

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 5 October 2016 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  
E-mail: [jane.creer@enfield.gov.uk](mailto:jane.creer@enfield.gov.uk)  
Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

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

## 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. THE DRINKUP GROUP, 111 WILLOW ROAD, ENFIELD, EN1 3BP (REPORT NO. 94) (Pages 1 - 32)

Application for a new premises licence.

### 4. MINUTES OF PREVIOUS MEETINGS (Pages 33 - 46)

To receive and agree the minutes of the meetings held on Wednesday 27 July 2016 and Wednesday 10 August 2016.

### 5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

(There is no part 2 agenda)

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**MUNICIPAL YEAR 2016/17 REPORT NO.**

**COMMITTEE :**  
**Licensing Sub-Committee**  
**5 October 2016**

**REPORT OF :**  
**Principal Licensing Officer**

**LEGISLATION :**  
**Licensing Act 2003**

Agenda - Part	Item
<p><b>SUBJECT :</b>  <b>Application for a new premises licence</b></p> <p><b>PREMISES :</b>  <b>The Drinkup Group, 111 Willow Road, ENFIELD, EN1 3BP.</b></p> <p><b>WARD :</b>  <b>Town</b></p>	

**1 LICENSING HISTORY & CURRENT POSITION:**

- 1.1 The premises has not held a licence previously. The building is a separate garage which forms part of a residential property. Access to the garage/building is through a locked gate.
- 1.2 A copy of a location map of the premises is attached as Annex 01.

**2 THIS APPLICATION:**

- 2.1 On 15 August 2016 an application was made by **The Drinkup Group Limited** for a new Premises Licence for The Drinkup Group, 111 Willow Road, ENFIELD, EN1 3BP . The proposed Designated Premises Supervisor (DPS) is **Mr Ritchie Llewellyn**, however the personal licence details have not been confirmed to date.
- 2.2 The application seeks a licence for an online alcohol delivery service, namely:
- 2.2.1 **Hours the premises are open to the public:** 14:00 to 04:00 daily.
- 2.2.2 **Supply of alcohol (off supply only):** 14:00 to 04:00 daily.
- 2.3 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.4 Each of the Responsible Authorities were consulted in respect of the application.
- 2.5 A copy of the application is attached as Annex 02.
- 2.6 A copy of additional information to support the application is attached in Annex 03.

### 3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Representations were made against the application, namely seeking further conditions. These conditions have been agreed by the applicant and subsequently the representation has been withdrawn.
- 3.2
- 3.3 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representations against the application in its entirety and objections have been made based on the Protection of Children from Harm and Prevention of Public Nuisance licensing objectives. Should the application be granted in full or in part, the Licensing Authority sought further conditions which have been agreed by the applicant.
- 3.4 A copy of the Licensing Authority representation is attached as Annex 04.
- 3.5 **Other Persons:** Representations have been made, against the application, by two ward councillors. The grounds of representation are based on the prevention of public nuisance, the prevention of crime and disorder and public safety licensing objectives.
- 3.4 Copies of the representations are attached as Annex 05 and Annex 06.

### 4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this application are attached as Annex 07. All conditions have been agreed by the applicant and Responsible Authorities.

### 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)].

- 5.5 The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.17.1].

**Cumulative Impact Policy:**

- 5.6 The premises is not located in a Cumulative Impact Policy Area.

**Hours:**

- 5.7 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.13].
- 5.8 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].
- 5.9 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].

**Mobile, remote, internet and other delivery sales**

- 5.10 This application refers to online sales of alcohol. In this instance, the "sale" of alcohol takes place when the alcohol is physically set aside in the storage area for the purposes of delivery to the customer. Therefore it is this action that the licensable hours of alcohol refer to. The times of delivery to and from the premises do not form part of the sale of alcohol, but can be regulated through conditions. The Guidance provides more information below:
- 5.11 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it. [Guid 3.7]
- 5.12 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone,

or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions. [Guid 3.8]

- 5.13 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required. [Guid 3.9]

**Decision:**

- 5.14 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 9.36].
- 5.15 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:
- 5.15.1 the steps that are appropriate to promote the licensing objectives;
  - 5.15.2 the representations (including supporting information) presented by all the parties;
  - 5.15.3 the guidance; and
  - 5.15.4 its own statement of licensing policy [Guid 9.37].
- 5.16 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 :
- 5.16.1 To grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 5.16.2 To exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 5.16.3 To refuse to specify a person in the licence as the premises supervisor;
  - 5.16.4 To reject the application [Act s.18].

