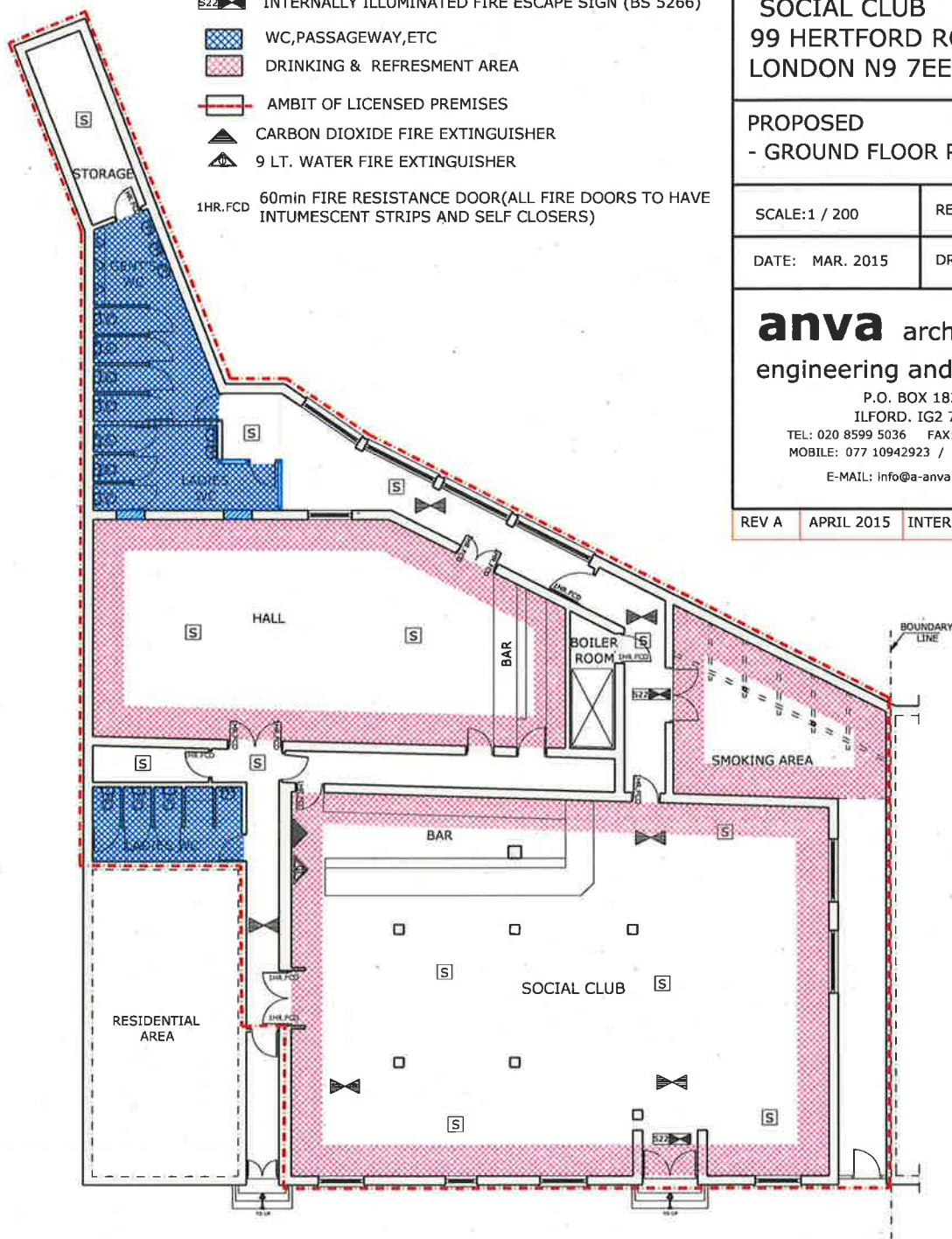
[Signature] signed

MR METIN TARLACIK name (please print)

17/03/2015 dated

LEGEND

-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
-  WC, PASSAGEWAY, ETC
-  DRINKING & REFRESHMENT AREA
-  AMBIT OF LICENSED PREMISES
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  1HR.FCD 60min FIRE RESISTANCE DOOR (ALL FIRE DOORS TO HAVE INTUMESCENT STRIPS AND SELF CLOSERS)



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-EDMONTON GREEN SOCIAL CLUB
99 HERTFORD ROAD
LONDON N9 7EE

PROPOSED
- GROUND FLOOR PLAN

SCALE: 1 / 200

REF. NO : 035.15/01

DATE: MAR. 2015

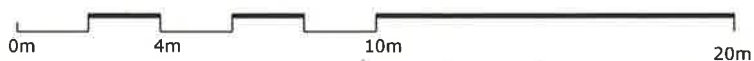
DRG BY: A.AY

anva architectural,
 engineering and licensing

P.O. BOX 1827
 ILFORD. IG2 7WJ
 TEL: 020 8599 5036 FAX: 020 8586 4401
 MOBILE: 077 10942923 / 079 30407212
 E-MAIL: info@a-anva.co.uk

REV A APRIL 2015 INTERNAL ARRANGEMENTS

HERTFORD ROAD



PROPOSED GROUND FLOOR PLAN
 SCALE: 1/200



Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Hertford Road Sports & Social Club
99 Hertford Road
Edmonton
N9 7EE

Type of Application: New Premises

Worksheet number: WK/214096999

I wish to make further representations regarding this application with regards to opening hours and the playing of recorded music.

As previously stated, this property is within one of Enfield boroughs cumulative impact policy (CIP) areas (Edmonton). The hours sought in the application are outside the core hours within the policy as follows;

Activity	Proposed Times
Opening hours	24 hours everyday
Supply of alcohol (on supplies only)	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun
Late Night Refreshment	23:00 – 00:30 Mon – Sat 23:00 – 23:30 Sun
Recorded Music	24 hours everyday

The current Licensing Policy statement, fifth addition, 28th January 2015, states the core hours should not be exceeded for each type of premises in particular locations.

These are:

Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, **Recorded music** and/or Performance of dance:

Monday to Sunday 09:00 to 24:00

Sale/supply of alcohol (on supplies only or on & off supplies):

Monday to Sunday 10:00 to 24:00

Late night refreshment: Monday to Sunday 23:00 to 24:00

The hours applied for in this application exceed those specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

Although the current licence held for this premises has opening hours and recorded music for 24 hours a day, 7 days a week, this was a result of the licence being converted over in 2003 from the previous 1964 Licensing Act legislation.

I am not aware that these hours were actually used in full by the current licensee.

As outlined in the Cumulative Impact Policy, this area is already is of concern in relation to crime and disorder and public nuisance. I am of the firm belief that if this premises were to be permitted to remain open and provide late night refreshment and recorded music beyond the core hours in this location, it would very likely lead to increased incidents of crime & disorder and public nuisance by way of noise nuisance.

Police therefore recommend that the hours be reduced to be in line with those permitted by the CIP.

In summary I wish to make representation on the following:

- The prevention of Crime and Disorder
- Prevention of Nuisance

I object to the times applied for and recommend the following hours in line with the CIP as detailed below:

Activity	Proposed Times	Recommended Times
Opening hours	24 hours everyday	09:00 – 00:30 everyday
Supply of alcohol (on supplies only)	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun
Late Night Refreshment	23:00 – 00:30 Mon – Sat 23:00 – 23:30 Sun	23:00 – 00:00 Mon – Sat 23:00 – 23:30 Sun
Recorded Music	24 hours everyday	09:00 – 00:00 everyday

If the proposed hours and conditions were accepted in full I would withdraw my representation.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 13th May 2015



Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Hertford Road Sports & Social Club
99 Hertford Road
Edmonton
N9 7EE

Type of Application: New Premises

Worksheet number: WK/214096999

The Application

This is an application for a new premises licence for the following licensable activity;

Recorded Music: Monday to Sunday, 00:00 – 00:00
Late Night Refreshment: Monday to Saturday, 23:00 – 00:30 Sundays, 23:00 – 23:30
Supply of Alcohol: Monday to Saturday, 10:00 – 00:00 Sundays, 10:00 – 23:30
Opening Hours: Monday to Sunday, 00:00 – 00:00

Location

This venue is situated within a small parade of shops in a busy high road.

History

I have researched Police crime and intelligence systems relating to this venue for the last 12 months with a negative result.

Cumulative Impact Policy

London Borough of Enfield

Licensing Act 2003

Licensing Policy Statement (Fourth Edition 1 April 2012)

- 9.21 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 9.22 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.

This premise is within Enfield Boroughs Cumulative Impact Policy area. Hours sort are within the limits set out and as such, section 9.21 refers.

In summary I wish to make representation on the following:

- Prevention of crime & disorder

CCTV

CCTV is an essential ingredient in deterring crime and gathering evidence if crime is committed. Although CCTV is discussed in the operating schedule, insufficient detail has been provided to ensure its quality and integrity. Police therefore request the following condition is applied to the premises licence to ensure quality performance.

If this application were granted in full or part, I would recommend the following alteration be made to the licence conditions to further promote the licensing objectives.

If these conditions were accepted in full I would withdraw my representation.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 8th April 2015



LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Name and address of premises: Hertford Road Sports & Social Club
 99 Hertford Road
 Edmonton
 N9 7EE

Type of Application: New Premises Licence

I certify that I have considered the application shown above and I **wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This premises has previously been run as a social club under a Club Premises Certificate. Different people now run the club and have been advertising use of the venue to the general public. Following a meeting with the manager this premises licence application has been submitted. A premises licence would allow them to open to the general public and to operate as a commercial business. The application is for the following activities:

Activity	Proposed Times
Opening hours	24 hours everyday
Supply of alcohol (on supplies only)	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun
Late Night Refreshment	23:00 – 00:30 Mon – Sat 23:00 – 23:30 Sun
Recorded Music	24 hours everyday

Officer visits:

27/03/15 – 23:55 – 00:00 - Licensing Enforcement Officers (CPX, EVG) carried out observations outside the venue which was open and trading. Flickering lights outside premises. Premises is very well lit. 23:55 - male and teenage boy left premises. No music audible. Regular traffic passing by. Male left, no music audible. 23:57 - two more males left - casually dressed. Lights went out at 00:00.