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

**Contact Officer :**  
**Ellie Green on 020 8379 8453**





**Drinkup Group, 111 Willow Road, ENFIELD, EN1 3BP**

LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET,  
ENFIELD, EN1 3XE  
[www.enfield.gov.uk](http://www.enfield.gov.uk)



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Scale 1:1250  
Date 27/09/2016



W/L

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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 The Drinkup Group Limited

*(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			
The Drinkup Group 111 Willow Road			
Post town	London	Postcode	EN1 3BP

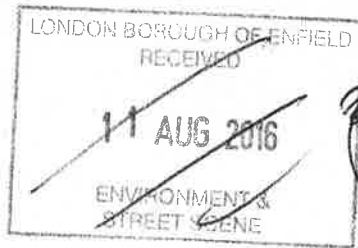
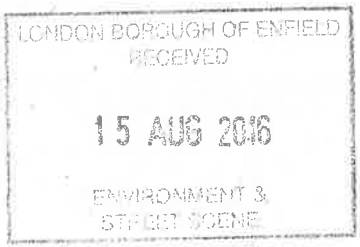
Telephone number at premises (if any)	07855 073333
Non-domestic rateable value of premises	£ N/A

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)



Handwritten note: Email

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

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

<b>Name</b> The Drinkup Group Limited
<b>Address</b> 111 Willow Road London EN1 3BP
<b>Registered number (where applicable)</b> 10189840
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited Company
<b>Telephone number (if any)</b> 07908806620
<b>E-mail address (optional)</b> info@drink-up.club

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	2	082016

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

DD	MM	YYYY

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

The premise is a securely locked building, located on a fenced and gated private property, 4.5m x 3m. CCTV will be installed.

Members of the public will not be able to access the premises; all orders will be taken online. Public will never attend the premises for any reason.

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

N/A
-----

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

**A**

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

**B**

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



## 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 type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			N/A	Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<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					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) N/A		
Mon	14.00	04.00			
Tue	14.00	04.00			
Wed	14.00	04.00			
Thur	14.00	04.00			
Fri	14.00	04.00			
Sat	14.00	04.00			
Sun	14.00	04.00	<b>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</b> (please read guidance note 5) N/A		

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

Name Ritchie Llewellyn	
Address 111 Willow Road Enfield	
Postcode	EN1 3BP
Personal licence number (if known) In the process	
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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  N/A Public will never have access
Day	Start	Finish	<b>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</b> (please read guidance note 5)  N/A Public will never have access
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**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)**

The premises will purely operate as an online order business with no public access at all. Alcohol will be provided for private parties and functions.

There will be no disorder, safety issues, noise or any potential danger to children associated with the premises at all, as the public will not have access. Stock will be packed and stored to ensure minimal noise.

The Licensee will receive occasional deliveries of alcohol, in very low volumes and will request small vans, not Lorries to make the deliveries.

**b) The prevention of crime and disorder**

CCTV will be installed and maintained.

The Licensee will ensure alcohol is only sold to persons over 18 by using the online age verification button.

Minimal amounts of alcohol will be stored, with low value as company will operate based on pre orders from customers.

The premises will not be open to the public and will not be accessible to the public. Site is securely locked and no stock will be visible to anyone.

Alcohol will only be delivered to the delivery address provided by the customer when the order is placed. Full address details, including postcode, will be taken when placing an order.

Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).

Online payments will be secure and verified via a suitable safe online merchant

Delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

Delivery will also be refused if driver believes the alcohol being purchased on behalf of another person who is not 18.

No ID no delivery.

Customers will be reminded within the terms and conditions that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.

A refusal/incident book will be kept in the office and record any failed deliveries.

Deliveries not made for any of the reasons stated above, the driver will return the order to the premises.

The Licensee will ensure all staff are trained in alcohol sales.

Terms and conditions on the website will state 'we reserve the right to refuse any orders at our sole discretion'

Access to the premises will be limited to persons known to and approved by The Drinkup Group Limited.

c) Public safety

The premises will ensure Health & Safety; fire regulations/requirements are in place and adhered to.

Alcohol will only be sold to persons over 18 online using verification. Identification will be checked on delivery.

Responsible drinking will be considered at all times and alcohol will not be supplied if for any reason the team feel alcohol would affect the safety of any person or persons. The terms and conditions will state 'we reserve the right to refuse any orders at our sole discretion'

A Health & safety risk assessment will be undertaken of the premises where alcohol is stored.

d) The prevention of public nuisance

Limited repackaging of alcohol will be undertaken within the premises, boxes of alcohol or gift packs will be dispatched by courier to the customer who has ordered over the internet.

No consumption of alcohol will take place within the premises.

Staff/drivers will be instructed on noise minimisation.

e) The protection of children from harm

The premises will not be open to the public.

The 'Challenge 25' will be implemented, if driver considers recipient of alcohol to appear under 25 recognised photographic identification will be requested before any alcohol is handed over.

Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence or passport.

The Licensee will ensure alcohol is only sold to persons over 18, by using the online age verification button.

Deliveries will only be delivered to a genuine address and handed to an adult who will sign upon receipt.

The licensee will refuse an order or refuse to make a delivery at their discretion, and will exercise this right if any doubt arises as to a customer not being aged 18 years or over.

The licensee will refuse an order or refuse to make a delivery at their discretion, and will exercise this right if any doubt arises regarding safety of any person.

**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	J. Ahmet
Date	10/08/16
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

Jamie Llewellyn  
111 Willow Road

Post town	Enfield	Postcode	EN1 3BP
Telephone number (if any)	07931 613912		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
info@drink-up.club			

#### Notes for Guidance

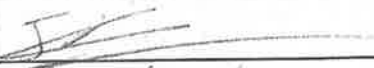
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, 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.



**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	
Date	<del>10/6/16</del> 10/8/16
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)

Jamie Llewellyn  
111 Willow Road

Post town	Enfield	Postcode	EN1 3BP
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Telephone number (if any)	07931 613912
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
info@drink-up.club

**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.



Section 37(3)

Consent of individual to being specified as premises supervisor

Reference number:

I [full name of prospective premises supervisor]

Ritchie Llewellyn

of [home address of prospective premises supervisor]

111 Willow Road  
Enfield  
EN1 3BP

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

[type of application]

New Premises Licence

by

[name of applicant]

The Drinkup Group Limited

relating to a premises licence

[number of existing licence, if any]

N/A

for

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

Drinkup Club  
111 Willow Road  
Enfield  
EN1 3BP

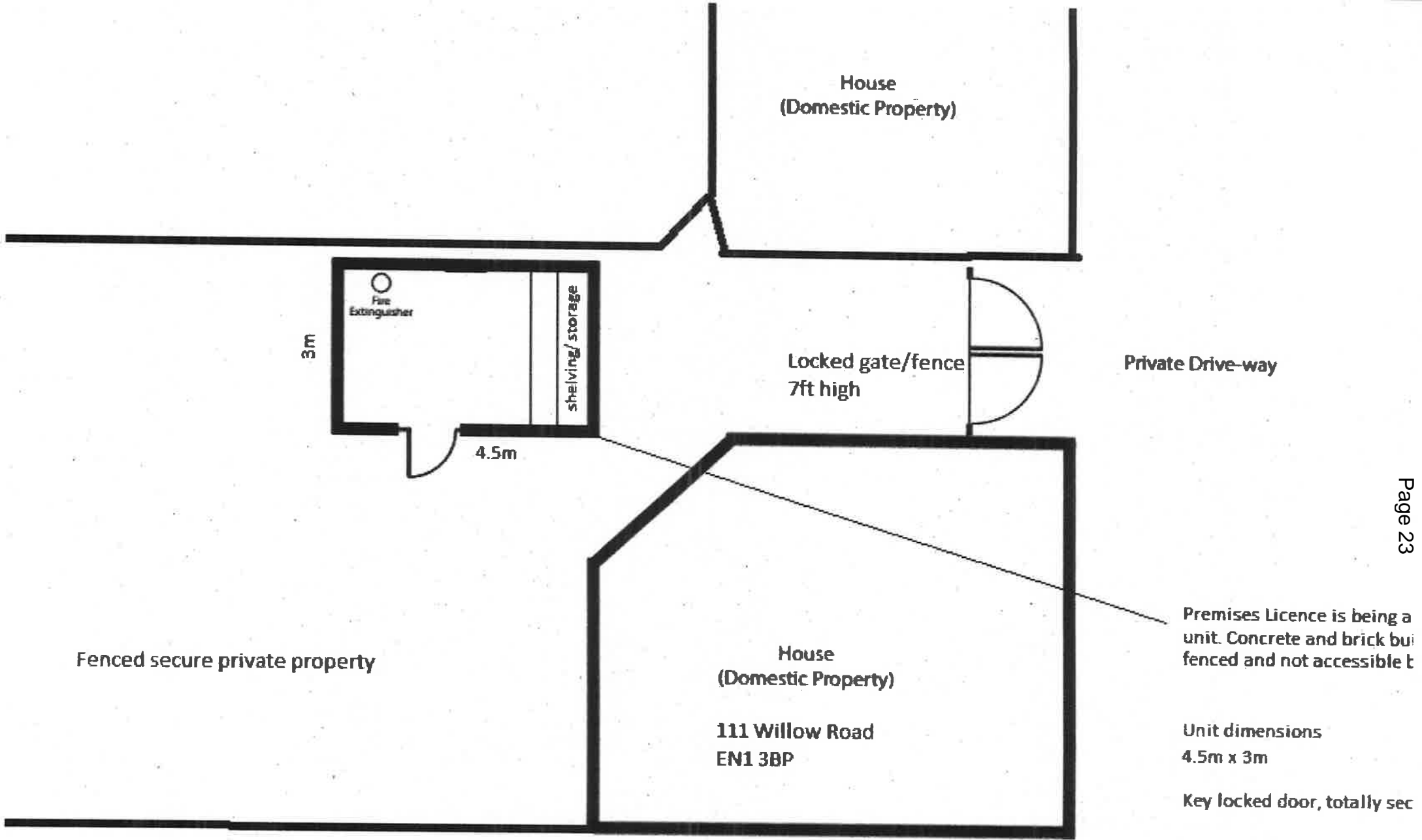
and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

The Drinkup Group Limited

CONTINUED





Scale 1:100

Business will adapt its operations. The DrinkUp Group will collect and deliver beverages (including alcoholic) required for events on a pre-order basis. Minimal storage will be required.