10/04/15 21.45 – 22:00 - Licensing Enforcement Officers (EVG, CT) entered the premises to check whether or not the plan submitted with the application accurately

reflected the layout of the premises. They did not observe any anti-social behaviour and there were no customers outside when they entered. Music was not audible from outside the premises. The officers noted that the premises was busy with a friendly atmosphere and customers were a wide range of ages. There was an informal darts competition taking place, eg. mixed darts, and one competition was just females. Recorded music was being played, above background level, no DJ. The officers met with Karen Cooper, manager and explained the purpose of visit ie. to check the plan. Karen Cooper showed the officers around the premises. Smoking area to rear/side of premises, in use by 4 customers. No problems with smoking shelter. The layout of the function room/hall differs in that where the plan states staff room, it is where the bar is situated, and the doors into the hall from the corridor are closer to the bar than shown. The ladies WC shown on the plan off the hall is now a storage area. When leaving the hall to enter the corridor to return to the front of the premises, there is a single door to the right. It contained the sewage pipes/drains which were overflowing slightly, so there was an unpleasant stench, not to mention a health risk. Advised this would need to be referred to Public Health. Karen Cooper advised the officers that the flats above the premises belong to a different leaseholder but that she can get the details and pass them on. On the plan marked residential area, there is a small door half way down, which contains electrics/small storage. Stairs within the residential property go over this. There is a door at the end of the corridor, next to the double doors leading into the social club area. It was locked and Karen Copper stated that she believed it had been blocked off from the other side, and it is around this point where the stairs in the residential area begin. Karen Cooper confirmed there is no access in or out of this residential area. The officers advised that the applicant would need to submit a revised plan as the one submitted with this application is not accurate. The officers also advised Karen Cooper of the flickering lights and the disturbance it can cause. She agreed to sort this out. The officers completed an inspection report, copy signed by and issued to Karen Cooper.

At the time of submitting this representation an updated plan has not been submitted. I therefore recommend that if legally allowed the applicant request to put this application on hold until an accurate plan has been submitted. If not they will need to submit a further application to amend the plans at an additional cost.

Prevention of Nuisance:

This premises is located in a small parade of shops on a busy road close to the junction with Bounces Road. There are residential properties opposite the premises and in nearby side streets. Complaints have previously been received in relation to loud music coming from the club.

Planning Information

The social club has been in use since and before 1960's. Due to the historical nature of the planning permission, there are no conditions relating to numbers or times of operation.

Current planning enforcement files at the premises concern the creation of a habitable unit on the ground floor that exists without planning permission and formal enforcement action shall soon be taken in relation to this. The first floor flat that is meant to be used ancillary to the club premises and lived in by the person responsible for the running of the premises, has been let out separately by the freeholders and is a in breach of

planning permission for the first floor extension. Formal enforcement action shall also take place in relation to this alleged breach of condition.

It is noted that the plan submitted with this application shows the separate unit on the ground floor as 'residential area'. This does not have planning permission.

Insufficient planning permission cannot prevent a licence from being granted, however, if businesses trade without planning permission they will be guilty of an offence under planning law and may be prosecuted by the Planning Enforcement Team. **Therefore businesses must have the relevant planning permission AND licence in order to trade legally.** If the times and activities on both are not the same, businesses must stick to the lesser times / activities as failure to do so will be a breach of either planning or licensing legislation.

Cumulative Impact Policy (CIP):

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications. The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, **Recorded music** and/or Performance of dance:
Monday to Sunday 09:00 to 24:00

Sale/supply of alcohol (on supplies only or on & off supplies):
Monday to Sunday 10:00 to 24:00

Late night refreshment: Monday to Sunday 23:00 to 24:00

The hours applied for in this application exceed those specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

Ambient background noise levels are reduced during the early hours of the morning. If the premises was permitting to remain open and to provide recorded music 24 hours a day it could lead to increased noise and disturbance to the surrounding area and could be detrimental to the residential amenities and quality of life for residents.

I therefore recommend that the hours be reduced to be in line with those permitted by the CIP.

In summary I wish to make representation on the following:

- **Protection of Children from harm**
- **Prevention of Nuisance**

I object to the times applied for and recommend alternative hours as detailed below:

Activity	Proposed Times	Recommended Times
Opening hours	24 hours everyday	09:00 – 00:30 everyday
Supply of alcohol (on supplies only)	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun	10:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun
Late Night Refreshment	23:00 – 00:30 Mon – Sat 23:00 – 23:30 Sun	23:00 – 00:00 Mon – Sat 23:00 – 23:30 Sun
Recorded Music	24 hours everyday	09:00 – 00:00 everyday

If the licence is granted in full or part I recommend that the conditions in Annex 2 below be amended as shown and the conditions in Annex 3 be added in order to fully promote the licensing objectives.

I reserve the right to provide further information to support this representation.

If these conditions were accepted in full I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 16/04/2015

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Hertford Road Sports & Social Club
99 Hertford Road
Edmonton
N9 7EE

Type of Application: New Premises Licence

This document includes additional information, not previously mentioned in the representation submitted on 16th April 2015:

All complaints received and observations carried out at the premises this calendar year:

01/03/15 – 00:18 – Complaint received in relation to loud music coming from the premises. 00:49 - Officers visited the premises and from the outside could hear music and vocals. The front doors were open, an SIA door supervisor was seen. Very excessive bass audible with building shaking. Officers spoke to the manager Ms Karen Cooper. She said she would have the music stopped. 01:00 - Whilst parked outside premises a female was seen walking into the premises with a large bottle, possibly alcohol. The door supervisor remained on the front door but no one was seen leaving. 01:15 - A female appeared in the door way and appeared intoxicated. No persons seen leaving the premises since the manager was spoken to. 01:52 - Equipment being removed but persons still inside. Poster seen on display stating "CLUB NIGHT 8PM EVERYONE WELCOME". At this time only a Club Premises Certificate was in place.

03/03/15 – The Licensing Team received a request for a copy of the premises licence from a licensing agent. They advised the agent that the premises did not hold a Premises Licence but in fact had a Club Premises Certificate. They went on to advise that a transfer application had been received the week before and that they had spoken to the manager Karen Cooper to advise that it is not possible to transfer a Club Premises Certificate and returned the invalid application form and fee. The agent was told that an advert had been seen in the local newspapers advertising that the Edmonton Green Social Club was open and everyone was welcome to partake in a fully licensed bar, music, gaming machines and bingo. The officer explained that any such use of 99 Hertford Road would constitute a criminal offence under the Licensing Act 2003 and the Gambling Act 2005 as the premises do not benefit from an appropriate authorisation for these activities. They advised that as the premises was under new management and being run as a commercial business by a limited company rather than a club, that they needed to apply for a new Premises Licence.

07/03/15 – 23:25 - Out of Hours Noise Officers (VK / AW) visited the premises. Spoke to Karen Cooper. Live singer with recorded music playing on stage. Officers explained that they could not have any live music after 23:00 hrs. The manager was very apologetic. Officers left the premises at 23:40.

09/03/15 - Phone call from Karen Cooper who wanted to arrange a meeting with Licensing Enforcement Officers and the new owners to tell them what they can and can't do. Meeting arranged for 12/03/15.

10/03/15 – Complaint received regarding excessive lighting at this and neighbouring premises affecting local residents.

12/03/15 – Meeting with Licensing Officers, Karen Cooper and her son. The lease has been taken over by Mr Tacim Tarlacik but he failed to attend the meeting. Karen Cooper advised that they had been letting anyone enter the club. The officers advised that as they only have a Club Premises Certificate they can only let in bona fide members and their guests depending on the limits specified in their club rules. Advised on premises licence application process and TENs. Advised that in the meantime they will need to provide evidence to demonstrate that they still meet the necessary criteria of a club.

13/03/15 – 23:30 – Licensing Enforcement Officers (CLB/JTE) visited the club. Despite only being meant to be open to members and not the general public the officers could walk straight in unchallenged. Once inside the officers were approached by Karen Cooper. She advised everyone in premises was a member. There was a bar that was open and music from a juke box. There was no signing in book, and members do not have membership cards. No loud music or anti-social behaviour was witnessed during the visit. Letter handed delivered to the club setting out evidence that is needed to demonstrate whether or not the club still meets the necessary requirements.

19/03/15 – Premises licence application submitted.

29/03/15 – 00:52 Out of Hours Noise Officers (PB/SC) visited the premises. There was a male standing on the door and five people were seen leaving the premises. The male advised it was a memorial party for a friend. The officers entered to see if any issues - 3 gaming machines seen, bar was half open and alcoholic drinks seen on bar, recorded music being played but not loud. *TEN in place.*

25/04/15 - 00:15 – Officers visited the premises and spoke to Karen Cooper. Entry via ringing bell. There were approximately 25-30 people on the premises. There were several bottles of beer and pints of beer being consumed. Several empty glasses and bottles as well as coke cans etc. The manager when asked if alcohol was being served said yes. She was told that they are only allowed to sell alcohol until 23:00 per the current Club Premises Certificate.