- Deliveries will be made from the premises between 2pm – 10pm
- Deliveries to the premises will be the residents of the residential address usually on their way home from work. No increased commercial vans necessary as we collect products. No later than 8pm.
- Late night service will be launched next year from an Industrial development
- Planning permission consultation will begin based on results of the premises license

## **Amendments to Application, Relevant to Representations**

### **CLLR – representations not deemed applicable**

**Inappropriate commercial development:** development already in place and in use for residential storage – has had no negative impact and will have no negative impact

**Burglary/crime risk:** creates no increased risk as site is secure and already used for storage

**Increased traffic:** not applicable, if storage is required will be home owners delivering themselves – will not have any vans making deliveries at all.

**Fire risk:** No large amounts will need to be stored. No more than currently stored for personal use

### **Licensing Authority – conditions met in full**

As outlined in original application -

- Alcohol sales will be transacted over the internet, customers will not purchase alcohol in person at the premises. – **condition 1**
- The 3 members of staff will be trained by the relevant DPS – **condition 2**
- Adequate controls will be in place to ensure that alcohol sales are only made and delivered to persons over the age of 18. – **condition 3**
- 'Think 25' will be incorporated at all stages - **condition 4**
- A written record of refused sales shall be kept on the premises and completed when necessary. Record available on request, for at least a year – **condition 5**

To add:

- 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. – **condition 6**
- No deliveries shall be made to the premises between 21:00 – 07:00 – **condition 7**
- No deliveries shall leave the premises between 22:00 – 07:00 – **condition 8**

### **Police – conditions met in full**

**Noise:** Deliveries will be expected before 7pm, no deliveries made from premises after 10pm

**Protection of children:** As outlined, think 25 will be incorporated and photo I.D checked upon delivery

**Prevention of crime:** Delivery will be refused if we do not believe the receiver is fit and well enough to receive or under influence of drugs. Refusal/Incident book will be kept and available on request.



### 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:** The Drinkup Group Limited  
111 Willow Road  
Enfield  
EN1 3BP

**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:

This is a new application for a distribution unit to allow the sale of alcohol (off sales only). Alcohol is only to be sold via a delivery service. Members of the public will not be permitted on the premises.

Activity	Proposed Time
Opening hours	14:00 – 04:00 everyday
Supply of alcohol (off)	14:00 – 04:00 everyday

**I wish to make representation on the following:**

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

#### Cumulative Impact Policy:

This premises is not located in any of Enfield's Cumulative Impact Policy areas.

#### Location:

This premises is located in a residential garden on a solely residential street with houses either side. Although the public will not be permitted access to the premises deliveries will be made to and from the site. The Licensing Authority has serious concerns about potential noise disturbance to local residents in connection with vehicles arriving at and leaving the premise along with loading and unloading of bottles. Although the applicant has stressed that noise will be kept to a minimum ambient noise levels in solely residential areas during the early hours of the morning are considerable reduced and any residents who are attempting to sleep could be disturbed by this noise. The storage area is a brick built building with a garage style shutter at one end. It is located close to the back door of the residential building. When standing inside the building light can be seen coming in through the gaps around the shutter showing it is

likely to have poor sound insulation. The Licensing Authority believes that this sort of activity is more suitable in industrial units rather than residential properties.

**Planning:**

No planning application has been submitted for the change of use from residential for commercial storage and deliveries.

Without a full planning application to assess, it is not possible for planning officers to give a detailed response, except to say no permission is in place to begin the use, and as the property is residential in a residential location, the planning department would consider this proposal unacceptable and any application received would possibly receive an unfavourable decision.

**Conclusion:**

The Licensing Authority objects to this application due to its residential location.

If the Licensing Committee is minded to grant this licence in full or in part the Licensing Authority would recommend that the following conditions be attached to the licence in order to promote the licensing objectives:

- Alcohol sales will be transacted over the internet, customers will not purchase alcohol in person at the premises.
- 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.
- 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.
- Adequate controls shall be in place to ensure that alcohol sales are only made and delivered to persons over the age of 18.
- A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed on the website and all marketing material.
- 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.
- No deliveries shall be made to the premises between 21:00 – 07:00.
- No deliveries shall leave the premises between 22:00 – 07:00

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

If the conditions were accepted in full the Licensing Authority WOULD NOT withdraw this representation.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Signed:

A handwritten signature in cursive script that reads "Palmer".

Date: 30/08/2016

IP01

Annex 05

**From:** Cllr Michael Rye

**Sent:** 17 August 2016 18:00

**To:** Gill Aylott; FSR-AdminSupport@london-fire.gov.uk; tony.byford@london-fire.gov.uk; Local Safeguarding Children Board; Charlotte Palmer; Ellie Green; Anne Stoker; YE-Licensing@met.police.uk; Robert Oles; Glenn Stewart; Martin Rattigan

**Cc:** Cllr Joanne Laban; Cllr Jim Steven

**Subject:** RE: The Drinkup Group, 111 Willow Road, ENFIELD, EN1 3BP. WK/ 216035869 LDR: 12/9/16 Officer initials: GA [SEC=OFFICIAL]

This is an inappropriate commercial development in a residential road and estate that involves a business with deliveries being run from a residential address. The storage of alcohol in reasonable quantities, may result in burglary, and may pose a fire risk.

I would wish to oppose this application and trust that it will be refused as:

An inappropriate commercial development in a residential area

Increased traffic movements by vans large or small

Potential crime risk

Potential fire risk.

Kind regards,

Mike

Cllr. Mike Rye, OBE

Town Ward

Shadow Cabinet Member Adult Social Services

Telephone 02083511384

Twitter @MR4Town

Surgery: Mondays please ring/email for an appointment

1 P02  
Annex 06

**From:** Cllr Joanne Laban  
**Sent:** 23 August 2016 14:14  
**To:** Cllr Michael Rye; Gill Aylott  
**Cc:** Cllr Jim Steven  
**Subject:** RE: The Drinkup Group, 111 Willow Road, ENFIELD, EN1 3BP. WK/ 216035869 LDR:  
12/9/16 Officer initials: GA [SEC=OFFICIAL]

Dear Gill

This is an inappropriate commercial development in a residential road and estate that involves a business with deliveries being run from a residential address. The storage of alcohol in reasonable quantities, may result in burglary, and may pose a fire risk.

I would wish to oppose this application and trust that it will be refused as:

An inappropriate commercial development in a residential area

Increased traffic movements by vans large or small

Potential crime risk

Potential fire risk.

Many thanks  
Joanne

**Drinkup Group Ltd Conditions**

## Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

## Annex 2 - Conditions consistent with the Operating Schedule

1. 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.

**CONDITIONS OFFERED BY THE APPLICANT:**

2. Alcohol will only be sold for private parties and functions.
3. Alcohol stock will be packed and stored to ensure minimal noise.
4. Only small vans, not lorries, will make deliveries to the premises.
5. CCTV will be installed and maintained.
6. Only minimal amounts of low value alcohol will be stored at the premises.
7. The premises shall be securely locked and no stock will be visible from the outside.
8. Alcohol will only be delivered to the delivery address provided by the customer when the order is placed. Full address details, including postcode, will be taken when placing an order.
9. Alcohol will only be delivered to the adult who placed the order and whose name appears on the payment card, and that adult must sign upon receipt of the delivery.
10. Online payments will be secure and verified via a suitable safe online merchant
11. Delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.



12. Delivery will be refused if the driver believes the alcohol has been purchased on behalf of another person who is under 18.
13. Customers will be reminded within the terms and conditions that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.
14. Deliveries not made for any of the reasons stated above, the driver will return the order to the premises.
15. Terms and conditions on the website will state 'we reserve the right to refuse any orders at our sole discretion'.
16. Responsible drinking will be considered at all times and alcohol will not be supplied if for any reason the team feel alcohol would affect the safety of any person or persons.
17. Access to the premises will be limited to persons known to and approved by The Drinkup Group Limited.
18. Limited repackaging of alcohol will be undertaken within the premises, boxes of alcohol or gift packs will be dispatched by courier to the customer who has ordered over the internet.
19. No consumption of alcohol will take place within the premises.
20. Staff/drivers will be instructed on noise minimisation.
21. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence or passport.
22. Deliveries will only be delivered to a genuine address.
23. No deliveries shall be made to the premises between 21:00 and 07:00.
24. No deliveries shall be made from the premises between 22:00 and 07:00.

**CONDITIONS SOUGHT BY THE LICENSING AUTHORITY AND AGREED BY APPLICANT:**

25. Alcohol sales will be transacted over the internet, customers will not purchase alcohol in person at the premises.

26. 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.

27. 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.

28. Adequate controls, such as an online age verification system, shall be in place to ensure that alcohol sales are only made and delivered to persons over the age of 18.

29. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed on the website and all marketing material.

30. 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.

**CONDITIONS PROPOSED BY METROPOLITAN POLICE AND AGREED BY APPLICANT:**

31. An incident book will be completed and kept and 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.

32. Upon delivery all persons accepting the alcoholic goods purchased will have their photographic identification checked to ensure they are 18 years or over and the goods are to be signed for by that person. Only Passports, photographic driving licenses or ID displaying the PASS logo (Proof of Age Standards Scheme) may be accepted.