This will be the first time that the premises has been run commercially under a premises licence. The applicant is different to that of the current Club Premises Certificate. The premises is located in a Cumulative Impact Policy Area and as is demonstrated above residents have been affected by noise from the premises in the past. I recommend that the CIP policy be upheld and the times of this premises licence be restricted to those specified in the CIP.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk



Signed:

Date: 13/05/2015

Hertford Road Sports and Social Club**WK/214096999****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. Any instance of crime & disorder shall be reported to the Police.**
- 5. An incident book shall be used to record all instances of public disorder.**
- 6. A CCTV system shall be installed, operated and maintained at the premises.**
- 7. 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.**

**ADDITIONAL CONDITIONS REQUESTED BY LICENSING AUTHORITY –
AGREED BY APPLICANT**

- 8. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 9. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.**
- 10. 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.**

11. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
12. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst recorded music is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
13. All external doors and windows to be kept closed but not locked whilst recorded music is provided.
14. Wall mounted ashtrays shall be provided outside the premises.

**ADDITIONAL CONDITIONS REQUESTED BY METROPOLITAN POLICE –
AGREED BY APPLICANT**

15. 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 and floor areas.
 2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 3. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 4. Provide a linked record of the date, time, and place of any image.
 5. Provide good quality images.
 6. Operate under existing light levels within and outside the premises.
 7. Have the recording device located in a secure area or locked cabinet.
 8. Have a monitor to review images and recorded picture quality.
 9. Be regularly maintained to ensure continuous quality of image capture and retention.
 10. Have signage displayed in the customer area to advise that CCTV is in operation.
 11. Digital images must be kept for 31 days.
 12. Police or authorised local authority employees will have access to images at any reasonable time.
 13. 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. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by

the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

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

LICENSING SUB-COMMITTEE - 1.4.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 1 APRIL 2015****COUNCILLORS****PRESENT** (Chair) Derek Levy, Peter Fallart and George Savva MBE**ABSENT****OFFICERS:** Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Catriona McFarlane (Legal Services Representative), Metin Halil (Democratic Services)**Also Attending:** Mr Kanagasabapathy Sivasubramaniam (applicant)
Graham Hopkins (agent)
Mr Sezayi Aydemir & Mrs Aydemir (applicants)
Mr Alan Aylott (agent)**521****WELCOME AND APOLOGIES FOR ABSENCE**

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

There were no apologies for absence.

522**DECLARATION OF INTERESTS**

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

523**RK SUPERMARKET, 1 EMPIRE PARADE, GREAT CAMBRIDGE ROAD,
EDMONTON, N18 1AA (REPORT NO. 209)**

RECEIVED the application made by the Licensing Authority for the review of the Premises Licence held by Mr Kanagasabapathy Sivasubramaniam at the premises known as and situated at RK Supermarket, 1 Empire Parade, Great Cambridge Road, Edmonton, N18 1AA.

NOTED

1. The opening statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application to review the Premises Licence of RK Supermarket.

LICENSING SUB-COMMITTEE - 1.4.2015

- b. The review was brought by the Licensing Authority.
 - c. There had been 2 occasions in 2014 where non-duty paid tobacco and alcohol was found on the premises. On 9 December 2014 non-duty paid tobacco and non-duty paid alcohol were again found on the premises.
 - d. The Licensing Authority considers that it is appropriate to revoke the Premises Licence, in order to support the prevention of crime and disorder licensing objective.
 - e. The application was supported by the Metropolitan Police Service, who also considered that it was appropriate to seek revocation of the licence.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. The Licensing Authority were requesting revocation of the Premises Licence of RK Supermarket.
 - b. Non-duty paid tobacco and non-duty paid alcohol had been found on the premises twice within 4 months.
 - c. Representations received from the Police included details of relevant intelligence reports from May 2014 to January 2015 regarding sale of illegal cigarettes/tobacco and alcohol.
 - d. The premises were visited on 15 August 2014 by a fair trading officer who was sold non-duty paid cigarettes.
 - e. The premises was also visited on 22 August 2014 as part of a multi-agency inspection (involving Trading Standards, a brand representative and tobacco detection dogs) whereby 8 non-duty paid x High Commissioner Whisky, was seized.
 - f. On the 26 November 2014 a Licensing Enforcement Officer visited the premises to speak to the PLH as a minor variation application to strengthen the license had not been submitted.
 - g. The premises was visited as part of a joint HMRC, Trading Standards, a brand representative and tobacco detection dogs on 9 December 2014, 13 days after a Licensing Enforcement Officer had visited the premises. Further non-duty paid tobacco and alcohol were seized by HMRC.
 - h. The minor variation application to the licence was issued on 12 December 2014.
 - i. On 9/01/25 a full licence inspection was carried out. Breaches of six licensing conditions were recorded.
 - j. The Licensing Authority had no confidence in those running this premises and they had no choice but to apply for the licence to be revoked.
3. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
- a. The Police supported the application by the Licensing Authority for revocation of the licence and had nothing further to add.

LICENSING SUB-COMMITTEE - 1.4.2015

4. Questions were invited on the introductory statements:
 - a. The Chair asked about the alcohol that was seized by HMRC on the 22 August 2014 and the fact that officers thought they were counterfeit. Charlotte Palmer responded that the bottles had suspicious labelling and were for export only. They were proved to be non-duty paid.
 - b. Charlotte Palmer responded to a question by the Chair that following the multi-agency inspection of the premises on 9/01/15 and after the minor variations to the licence were issued, 6 licensing conditions were still not being complied with. Conditions C10 (no receipts for alcohol) and C11 (no UV light available) were added to the licence as part of the minor variation and had not been complied with for one month.
 - c. Graham Hopkins directed a question to Charlotte Palmer, regarding the location of the non-duty paid alcohol (12 bottles of Glens Vodka) and where it was found on the premises on 9 December 2014.
 - d. Charlotte Palmer responded that she did not have that information and didn't believe it was in her report.

5. The statement of Graham Hopkins, Agent, GT Consultants, on behalf of the licence holder, including the following points:
 - a. He was accompanied by a colleague and the Premises Licence Holder, Mr Kanagasabapathy Sivasubramaniam.
 - b. He enquired about the multi-agency visit on 9/12/14 and where the non-duty paid alcohol (12 bottles of Vodka) was found by officers within the premises. Charlotte Palmer stated that she did not have that information.
 - c. Mr Kanagasabapathy Sivasubramaniam was the owner and the Designated Premises Supervisor (DPS) of the supermarket. The shop is a convenience store and he worked there on a full time basis with two part-time employees.
 - d. Mr Sivasubramaniam had acquired the business in December 2012 and had previously owned a petrol station in N17.
 - e. Mr Sivasubramaniam had also bought the stock within the shop when he acquired the business. The non-duty paid alcohol that had been found by HMRC was part of that stock was acquired when he had purchased the business. He accepted that the stock that was found was unacceptable and he apologised for this. When the multi-agency inspection seized the (non-duty paid) 8 x bottles of High Commissioner Whisky on 22/08/14, he was unaware that the bottles were suspicious. The multi-agency inspection of the premises on 9 December. 2014 found 12 bottles of non-duty paid Vodka and tobacco. Mr Sivasubramaniam said that the non-duty alcohol and tobacco were found in a store room within the premises which he had removed from shelves and were not intended for sale. Mr Sivasubramaniam understood that this was a serious issue which he

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- fully understands but that the alcohol was residue stock which had been left over. It was not a deliberate attempt to cover anything up.
- f. The non-duty paid cigarettes were bought in August 2014 from a customer, not known to him. He had never seen the Marlboro Gold packet of cigarettes, sold to a trading standards officer on 22 September 2014. The first he knew of foreign duty cigarettes being sold from his business was on 22 August 2014 when an officer informed him. He claimed that the cigarettes were sold by an employee without his consent or knowledge and that this employee had since been dismissed. The 340 cigarettes found during an inspection of the premises on 9 December 2014 were from a regular customer and came from a visit to his country. He did an exchange with Mr Siva. Exchanging cigarettes was illegal as well as selling on the premises.
 - g. There was very little guidance and no readily available training to newcomers to the off licence business relating to counterfeit goods. There was training available for under age sales.
 - h. Mr Siva had now attended a course, from a retailers point of view, provided by a former trading standards officer, who now ran his own business. Mr Sivasubramaniam had attended this course on the 19 April 2014. Areas covered included excise duty, alcohol rates, minimum pricing, revenue stamps, identifying false and fake stamps, counterfeit & bogus alcohol, how to avoid buying illegal alcohol and the risks of counterfeit alcohol. He had also provided Mr Sivasubramaniam with a follow up course last week to re-inforce the points, clarify any questions he had and to ensure that he and his staff now know how to check for counterfeit alcohol. He also knows not to buy from door to door sellers.
 - i. He had now explained to Mr Sivasubramaniam the procedure for getting invoices, ensuring they have a VAT number and details of what officers would require. Mr Sivasubramaniam also knew how to check labels using a UV light, which he now had. He also apologised for the breach of conditions relating to previous stock invoices. It was clear that Mr Sivasubramaniam had admitted stock was on the premises with no invoice, because he had bought it from the previous owner of the premises and had been consistent with that, with officers.
 - j. He was proposing some additional conditions to re-inforce what has already been agreed. The other measures include; a refusals book, updated training logs, notice on the front door and that his cousin, a personal licence holder (PLH) would be coming to work with him. Mr Siva was also aware that an incident book has to be kept which showed that a PLH was in attendance. CCTV could then be checked, on a given time, to see that a PLH was on the premises.
 - k. He proposed a further condition that all staff, are to be trained on the premises. A year's contract had just been signed for Mr Hopkins to provide training for all new staff and refresher training every quarter.

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d. The Chair didn't know how many advice sessions Mr Sivasubramaniam had had, but he did get a letter on the 28 May 14, from which it was made very explicit that the situation had pertained to stock control and purchase. Would that not have been an opportunity for any licence holder to do a stock take and stock control, especially since it was 18 months or more since the purchase of the business. If there was any concern then a stock check should have been done.

There was no reaction to the 28 May 2014 letter. Why was that? Graham Hopkins clarified that Mr Siva's concern was buying from the supplier and not checking the goods. If the licence holder bought stock now he would check it, but that it was a case of buying stock from the previous owner.

e. The Chair further stated that the point was that having the licence from day one conveyed responsibility and one could accept naivety in the early stages, but the letter of 28 May 2014 was very explicit. It seemed to him that the advice in the letter was not acted upon. So what confidence could the committee have that the advice Mr Hopkins had given Mr Sivasubramaniam will be acted upon because the advice from Trading Standards was not acted upon. Graham Hopkins clarified that the trading contract had now been signed with Mr Sivasubramaniam and he would be visiting the premises every 3 months and part of that would involve stock taking. Mr Sivasubramaniam was more concerned about the stock he was buying from suppliers last year and not about the stock he already had. He had now checked all the stock he had now. This had been done last week when Mr Hopkins visited the premises.

f. The Chair referred to one of the representations on page 30 of the bundle referring to additional information. It talked about the 12 September 2014 when Trading Standards visited the premises with a view to see the CCTV footage. It turned out that the owner was unable to operate the CCTV system, even after 2 years of running the business. As an owner and DPS, he found it hard to believe that the licence holder did not know how to operate a CCTV system and that this wasn't the first time. Mr Sivasubramaniam advised that the system was faulty and he didn't know how to deal with it. He had called a support line but it was not available. CCTV support came to the premises and fixed it the following week.

g. The Chair further questioned the breach of conditions found to be non-compliant after two episodes of seizures and after eventually putting in the minor variations. The minor variations were originally requested in early November 2014 and was chased up on 26 November 2014 so as to accelerate. Why was the submission of the minor variation delayed? How was it possible, with the advice & guidance given, with 2 letters including the letter of 28 May 2014, to delay having brand new conditions fundamental to the operation of the licence? Mr Sivasubramaniam advised that he was trying to add someone else onto the personal licence.

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The Chair questioned that if that was the case, did Mr Sivasubramaniam communicate this to the Licensing Authority? Between the 4 November 2014, when the first letter was sent, and 26 November 2014 when enforcement officers visited the premises to say that a minor variation had not been submitted, this was a difference of 22 days whereby the minor variation was not submitted. Mr Sivasubramaniam clarified that he was not aware of the full procedure when trading standards visited and explained the procedure. He had filled the form in and was ready to send it, when trading standards visited.

h. The Chair questioned whether Mr Sivasubramaniam was out of his depth, managing a premises licence. It had been over 2 years since he had bought the business and had experienced seizure of goods. He had found himself out of compliance and did not act on advice. Did Mr Sivasubramaniam feel that he was a fit and proper person to operate a personal licence?

Mr Sivasubramaniam advised that he has now had further training and had taken steps to get the experience and knowledge to operate the licence. The Chair further questioned why he took a review, having had 2 seizures of goods and changes to his licence, which were breached. Why did he take so long submitting a minor variation and how many further incidents have to happen before he felt he was able to operate a licenced premises. Graham Hopkins felt that the additional training Mr Sivasubramaniam had now received and the on-going support he would provide to him, he felt Mr Sivasubramaniam would make a good licensee. The Chair further asked if Mr Sivasubramaniam possessed the capacity to accept and implement the training, so as to run a licenced premises. Graham Hopkins responded that Mr Sivasubramaniam would have to now contend with him as well as trading standards and that the premises would be monitored every 3 months by him.

i. The Chair advised that this was criminality. The first alleged offence took place 15 August 2014 regarding non-duty paid goods and again on the 22 August 2014. A further criminal offence under licensing law, also recorded 4 months later on the 9 December 2014. Graham Hopkins response that it had been a massive shake up call for Mr Sivasubramaniam. Graham Hopkins agreed that the offences did happen and that he wasn't trying to deliberately run the premises with duty free goods. This was at the lower end and he shouldn't have had the non-duty paid goods at the shop for a second time. With hindsight, Mr Sivasubramaniam would have taken the goods home for disposal.

j. The Chair enquired whether Mr Sivasubramaniam had anyone in mind who could be an alternative DPS. Graham Hopkins advised that Mr Sivasubramaniam's friend, who is a personal licence holder, could be an alternative DPS.

k. Councillor Savva, asked Graham Hopkins how he interpreted stupidity, on this occasion. Graham Hopkins clarified that on the second

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inspection of the premises, the non-duty paid goods were in the store room and not on display. He questioned why somebody would jeopardise their business and livelihood for the sake of having 12 bottles of non-duty paid goods which were not for sale. That was stupid.

Councillor Fallart questioned why the 12 bottles of non-duty paid goods were not removed from the premises after the first inspection. Graham Hopkins response, that they were removed from the shop and put in the store room. He accepted that they should have been removed from the premises.

l. The legal representative asked, what share of the profits were from the sale of alcohol and cigarettes, so as to establish the kind of business Mr Sivasubramaniam had. Mr Sivasubramaniam advised that the share of profits from the sale of alcohol was 20%, the share of profits from the sale of alcohol was 20% and therefore the business profits largely came from groceries at 60%. He visited the wholesalers 3 times a week to stock up on everything, including alcohol and cigarettes. The legal representative stated that for some reason the premises did not sell much alcohol, in the sense of whiskey & vodka, because the alcohol Mr Sivasubramaniam had in the shop hadn't sold for over 2 years. Mr Siva responded that he did not sell a lot of High Commissioner Whiskey or Glens Vodka, maybe a case of vodka every 3 months. He had around 6 cases of vodka when he first opened the business.

m. PC Martyn Fisher had been on a number of inspections with trading standards and HMRC. From the first visit to the premises on 22 August 2014, 8 bottles of High Commissioner whiskey were seized. Officers do a very thorough search and he found it hard to believe that on the follow up inspection on 9 December 2014, 12 bottles of Glens Vodka were found, which would never have been missed on the first inspection. Seventeen packs of Marlboro cigarettes were also found, hidden in a freezer. Mr Sivasubramaniam confirmed that the 12 bottles were missed on the first inspection by HMRC.

7. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. The Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraphs 4.6 to 4.8 of his report.
 - b. This was not the first instance of criminal activities.
 - c. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives and to consider if it is appropriate for the premises licence to be revoked after non-duty paid alcohol and tobacco were found on the premises on two occasions.

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8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
 - a. The PLH blamed an ex member of staff for the original sale of non-duty paid tobacco. However, further non-duty paid alcohol & tobacco were found at the premises after that employee had been sacked and the PLH had been interviewed by trading standards officers.
 - b. Charlotte Palmer always welcomed additional training, however, the PLH already knew it was wrong to sell non-duty paid products and these goods were still found on the premises even after the PACE (Police and Criminal Act Evidence) interviews.
 - c. Given the first seizure, she doubted that anyone would leave suspect alcohol or place large amounts of personal non-duty tobacco in their licenced premises.
 - d. In terms of the additional conditions, having found further non-duty paid alcohol and tobacco on the premises, this already suggests that condition 9 of the licence had been breached, which is that goods won't be bought from door to door sellers. Therefore she was not confident adding new conditions and that those conditions would be complied with and that illegal activity would continue.
 - e. The Premises Licence Holder had already been given a second chance and the licence strengthened so that it had included suitable conditions already for some time.
 - f. The licence holder had a history of breaching conditions.
 - g. The Licensing Authority considered that the appropriate action was revocation of the licence.
9. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's application for revocation of the Premises Licence.
10. The closing statement of Graham Hopkins, on behalf of the licence holder, including the following points:
 - a. He maintained what he had said on behalf of his client and that this was stupidity at the lower end of the scale. He would urge the Committee to consider steps and sanctions other than revocation.

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.

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2. The Chairman made the following statement:

“Having considered the written and oral submissions from all parties, the Licensing Sub-Committee (LSC) has determined that revocation of the licence is the appropriate step to take.

Statutory guidance is very clear that where the crime prevention objective is being undermined (which includes the sale and storage of non-duty paid goods) and even in the first instance, revocation should be seriously considered.

In this matter, we were told of three separate occasions on which non-duty paid tobacco and alcohol were found on the premises. The assertion that these goods were residual stock from the initial purchase of the premises in September 2012 stretches the credibility of the LSC. The LSC accepts the case made by the applicant that the Premises Licence Holder (PLH) provides no confidence in his ability to operate the licence, despite very recent attempts to undergo relevant training. The LSC is not confident, based on the history of these premises, in the capacity of the licence holder to totally assume the responsibilities involved in managing licenced premises.

The licence holder was given clear advice and guidance in writing from the Licensing team on the 28th May 2014 in terms of the reputation of goods been supplied. And yet, within two and a half months, non-duty paid goods were found in the premises on both 15th and 22nd August 2014.

As a consequence of this, the licence holder was further advised as to the seriousness of the situation and the potential consequence, and on 4th November 2014 was invited to submit a minor variation application by way of enhanced and strengthened conditions. But again, the PLH did not act on this immediately and required an additional visit to the premises on the 26th November 2014 to spur him into action.

With this in mind, the LSC was concerned then to be told that within just 13 days of the application been submitted, still more non-duty paid goods were found on the premises. The panel was not persuaded that this stock formed part of the original holding, or was missed by HMRC in previous visits, or indeed that any such products had not been sold in over two years of trading especially when the LSC was given the knowledge that the PLH replenished all other stock on a three times a week basis.

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The seriousness of the criminality involved here, and on more than one occasion, is sufficient in itself to inform the decision to revoke the licence

But as an aggravating factor, the fact that the new conditions agreed by the PLH under the minor variation, had not being complied with, within a month of them taking effect, is further evidence of sluggish compliance with the Licensing regime”.

3. The Licensing Sub-Committee resolved to revoke the licence.

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**SHEELPA EXPRESS, 389 ORDNANCE ROAD, ENFIELD, EN3 6HN
(REPORT NO. 210)**

RECEIVED the application made by the Licensing Authority for the review of the Premises Licence held by Cilana Limited at the premises known as and situated at Sheelpa Express, 389 Ordnance Road, Enfield, EN3 6HN.