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

## LICENSING SUB-COMMITTEE - 27.7.2016

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 27 JULY 2016**

**COUNCILLORS**

**PRESENT** (Chair - part) Chris Bond, (Chair - part) George Savva MBE, Toby Simon and Glynis Vince

**OFFICERS:** Ellie Green (Principal Licensing Officer), Victor Ktorakis (Senior Environmental Health Officer), Sergeant Allan Seth (Metropolitan Police Licensing Officer), Antonia Makanjuola (Legal Services Representative), Jacqui Hurst (Democratic Services)

**Also Attending:** Mark Walsh and Eimear Walsh, Directors of Celtic Cross Ltd. – The Winchmore, 235 Winchmore Hill Road, N21 1QA. Gokhan Surensay and Ali Surensay – applicants River Food and Wine, formerly known as News and Chews  
Mahir Kilic – applicant’s representative - River Food and Wine, formerly known as News and Chews

**44****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond, Chair, welcomed all those present and explained the order of the meeting.

Councillor Bond chaired the meeting for the application relating to “The Winchmore”, only (Minute No.46 below refers). Councillor Bond left the meeting at the conclusion of this item and Councillor Savva chaired the remainder of the meeting.

**45****DECLARATION OF INTERESTS**

There were no declarations of interest relating to any items on the agenda.

**46**

**THE WINCHMORE, 235 WINCHMORE HILL ROAD, LONDON, N21  
(REPORT NO. 56)**

**LICENSING SUB-COMMITTEE - 27.7.2016**

RECEIVED the application made by Mr Mark Walsh for a variation of the Premises Licence held by Celtic Cross Ltd at the premises known as and situated at The Winchmore, 235 Winchmore Hill Road, London, N21 1QA.

NOTED

1. The introductory statement by Ellie Green, Principal Licensing Officer, including:
  - a. That this application sought to vary the hours of opening and sale of alcohol on Fridays and Saturdays by one additional hour and approval for plays, films and late night refreshment as detailed on the application. The variations now being sought had resulted from mediation between the applicant and the Licensing Authority. No variation was being sought for Live music, recorded music and performance of dance.
  - b. Since the current licence had been issued in 2015, 24 Temporary Event Notices had taken place.
  - c. The Licensing Authority had withdrawn its original representation against the application following the agreements reached through mediation.
  - d. The Metropolitan Police service had made no representations against the application.
  - e. Six representations had been made against the application, by persons residing at five separate addresses in the vicinity of the premises. The grounds of representation included crime and disorder and public nuisance. Independent Person (IP)3 and IP4 were not objecting to the hours but had commented that stricter conditions needed to be taken into consideration. Copies of the representations received had been included as Annex 4 to the report under consideration.
  - f. Annex 5 to the report set out the existing and proposed conditions. Condition 29 had been proposed by other persons but had not yet been agreed by the applicant.
  - g. IP3 and IP4 had apologised that they could not be present at the hearing.
  
2. The introductory statement by the applicants, Eimear Walsh, Director (Celtic Cross Ltd.), The Winchmore, 235 Winchmore Hill Road, N21 1QA, including:
  - a. That one extra hour was being sought for Friday and Saturday opening hours and sale of alcohol. The measures taken to control customers leaving the premises were outlined. Music would still end at 23:00 as currently.
  - b. All conditions had been agreed with the exception of condition 29 which would not be within the full control of the premises.

**LICENSING SUB-COMMITTEE - 27.7.2016**

3. The questions raised by Members of the Sub-Committee in response to the statements which had been heard, including:
  - a. The Chair highlighted that condition 29 asked staff at the premises to “encourage” taxis/cabs to wait in the car park for the customer; so the wording of the condition recognised that this was not in the full control of the premises and was not enforceable. Therefore the condition should be accepted. The applicant agreed to this.
  - b. In response to a question raised by the Chair it was noted that any complaints received directly from residents were dealt with promptly. Local residents had been provided with contact e mail and mobile phone details for this purpose.
  - c. Councillor Vince questioned how the premises attempted to control any noise issues arising from customers leaving the premises late at night. Signs were displayed and customers asked to leave the premises quietly and, when appropriate a member of staff would also be outside the premises to control and to reduce noise nuisance as groups of customers left the premises. Members were encouraged by the measures taken to control noise from the premises.
  
4. The closing statement by Ellie Green, Principal Licensing Officer. The Sub-Committee were asked to consider the application and whether to grant the application in full, in part or refuse it. The relevant law, guidance and policies were highlighted in the report for consideration.