NOTED

1. The opening statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application to review the Premises Licence of Sheelpa Express.
 - b. The review was brought by the Licensing Authority.
 - c. The Licensing Authority considers that it is appropriate to revoke the Premises Licence, in order to support the prevention of crime and disorder licensing objective.
 - d. In December 2014, non-duty paid tobacco was found at the premises and in addition the premises were found to be operating in breach of their conditions, in two separate occasions. This was the third review application, in total, made by the licensing authority for a review of the premises licence.
 - e. The previously reviewed application was made for the sale of alcohol to under age persons in 2008 and again in January 2014. The application previously sought to modify the conditions and more recent reviews to remove the DPS.
 - f. The PLH is Ciliana Ltd and the Company Secretary is Mr Aydemir and the director is Miss Aydemir who is also the DPS. Ciliana Ltd is being represented by Mr Alan Aylott of Dadds Licensing Solicitors.
 - g. The application was supported by the Metropolitan Police Service, who also considered that it was appropriate to seek revocation of the licence.

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2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority were requesting revocation of the Premises Licence of Sheelpa Express. The review is based on the prevention of Crime and Disorder Licensing objective and was a result of non-duty paid tobacco being found on the premises in December 2014.
 - b. The joint visit carried out in December 2014 was the result of an allegation received in October 2014, stating that the premises were selling illegal cigarettes and this proved to be true.
 - c. The Secretary of State thinks that the sale of smuggled tobacco and alcohol should be taken particularly seriously and that revocation of a licence, even a first instance, should be considered. However, this was not the first time that non-duty paid products had been found at these premises and this was the third time that the licence of these premises has had to be reviewed.
 - d. The licence was reviewed to strengthen the licence conditions following an under-age tobacco sale in 2008. The PLH was also given opportunities to submit a minor variation to further strengthen the conditions as a result of the significant amount of non-duty paid alcohol and some counterfeit alcohol being found at the premises in 2011. At this time the licence holder was warned in writing that if similar offences were committed at these premises then trading standards would take action in order to have the premises licence revoked. The review to revoke the licence was submitted in 2013, following a further under age alcohol sale, several licence breaches and incidents of anti-social behaviour.
 - e. She had read the additional bundle submitted by Mr Alan Aylott and believed it would have been useful if the premises had been in breach of most of their current licence conditions. However, it failed to address the issue that has led to this particular application regarding the selling of non-duty paid products for the second time. The document did not refer to any new procedures, training or signage that had been introduced to ensure that this did not re-occur. Neither did it mention the issues that occurred in 2011.
 - f. There are already conditions attached to the licence which are designed to try and prevent such activity taking place. Given the history of the premises, the PLH and the DPS were fully aware that it is illegal to sell non-duty paid products, yet they still chose to do so.
 - g. The repeated offences show a total dis-regard for the law and undermine the crime and prevention licensing objective. The Local Authority no longer has any confidence in those running the premises and recommend that this licence is revoked.
3. The statement by PC Martyn Fisher, on behalf of Metropolitan Police Service, including the following points:
 - a. The Police supported the application by the Licensing Authority for revocation of the licence.

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4. Questions were invited on the introductory statements:
 - a. Councillor Savva asked how many times did the shop continue to sell non-duty paid products after the first warning was given? Charlotte Palmer responded that the premises were visited initially in 2008 for under age sales. In relation to the counterfeit goods, the premises were visited and acknowledged in 2011. They were given the opportunity to submit a minor variation application to add conditions to strengthen the licence in the hope that these conditions would prevent further sales. The letter informing them that they could add these conditions included a warning that they would be reviewed if they chose not to add any conditions or that if it happened again, after a minor variation, then they would be looked into with a view to revoke the licence at that point.
 - b. The Chair clarified that there were significant issues back in 2008 and 2011, on two occasions, particularly on the 1 February 2011. The Chair questioned if between April 2011 and December 2014, there had been any other occasions whereby non-duty paid products had been sold on the premises. Charlotte Palmer replied that she was not aware of other visits, unless it was in her report. If there were any further visits or incidents, she would have mentioned it in her report.
 - c. The Chair clarified that in the trading standards report, it is stated that fundamentally this particular matter has been brought to the licensing sub-committee because it is an additional offence, specifically of non-duty paid tobacco being found on the premises. Through your submission, the committee are being informed that in other matters of operating the licence, trading standards had cause for concern, such as the review that came to committee in January 2014. Charlotte Palmer's response that this review had happened because the premises had had a warning in relation non-duty paid items being found at the premises previously. They failed to comply and since, further non-duty paid goods had been found. She believed all the history for these premises was relevant because although some of the other reviews had brought other issues. These were still things which undermined the licensing crime and disorder objectives and they are still issues in their own right which had led to reviews in the past. Therefore, it shows a pattern that led trading standards to a lack of confidence in those running the premises, whether it's under age sales or the previous breaches of the licence, now compliant, where it had taken a while to get them compliant.
 - d. The Chair further clarified that Charlotte Palmers submission was the bigger picture, but the specific factor for the committee was that on 9 December 2014, non-duty paid tobacco was again found at the premises and that was the prompt for trading standards to call this review for revocation.
 - e. Alan Aylott asked whether in 2011, when the option was given, to the PLH, for either a review or submission of a minor variation, was a minor variation submitted? Charlotte Palmer responded that it had been

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submitted and that was why the additional conditions were on the licence relating to this kind of issue, like checking stock and invoices. This was why those issues were added.

f. Alan Aylott said that this was a warning previously given by trading standards 3 and a half years ago and that this was a trigger in that item regarding the sale of non-duty paid tobacco and that this was the trigger event. This was confirmed by the Chair.

g. Alan Aylott requested that Charlotte Palmer tell the committee if there had been any under-age tests done at the premises since the 2013 review. Charlotte Palmer believed there had been some more recently, but was not aware of any issues at these premises regarding under age sale from recent test purchases, otherwise it would have been in her report. Alan Aylott clarified that the only issue then for this review was the lack of compliance and the fact that non-duty paid tobacco and cigarettes were found at the premises. Was this correct? Charlotte Palmer confirmed that this was correct.

h. Alan Aylott asked Charlotte Palmer when she last visited the premises? Charlotte Palmer advised that a Licence inspection was made on 7 January 2015 and that she had not been back personally. Alan Aylott had visited the premises on 19 March 2015 and further asked Charlotte Palmer if she agreed the premises are fully compliant with their conditions. Charlotte's response was that when she visited there was only one issue which was the CCTV. The breach of conditions was not what she raised as her concerns today.

Alan Aylott questioned if there had been any prosecutions in respect of the seizures by HMRC or Trading Standards? Charlotte Palmer replied that that was a matter for HMRC, she was not aware if they would or would not be prosecuting in this case. Trading Standards would not prosecute for non-duty paid products as it was not in their remit to do so. As far as she was aware there were no prosecutions pending. The Chair clarified that HMRC had up to 12 months to prosecute or not. Alan Aylott was trying to establish whether or not Trading Standards considered it in the public interest to prosecute or not as it had been reported that this was a criminal offence.

The legal representative clarified that as it had been less than a year these offences had taken place, there was a possibility that the DPS may be prosecuted. No decision had yet been made at this time.

i. The Chair further clarified that the question of pending prosecutions could not be answered. This was within the remit of HMRC. We were within the 12 month window for HMRC to make a decision if there was a case to prosecute.

The legal representative's response that Charlotte Palmer could not answer if the premises are compliant or not as she can't answer beyond the times she had visited. He could mention in his submission, the question of compliance and his visit to the premises on 19 March 2015.

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The Chair also responded that the issues here were that non-duty paid tobacco were found on the premises and not for the first time. This is what should be focussed on.

j. Alan Aylott enquired if there had been any PACE (Police & Crime Evidence Act 1984) interviews, in respect of the review? Charlotte Palmer responded that no, not as far as she is aware.

5. The statement of Alan Aylott, on behalf of the licence holder, including the following points:
 - a. Mr Aydemir was the Company Secretary and his wife was the DPS of the family run premises. He had been in the licenced trade for 17 years, 14 of which at the premises.
 - b. He would mention the previous reviews , but only as the guidance suggested at 11-12, which was quite clear about repetitious reviews. He quoted the guidance:
“ a repetitious ground is identical or substantially similar to the ground for review specified in an earlier application for review, made in relation to the same premises licence or certificate which had already been determined”. He was not suggesting that the committee did not look at review history, but that the previous reviews had been dealt with at that time. The Licensing Act was all about moving forward and to look at where we were today rather than the past.
 - c. His instructions regarding the non-duty paid tobacco & cigarettes was that Mr Aydemir did do this. There was a high demand from his customers and that he had bought the goods from a Polish customer in order that he sold them to his customers. This was the first time non-duty paid tobacco & cigarettes triggered a review at the premises, the previous review was regarding non-duty paid alcohol.
 - d. Mr Aydemir had made a mistake. However, there had been no prosecutions by HMRC. It had been 4 months since the event and HMRC had not made it clear whether they would prosecute or not. His experience of working with HMRC suggested that they would not prosecute for such a small amount of non-duty paid goods.
 - e. The object of the review was to determine whether the Licensing objectives had been undermined, which they had, and whether the Licensing objectives could be promoted and met so the committee could be confident that this would not happen again. The Chair asked if he was saying that history was irrelevant and that everything was about going forward. That history was irrelevant and immaterial to this case? Mr Aylott responded that the history had to be taken into account, to learn from it and to then move forward.
 - f. From his visit to the premises on 19 March, 2015, Mr Aylott stated that the premises were fully compliant.
 - g. He had submitted two documents which had been issued by the Council. The Chair confirmed that as they should have been received within the 5 days, since the agenda was published.

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The notices, from Trading Standards, received following refusals to a test purchase volunteer. The first one was dated 23 May 2014 and the second dated 23 May 2014. Therefore, as a matter of the previous reviews, these dealt with under age sales and other matters. These were the reviews in 2008 and 2013 based on under age sales, breaches of conditions and incidents of anti-social behaviour. There was now no problems with under age sales.

h. The Police did not bring the review and were only supporting it. Trading Standards were entitled to bring the review on crime & disorder, however, the Police are the main source of information for this, in terms of providing the committee with information. Under normal circumstances one would expect a review for crime & disorder to be brought by the Police but this was not done.

i. The Police representative had stated that he had checked the crime & disorder figures for the last year but with a negative result for the premises. Mr Aylott's statement mentioned that there was no crime & disorder in this case. This incident was a criminal offence but had not been registered on the Police website. This was a one off incident as the police submission only included the one incident.

j. Mr Aylott referred to the guidance again. He referred to 9.12 of the guidance where the Police should be the Licensing authorities main source of advice on matters relating to the promotion of the Crime and Disorder Licensing objectives. Further to 9.12, he quoted that it remained incumbent on Police to ensure that their representations can withstand the scrutiny to which they would be subject at the hearing. Mr Aylott said that the Police did not bring the review and that the Chair didn't allow him to ask the Police Officer any questions. If this part of the guidance, therefore, referred to Trading Standards officers, they would still need to show that it remains incumbent on them to ensure that their representations can withstand scrutiny.

k. At 9.15 of the guidance it states that it doesn't necessarily mean that the Police should bring a review. Mr Aylott was making sure that the Committee were aware of all the guidance, for completeness and clarity.

l. 11.20 of the guidance stated that the Committee had to identify the cause or causes of concern and respond to that with measures that were appropriate and proportionate and that in deciding which of their powers they should invoke. Removal of the DPS, suspension of the licence, revocation of the licence or no action could be taken by the Committee.

m. 11.23 of the guidance stated that the temporary changes or suspension of the licence, for up to 3 months, could impact on the business. This was a family business and it could impact on the business financially. It would only be expected to be pursued as an appropriate means of promoting the licensing objectives. The licence could be suspended for a weekend, as a slap on the wrist.

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- n. He was not suggesting that no action be taken, but that the Committee should consider the financial impact on the premises when they take their decision.
- o. Mr Aylott quoted 11.24 and 11.27 of the guidance as a matter of completeness.
- p. Lastly, Mr Aylott quoted 11.28 of the guidance where in the first instance, revocation should be seriously considered. Whatever the Committee decided, they should be proportionate and appropriate to the instance that had been heard.
- q. Mr Aylott had submitted by e-mail two additional conditions, which had not been included in the supplementary agenda. The Chair confirmed that the Committee had seen them.
- r. Mr Aylott asked the Committee to consider suspension as a means of preserving the licence. The owners had been at the premises for a number of years and this was about non-duty paid tobacco and not alcohol. If the licence was revoked the premises could still sell tobacco. This was a one off and didn't warrant revocation. No other responsible authority had joined the review including no residents. Mr Aydemir had nothing further to add to Mr Aylott's submission.

- 6. Questions were invited on the representation:
 - a. The Chair mentioned that this was a family run business and that all the family were present at the hearing. Who was running the business this morning? Mr Aylott replied that there were other members of his family who ran the business. His immediate family were present today.
 - b. Councillor Savva enquired how much of the business is derived from the sale of alcohol and tobacco? Mr Aylott consulted his client and said that 50% of the business catered for alcohol sales with the remainder (40%) comprising groceries and tobacco & cigarette sales. The Chair asked if Mr Aydemir could be more specific with the estimate for tobacco & cigarette sales within the quoted 50%. Mr Aylott responded that alcohol sales were more than 50% and that Mr Aydemir could not be more specific. This question was based on the fact Mr Aylott had quoted 11.23 of the guidance, that any actions could impact on the business. The Committee were trying to understand the impact of the business relative to tobacco & alcohol sales. Some shops were grocery or general stores, where alcohol may be a relatively small proportion. So what we have here is a general store where alcohol is a quite significant proportion and tobacco relatively minor. Mr Aylott agreed.
 - c. Councillor Savva stated that Mr Aydemir had 17 years experience, in the licensing trade and had admitted that the licensing objectives had been undermined. How then, can support be given in cases such as these where the people running the premises have vast experience but still bought illegal tobacco from a polish customer. Mr Aylott responded that it was a foolish mistake and irresponsible action. Councillor Fallart clarified that customer demand was high for the non-duty paid tobacco and that's why Mr Aydemir bought them. Was Mr

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Aylott trying to say that this was the justification for that? Mr Aylott replied that it was a mistake.

d. The Chair reiterated the statement of the Sub-Committee. The Committee did not have power to judge the criminality or otherwise of the issue. The Sub-Committee's role was to ensure the promotion of the crime and prevention objective. The Chair questioned that by the sale or stocking of non-duty paid goods the crime and prevention objective had been undermined? He asked if Mr Aylott had said that. Mr Aylott agreed.

e. The Chair questioned if the crime and prevention objective had been undermined on the 1 February 2011, when 162 litres of wine and 22.5 litres of spirit were seized by Trading Standards? Was it undermined on that occasion? Mr Aylott replied Yes.

f. The Chair further questioned if the crime and dis-order objective was undermined on the 1 April 2011, when 7 litres of non-duty paid Glen's Vodka were seized by Trading Standards. Was the crime and disorder objective undermined on that occasion? Mr Aylott clarified that he did not know the circumstances of the review on 1 April 2011 or if there had been any prosecutions. If they were non-duty paid goods, then there was an undermining of the licensing objectives.

g. The Chair further questioned that on 9 December 2014, non-duty paid tobacco was found on the premises. Does that action constitute the undermining of the crime and disorder licensing objective? Mr Aylott felt that he could not provide a yes or no answer. In answering this question Mr Aylott replied that the review was brought and the review had dealt with those matters and in going forward the Committee was satisfied that the licensing objectives had been met and promoted. The Chair accepted his answer, but asked if the licensing objectives had been compromised on those two separate occasions? Mr Aylott replied yes.

h. The Chair referred to guidance at 11.28 – where the reviews arise in respect of any review and this is a review in respect of formal activities and believe that the crime and prevention objectives are being undermined. That revocation, even in the first instance should be seriously considered.

The committee had now heard evidence that on three separate occasions on which non-duty paid goods had been found on these premises. Mr Aylott had not denied that history was irrelevant in this case. This was not the first instance. The instance from 9 December 2014, where non-duty paid goods were found on the premises. Was this correct? Mr Aylott replied that this was correct, but that this was the first time for tobacco.

i. The Chair questioned why Mr Aydemir was foolish enough to allow the undermining of the licensing objectives on the 9 December 2014, 1 February 2011 and 1 April 2011, especially as he was an experienced and responsible licence holder? Mr Aylott replied that on the 9 December 2014, Mr Aydemir had reacted to pressure from his customers and he bought non-duty paid tobacco and cigarettes but

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not alcohol. The last review was called in November 2013, a gap of 14 months and that the premises were fully compliant with their conditions. This review was hinging on this one incident on the 9 December 2014. The premises were not compliant on the 9 December 2014 but that they were compliant now, going forward.

j. The Chair asked Mr Aylott, to justify to the committee, why he considered past history of the premises as immaterial to this review? This was not the first occasion, under Mr Aydemir's holding of the licence, from which non-duty paid goods were found on the premises. Mr Aylott responded that with previous reviews, once the review has been dealt with, a line should be drawn under it, but the past and history should be referred to. The committee would have to take that into consideration. The Licensing Act had been set up in order that the public, responsible authorities and the Committee work together so as to be satisfied and confident that going forward the licensing object won't be undermined. Mr Aydemir, the DPS and his family regret what happened on the 9 December 2014 and want the committee to be confident that it won't happen again.

k. The Chair commented that Mr Aylott could not guarantee that this won't happen again, looking at the past.

l. Mr Aylott asked that committee not to invoke their powers for revocation but, as a deterrent, to suspend the licence.

m. Councillor Fallart stated that perhaps a temporary suspension may or may not help the situation, especially as Mr Aydemir is an experienced retailer and licence holder.

n. Mr Aylott commented that suspension of the licence would impact hard on the premises. The alcohol sales were substantial and the tobacco & cigarette sales were included in the remaining 50% of sales. This would be a deterrent for the premises because of the financial impact to his client.

7. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. Having heard these representations, it was time for the committee to consider whether it is appropriate for the premises licence at Sheelpa Express to be revoked for the issues heard, namely non-duty paid tobacco found at the premises.
 - b. The Committee should refer to the Council's Licensing Policy at 10.3 in their decision making. The Home Office guidance had already been referred to at s. 11.24, 11.27 and 11.28 and were highlighted for Members' attention, as set out in paragraphs 4.6 to 4.8 of her report.
 - c. The criminal activity, such as smuggled contraband tobacco should be treated particularly seriously and revocation should be considered even in the first instance.

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8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
 - a. The premises had a significant history and had been reviewed many times.
 - b. The Premises Licence Holder had admitted selling non-duty paid tobacco.
 - c. This was not a mistake, the PLH knew the consequences and the history of the premises showed a pattern of illegal activity.
 - d. Further non-duty paid goods had been seized by Trading Standards which showed a total disregard for the law despite receiving several warnings.
 - e. The Licensing Authority considered that the appropriate action was revocation of the licence.

9. The closing statement of PC Martyn Fisher, on behalf of Metropolitan Police Service reiterating support of the Licensing Authority's application for revocation of the Premises Licence.
 - a. There had been a pattern of offences that had been brought in front of the committee over a number of years, which quite clearly show that the Premises Licence Holder and the DPS were not up to the job of running a licenced premises.
 - b. In answer to Mr Aylott's earlier enquiry, there were no current prosecutions in place for the premises and there hadn't been any in the past 12 months.