**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 Chair made the following statement:

“After listening to the applicant and conscious of Enfield’s licensing aims and objectives the Sub-Committee has decided to grant in full the terms as agreed with the applicant. The objectors’ views were considered in full.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:

**LICENSING SUB-COMMITTEE - 27.7.2016**

- (i) Hours the premises are open to the public: from 09:00 to 00:30 Friday and Saturday (Sunday to Thursday remains from 09:00 to 23:30)
- (ii) Supply of alcohol (on and off supplies): from 10:00 to 00:00 Friday and Saturday (Sunday to Thursday remains from 10:00 to 23:00)
- (iii) Plays (Indoors): from 09:00 to 00:00 Friday and Saturday
- (iv) Films (indoors): from 09:00 to 00:00 Friday and Saturday
- (v) Late Night Refreshment (indoors): from 23:00 to 00:00 Friday and Saturday

Live music, recorded music and performance of dance will remain as: from 09:00 to 23:00 daily.

Conditions (in accordance with Annex 05):

- (i) Conditions 1 to 28, which are not disputed,
- (ii) AND Condition 29 as agreed at the hearing

**47**

**NEWS AND CHEWS, 10 COLMAN PARADE, SOUTHBURY ROAD, ENFIELD, EN1 1YY (REPORT NO. 57)**

RECEIVED the application made by Mr Gokhan Surensay for a variation of the Premises Licence at the premises known as and situated at News & Chews, 10 Colman Parade, Southbury Road, Enfield, EN1 1YY.

NOTED

1. Councillor Savva chaired the Licensing Sub Committee, accompanied by Councillors Simon and Vince, for this item.
2. The introductory statement of Ellie Green, Principal Licensing Officer, including:
  - a. The premises were now known as River Food and Wine, formerly known as News and Chews. Application was being made to vary the current premises licence. The application sought: Opening hours from 06:00 to 02:00 Sunday to Thursday and from 06:00 to 03:00 Friday and Saturday, and, supply of alcohol (off supplies only) from 08:00 to 02:00 Sunday to Thursday and 08:00 to 03:00 Friday to Saturday.
  - b. That the premises were within the area covered by the Council's Cumulative Impact Policy (CIP). The Metropolitan Police and Licensing Authority had made representations on the grounds of the prevention of public nuisance. It was felt appropriate for the parts of the application that were within the CIP core hours to be

**LICENSING SUB-COMMITTEE - 27.7.2016**

granted and for the parts of the application variation that were outside of the CIP core hours to be refused, as outlined in the documents under consideration.

- c. No additional conditions were being sought.
3. The introductory statement of Victor Ktorakis, Senior Environmental Health Officer including:
- a. The location of the premises was highlighted together with the residential properties in close proximity. Representations had been made against the application which if granted would be felt to be detrimental to the Council's Licensing Objectives for the reasons set out in full in the documentation under consideration.
  - b. The premises were located in the Enfield Town Cumulative Impact Policy Area (CIP). The CIP related to all new and variation applications. The CIP stated that core hours should not be exceeded for each type of premises in particular locations. An objection had been made to the times applied for as they exceeded those permitted under the CIP core hours.
  - c. That a similar business in close proximity to the premises in question had licensed hours outside of the CIP as the premises had been operating prior to the CIP coming into force.
  - d. The breaches of conditions that had been found at the premises on two recent inspections with five conditions not complied with on the first visit and one remaining on the second visit with regard to staff training; this information had been e mailed to the Council the previous day.
  - e. In response to the statement presented, Members of the Sub-Committee sought clarification on other similar premises in the area, the comparative licensed hours and any issues of concern.
4. The introductory statement of Sergeant Allan Seth, Metropolitan Police, Licensing Team, including:
- a. The police crime and intelligence systems relating to these premises had been researched with a negative result.
  - b. The premises had been inspected in January 2016 by London Borough of Enfield licensing enforcement officers and three conditions had been found to be in non-compliance as set out in the documentation. Further breaches had been found in a subsequent inspection undertaken in June 2016.
  - c. The hours requested were outside of the restrictions of the Enfield Town CIP and as such the application for the hours over and above those as stipulated within the CIP statement, were objected to by the Metropolitan Police particularly on the grounds of prevention of crime and disorder. Additional hours sought within the CIP core hours would be supported.
  - d. In response to a question raised, it was noted that crime levels in Enfield Town had reduced following the introduction of the CIP and the efforts made by the Police and Licensing Authority.

**LICENSING SUB-COMMITTEE - 27.7.2016**

5. The introductory statement of the applicant's representative, Mr Mahir Kilic, including:
  - a. The opening hours of the premises were compared to those of a similar business nearby and the business implications highlighted.
  - b. This was a family run business which had been operating since December 2015.
  - c. The breaches of conditions found in previous inspections of the premises had now all been addressed as required so the premises were now fully compliant of the conditions.
  - d. The hours being sought would bring the premises into line with the other local comparative business.
  - e. Attention was drawn to the report of the Metropolitan Police Service noting that there had been no reports of crime relating to these premises. The extended hours sought for the sale of alcohol would match those of the nearby premises.
  - f. Mr Kilic made reference to Home Office Guidance and the London Borough of Enfield Licensing Policy Statement in support of the application under consideration.
  - g. No representations objecting to the application had been received from local residents.
  