10. The closing statement of Mr Alan Aylott, on behalf of the licence holder, including the following points:
 - a. This review had been triggered by the sale of non-duty paid tobacco on the 9 December 2014. From this date, the premises were now fully compliant and there had been no repeat of the sale of non-duty paid tobacco.
 - b. Mr Aydemir was now fully aware of the law and that the premises licence was in danger.
 - c. The Committee had other powers to revoke a licence i.e. suspension.
 - d. The DPS was Mr Aydemir's wife and she could be removed as a further option.
 - e. This was a strong wake up call for Mr Aydemir and his family.

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.

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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 the written and oral representations, the Licensing Sub-Committee (LSC) has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is to revoke the licence of Sheelpa Express.

By his own admission, Mr Aydemir (the Company Secretary of Cilana Limited) conceded that the crime and disorder licensing objectives had been undermined by his actions in buying non-duty paid tobacco from a Polish customer, in response to what he asserts was pressure from other customers to sell cheap cigarettes.

Mr Aylott (representative for the PLH) has suggested that the amount of non-duty paid tobacco was not significant but was in fact ‘at the low end of the scale’.

He also pointed out that the Police Service is usually the main source of advice regarding the crime and disorder objective. However, the LSC noticed in this case that the Metropolitan Police Service (MPS) role was limited to supporting the representations of Trading Standards as the Applicant.

Mr Aylott sought to persuade the sub-committee that guidance with regard to what he contended had been repetitious reviews was a material factor in this case; however, each review has been brought against the company on different facts of wrong doing. As a result, the LSC has not given too much weight to the matters that founded the previous reviews, except as mitigating/aggravating factors.

The panel noted that there had been two previous occasions, back in 2011, in which non-duty paid products, on those occasions alcohol of varying kinds, had been found – and on 1st February 2011, in particularly large volumes and of significant proportions.

On those occasions, Trading Standards adopted a “softly-softly” approach and allowed the business to continue trading, but advised the PLH to submit a minor variation to strengthen the conditions of the licence.

In the same letter (14 July 2011), the PLH was warned as to future conduct in respect to similar offences.

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At today's hearing, the PLH did not deny that those two incidences of alcohol seizures had both undermined the crime and disorder licensing objective.

Section 11.28 of the statutory guidance suggests that revocation can be seriously considered, even as a first offence. Mr Aydemir has shown a pattern of behaviour of committing criminal offences of various types until compelled by the actions of the authorities to stop doing so.

All of these offences have occurred at the current premises, for which Mr Aydemir has been responsible for fourteen years; and the LSC was additionally informed that he has been a licence holder for seventeen years in total. Therefore, as an experienced licence holder, he has had ample opportunity to demonstrate his capacity to operate his licences effectively and appropriately.

The Sub-Committee noted that despite all advice and guidance provided, and specific warnings issued (especially after the earlier occasions of non-duty paid goods being found on the premises), the strengthening of conditions as a result, as well as changing the DPS, across the years in which this business operating from these premises has come to the attention of different sub-committees and that despite all this activity, the latest offence, which has triggered the current review, still occurred.

Having considered all the written submissions and listened attentively to the oral presentations at the hearing, the LSC has determined that the appropriate step to take for the promotion of the Licensing objectives is to revoke the licence”.

3. The Licensing Sub-Committee resolved to revoke the licence.

525

MINUTES OF PREVIOUS MEETING HELD ON 11 FEBRUARY 2015

RECEIVED the minutes of the meeting held on 11 February 2015.

AGREED that the minutes of the meeting held on 11 February 2015 be confirmed and signed as a correct record.

526

MINUTES OF PREVIOUS MEETING HELD ON 25 FEBRUARY 2015

RECEIVED the minutes of the meeting held on 25 February 2015.

AGREED that the minutes of the meeting held on 25 February 2015 be confirmed and signed as a correct record.

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LICENSING SUB-COMMITTEE - 29.4.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 29 APRIL 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy, Dogan Delman and George Savva MBE

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Luigi Patrascu and Mrs Eugenia Patrascu (Applicant for Taverna) and Ms Rechnitz friend / interpreter
Mrs M. L. Nock and Mrs K. Maskell (Interested Parties)
Mr Tom Mitchell and Mr Matthew Smith (Applicant for 21 The Green)

527

WELCOME AND APOLOGIES FOR ABSENCE

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

There were no apologies for absence.

528

DECLARATION OF INTERESTS

There were no declarations of interest.

529

TAVERNA, 290 GREEN LANES, LONDON, N13 5TW (REPORT NO.234)

RECEIVED the application made by Mr Luigi Patrascu and Mrs Eugenia Patrascu for a new Premises Licence for the premises known as and situated at Taverna, 290 Green Lanes, London, N13 5TW.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence.
 - b. The applicants had not held a premises licence previously.
 - c. The hours applied for were set out on page 1 of the report. The times were reduced slightly from those in the original application.
 - d. Recent changes to the Licensing Act 2003, affecting licence requirements for recorded and live music were highlighted.

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- e. As conditions and a reduction in times had been agreed, the representations from the Licensing Authority and the Metropolitan Police Service had been withdrawn.
 - f. Representations against the application had been received from two local residents at two separate addresses, objecting to the proposed regulated entertainment and times on public nuisance grounds.
 - g. A further letter of representation had been received on 23 April 2015 and circulated to all parties. An additional resident had signed this letter, but they had not made representation during the consultation period and so their representation could not be considered.
 - h. The two residents who made representation had addresses at 26 and 74 Devonshire Road. An additional map had been circulated to all parties showing the location of those addresses and the premises' location.
2. The opening statement of the interested parties, Mrs Nock and Mrs Maskell, including the following points:
- a. Although they were the only two residents in attendance, they had consulted other people in Devonshire Road and confirmed there were other people who objected, but had been too late to make formal representations.
 - b. The three principal concerns of the objectors were noise, nuisance and flouting of conditions.
 - c. This business would lead to an increase in traffic and an increase in noise. The alley between Green Lanes and Devonshire Road would become more noisy. There was already a plethora of pubs in this stretch of Green Lanes and an additional venue selling alcohol was not needed.
 - d. Local residents who worked shifts would be especially affected by an increase in noise. An EU directive set out what daily rest shift workers should get. With Taverna staying open past 10pm every night, that would not be conducive to rest for workers.
 - e. Many local residents were elderly and infirm or had health problems and needed their sleep and must avoid stress. This would be impossible if there was noise late at night from this restaurant, including on Sundays.
 - f. Nuisance was caused by people coming out of local pubs and restaurants, loitering in streets, and slamming of car doors. There was vomiting and urinating in the street. The residents did not need another late night rendezvous and alcohol. Once people were off the premises, the licence holder had no responsibility.
 - g. In reference to flouting of conditions, Condition 22 mentioned an external designated area for smoking, but the application said there would be tables outside and alcoholic drinks: that was not acceptable. There were too many people drinking outside in this area already.
 - h. The appropriate level of noise seemed to be a subjective decision. They questioned the radius within which noise would be assessed, and were concerned that noise would travel.

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- i. They believed that opening hours were excessive, and that there could be noise until 2 or 3 am.
 - j. This premises was trying to double as a nightclub. Business concerns should not interfere with residents' rights. They suggested an 8pm closing time Sunday to Thursday and 11:30pm on Friday and Saturday, and no late night refreshment at all.
 - k. They had talked to many people in their street. Directly in line with the premises lived a lady over 90 years old. There was a resident convalescing from a severe operation who had been told to have an easy and simple life. Others nearby had disabilities and health problems or were old and frail. Workers who needed to travel needed to be up early and went to bed early. Sound travelled a long distance at night. There were already many pubs locally and consequent problems: another venue would increase the nuisance and noise.
3. Mrs Nock and Mrs Maskell responded to questions as follows:
- a. The Chair asked whether concerns were attributable to existing premises on Green Lanes, and whether they had sought a review on any of those. Mrs Maskell advised that she had attended a hearing in relation to the Alfred Herring pub and made sure that no music was permitted: they had applied for music but were turned down.
 - b. In response to the Chair's queries about 'flouting of conditions' when a licence had not been granted, the part of the application was quoted that "in summer we will put some tables outside in front of the premises and maybe the customers will want to serve an alcoholic drink" and therefore that would breach Condition 22.
 - c. In response to the Chair's highlighting Condition 21 to ameliorate noise, it was maintained that if people were sitting outside the doors would be opening and closing all the time allowing noise to escape, and it was feared that in summer the windows would be open.
 - d. In response to further queries by the Chair regarding the licence holder's responsibilities, it was stated that if the applicant was not allowed to have a licence to serve alcohol until late, then there would not be people congregating late at night.
 - e. In response to the question how people congregating could be attributed to this particular venue, it was asserted that this would be the only premises that would be open later than the pubs.
 - f. In response to further queries about the claims of nuisance and noise "until at least 2am", it was clarified that this was noise expected after the premises closed. The opening hours may finish at 1am, but people would not instantly disappear but would hang around, talk, shout and gradually disperse, so there would be noise until possibly 3am.
 - g. Councillor Delman asked about pubs in the vicinity: these were confirmed as the Alfred Herring, the Fox and the Inn on the Green. The Principal Licensing Officer confirmed that there was more than one premises open later hours than those sought in this application

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- h. Councillor Delman asked why customers of the premises would cross Green Lanes and go into Devonshire Road. The objectors advised that people could park in their road – there was public parking at the top end of Devonshire Road.
- i. The Chair explained that he had to understand the objections being made against this particular premises which had not opened and proposed alcohol ancillary to a meal. It was advised that the premises was going to have live music and late hours every night and be open until 1am Friday, Saturday and Sunday. It was felt there should be no more such venues in Green Lanes. The main concern regarding this premises was the music: no other premises had loud music and dancing. Noise would inevitably escape; it could not all be closed in. There was concern that the volume of music would not be controlled and that noise would travel. The licence holders would be put on trust that they would keep doors and windows closed and keep rowdiness down.
4. The statement of the applicants Mr Luigi Patrascu and Mrs Eugenia Patrascu, including the following points:
- a. They understood the concerns of residents and had listened to their points, but the residents had no reason to worry as they would act within the law and respect the licensed hours. They did not know why there was an assumption they would not operate the licence properly.
 - b. They wanted to confirm that there would be no alcohol served outside, only coffee. At the Chair's request, the Principal Licensing Officer provided a clarification about the use of the pavement space. There was no street trading licence at the moment. The plan did not include the front area. The application was for on and off sales. Condition 22 restricted the external area at the front of the premises for the use of smokers. She confirmed that if the applicants wished to serve coffee outside they would need a tables and chairs licence.
5. Questions were invited on the submission:
- a. The Chair highlighted entries on the application regarding non standard timings "if there is an event from Monday to Thursday" as he understood the licence could not be over-ridden unless a Temporary Event Notice was submitted. The Principal Licensing Officer confirmed that written advice on this had been provided to the applicant.
 - b. In response to the Chair's queries, the applicants confirmed that they had not understood everything at the time of filling in the application form, but they were now clear about the issues relating to use of the outside space.
 - c. The applicants confirmed that there would be 39 seats in the restaurant and a maximum capacity of 50 people. They did not expect the restaurant to be fully occupied at all hours and expected the peak time for many people to visit would be 5:00 / 6:00 pm, but expected the premises to be busy until maybe 10:00 / 11:00 pm on Saturdays.

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- d. The applicants confirmed that they had not operated a restaurant before, but they had run a patisserie.
 - e. The Chair asked why the hours applied for had been sought. It was advised that the times may be needed for parties or weddings on occasion. They would not hire the venue to third parties. At all times the applicants would be on the premises and would be the hosts. If customers wanted to hold a party, the licensed hours would be made clear to them from the beginning.
 - f. In response to the interested parties' question whether if a Temporary Event Notice (TEN) was obtained, there would be an obligation to notify local residents, the Principal Licensing Officer advised that was not an obligation and that only the Police and Environmental Health were notified and could make objections. TENs were limited to a maximum number per year. If an objection was raised, there was a process to be followed, including consideration by Licensing Sub-Committee.
 - g. The interested parties raised that it would be polite to inform neighbours if a later event was scheduled. The Chair acknowledged that this was a point fairly made and that the business owners had heard what was said and should take heed and correspond with residents.
6. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
- a. The Home Office Guidance s. 10.13 and the Council's licensing policy s. 8.3 and 8.4 were highlighted for Members' attention, as set out in paragraph 5 of her covering report.
 - b. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
7. The closing statement of the interested parties, Mrs Nock and Mrs Maskell, including the following points:
- a. They were surrounded by pubs. Four in particular impinged on them: Inn on the Green, the Wishing Well, the Alfred Herring and the Fox. Unfortunately this was not designated a Cumulative Impact Policy Area. The local residents did feel that this was cumulative.
 - b. The biggest concern was noise late at night.
 - c. They questioned whether it was absolutely necessary to be open so late on Sundays.
8. The closing statement of the applicants Mr Luigi Patrascu and Mrs Eugenia Patrascu, including the following points:
- a. They had already asked for shorter hours than other units in the area.
 - b. This would be a family type restaurant. There would only be alcoholic drinks served with food. This would not be a drinking place.
 - c. There were no immediate neighbours who objected.

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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 heard all the oral submissions to reinforce the written application and representations against the application, the Licensing Sub-Committee (LSC) considers that granting this licence application in full would be appropriate as all sufficient steps have been taken for promotion of the licensing objectives.

We note that the original application has been amended to reduce the hours and a wide range of conditions have been added, which has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations.

We have listened carefully to the concerns of the remaining objectors, but do not feel that the objections are sustained, especially as there are four pubs and several restaurants already in the immediate vicinity.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
 - (i) Hours the premises are open to the public : Monday to Thursday from 08:00 to 23:00 and Friday to Sunday from 08:00 to 01:00 the following day.
 - (ii) Supply of alcohol (on and off supplies only) : Monday to Thursday from 12:00 to 22:30 and Friday to Sunday from 12:00 to 00:30 the following day.
 - (iii) Live music (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday 14:00 to 01:00 the following day.
 - (iv) Recorded music (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday from 14:00 to 01:00 the following day.
 - (v) Performance of dance (indoors) : Monday to Thursday from 12:00 to 23:00 and Friday to Sunday from 12:00 to 01:00 the following day.
 - (vi) Late Night Refreshment (indoors) : Friday to Sunday from 23:00 to 00:45 the following day.

Conditions in accordance with Annex 04 to the LSC report.

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**21 THE GREEN, 21 THE GREEN, WINCHMORE HILL, LONDON, N21 3NL
(REPORT NO.235)**

RECEIVED the application made by Mr Tom Mitchell Limited for a new Premises Licence for the premises known as and situated at 21 The Green, 21 The Green, Winchmore Hill, N21 3NL.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence.
 - b. The applicant had not held a premises licence previously.
 - c. The hours applied for had been slightly unclear over non-use of the 24 hour clock, but had been clarified through mediation and were set out on page 35 of the agenda pack. All licensable activity would cease at 11 pm and the premises would close at 11:30 pm.
 - d. Recent changes to the Licensing Act 2003, affecting licence requirements for recorded and live music were highlighted.
 - e. As conditions and times had been agreed, the representations from the Licensing Authority and the Metropolitan Police Service had been withdrawn.
 - f. Representations against the application had been received from two local residents at the same address. They objected to the application in its entirety on public nuisance grounds.
 - g. The two residents who made representation lived in Repton Court, opposite the premises. They had advised that they were unable to attend this meeting. The Chair confirmed that objectors were not obliged to attend the hearing, and that their written representations carried as much weight as if they were here in person.
2. The opening statement of the applicant Mr Tom Mitchell and his agent Mr Matthew Smith, including the following points:
 - a. Mr Mitchell was trying to turn his premises from a retail shop to a cocktail bar.
 - b. There had been quite a few problems at the shop in the past because of the nature of the items sold and the quality of the clothes. The shop experienced major problems with burglaries and as a result its insurance premiums had gone up.
 - c. Mr Mitchell had carried out his own survey of local residents and he wanted to take their feelings into consideration. He had taken on board what they said about hours and made his application accordingly.
3. Questions were invited on the submission:
 - a. The Chair commented on the consultation with local residents and asked if the objectors Leah Harmer and Bradley Smeeton and the

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immediate neighbours had been spoken to. The applicant was unable to confirm that as he did not ask for names, but he had been in the premises for the last 12 years and knew most of the people who lived nearby. He believed the objectors were relatively newcomers.

b. The Chair queried the description of the venue given today as a cocktail bar, and previous conflicting descriptions of the proposal. Mr Mitchell confirmed that the venue intended to serve nothing but seafood and cocktails, and that it would be open to the public.

c. The Chair confirmed that the sub-committee must make the decision whether the four licensing objectives were being properly promoted and questioned that all sections of part M of the application form had been marked "not applicable". Mr Mitchell had been advised by officers that the sections did not need to be filled in, but he would comply in full with all statutory requirements. It was noted that all conditions were agreed.

d. The applicant confirmed that he was aware that the business could not be operated without planning permission. He had chosen to make the licensing application first as there was an urgency to get everything sorted out as quickly as possible, but he understood the risks involved. He understood that planning and licensing were separate regimes, and that having a premises licence would not predispose the Planning Committee to grant permission.

e. The Chair asked about fear and concerns caused to residents by an application for something which may not materialise. Mr Mitchell advised that at his level, merchandise had to be forward ordered a year in advance, and he had had to get rid of all existing stock and cancel all his manufacturers, so everything had to be done to a schedule.

f. In response to the Chair's question about the applicant's previous experience, Mr Mitchell confirmed he had no experience running a cocktail bar or restaurant or licensed premises besides serving behind a bar in his student days, but that he had been in business for around 50 years.

g. Mr Mitchell confirmed that he would be the Designated Premises Supervisor as well. He advised that he would be employing a chef and probably a manager and probably two barmaids. The venue would provide table service. His role would be more over-seeing the operation. He confirmed that the maximum capacity would be 40 to 50 people.

4. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. The Home Office Guidance s. 10.13 and the Council's licensing policy s. 8.3 and 8.4 were highlighted for Members' attention, as set out in paragraph 5 of her covering report.
 - b. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.

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5. The closing statement of the applicant confirming that he would continue to take advice from appropriate sources throughout the process.

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 considered all the written and oral submissions, the Licensing Sub-Committee (LSC) believes that it is appropriate for the promotion of the licensing objectives to grant the application in full – as all sufficient steps have been taken so to do.

We note that the original application has been amended to reduce the terminal hours until 11:30pm – and all remaining licensable activities would have to cease at 11:00pm. In addition, the wide range of conditions that have now been agreed and added has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations.

The LSC has taken note of and addressed the concerns of the remaining objectors, but does not feel that the objections are sustained, especially as there are already several restaurants and other pubs in the immediate vicinity; and that the area in and around Winchmore Hill Green does not fall within a cumulative impact policy zone.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
 - (i) Hours the premises are open to the public : Monday to Sunday from 12:00 to 23:30.
 - (ii) Supply of alcohol (on supplies only) : Monday to Sunday from 12:00 to 23:00.
 - (iii) Recorded music (indoors) : Monday to Sunday from 12:00 to 23:00.

Conditions in accordance with Annex 05 to the LSC report.

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