6. A number of points of clarification were discussed, including:
  - a. The licensed hours of the nearby premises were noted.
  - b. The resulting commercial implications for these premises were highlighted.
  - c. The premises had previously been run as a newsagents which had not been licensed to sell alcohol.
  - d. The purpose of the Enfield Town CIP and the evidence linking alcohol with levels of crime and public disturbance. The policy addressed the cumulative effect of licensed premises in the area in question. The CIP had been in effect since 2012. Since that time there had been no successful new or variation applications for the sale of alcohol beyond the core hours specified in the CIP.
  - e. The commercial interests of individual premises were not a licensing objective.
  - f. Licensing objectives sought prevention of issues arising in the future.
  - g. That the CIP had been in operation prior to the current owners taking responsibility of the premises.
  - h. The conditions that had been breached on previous inspection visits to the premises as documented. The applicant confirmed that the breaches had now been addressed.
  
7. The closing statement of Ellie Green, Principal Licensing Officer, including:



**LICENSING SUB-COMMITTEE - 27.7.2016**

- a. The Licensing Sub-Committee was asked to consider the application to vary the premises licence in the light of representations heard. The Sub-Committee could decide to grant the application in part, in full or refuse it.
8. The closing statement of Sergeant Allan Seth, Metropolitan Police, Licensing Team, including:
    - a. The Metropolitan Police would only support the variation of hours within the core hours of the CIP.
  9. The closing statement of the applicant's representative, Mr Mahir Kilic, including:
    - a. Mr Kilic quoted paragraph 13.36 of the Home Office licensing guidance.

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.

Councillor Glynis Vince was not in support of the following decision.

2. The Chair made the following statement:

“The majority of the Sub-Committee has decided as follows:

We have listened carefully to the points made by the Licensing Authority, the Police and the applicant. There is another off licence very close by, which sells alcohol during the same hours as are proposed by the applicant. In these circumstances we judge that it is unlikely that the market for off sales will be expanded by granting this application. Applying paragraph 13.36 of the Home Office guidance we do not consider that granting this application would be likely to impact negatively on the licensing objectives. The guidance therefore persuades us that the application should be granted. Paragraph 9.3 of Enfield's Licensing Policy statement has been taken fully into account in reaching this decision.”

**LICENSING SUB-COMMITTEE - 27.7.2016**

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
- (i) Hours the premises are open to the public: from 6:00 to 02:00 Sunday to Thursday and from 06:00 to 03:00 Friday and Saturday
  - (ii) Supply of alcohol (off supply): 08:00 to 02:00 Sunday to Thursday and 08:00 to 03:00 Friday and Saturday

Conditions (in accordance with Annex 07):

- (i) Conditions 1 to 10, which are not disputed.

**48**

**MINUTES OF PREVIOUS MEETING**

RECEIVED the minutes of the meeting of Licensing Sub Committee held on Wednesday 22 June 2016.

**AGREED** that the minutes of the meeting of Licensing Sub Committee held on Wednesday 22 June 2016 be confirmed and signed as a correct record.

LICENSING SUB-COMMITTEE - 10.8.2016

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 10 AUGUST 2016**

**COUNCILLORS**

**PRESENT** (Chair) Chris Bond, Christine Hamilton and Jim Steven

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Victor Ktorakis (Licensing Authority), Steve Elsmore (ASB Unit), Dina Boodhun (Legal Services Representative), Metin Halil (Democratic Services)

**Also Attending:** Mr & Mrs Qadeer (Food & Wine Express), Mr Graham Hopkins (GT Licensing Consultants) and Councillor Derek Levy.

**104**

**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond as Chair welcomed all those present and explained the order of the meeting.

**105**

**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest.

**106**

**FOOD & WINE EXPRESS, 349 BOWES ROAD, LONDON, N11 1AA  
(REPORT NO. 60)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Mr Abdul Qadeer at the premises known as and situated at Food & Wine Express, 349 Bowes Road, London, N11 1AA

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:

**LICENSING SUB-COMMITTEE - 10.8.2016**

- a. This was an application for review of a premises licence, sought by the Licensing Authority.
  - b. The premises was an off licence. The premises licence permits it to remain open for the sale of alcohol for 24 hours daily.
  - c. Mr Abdul Qadeer is the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS). The review application was submitted by the Licensing Authority and an opportunity to submit a minor variation application was not followed through by Mr Qadeer.
  - d. The premises had been found to sell non-duty paid alcohol and tobacco and breaches of licence conditions had been witnessed. Therefore the grounds of the review were based on the crime and prevention licensing objective.
  - e. The Licensing Authority sought a number of conditions to be added and for a suspension of the premises licence of no more than 3 months to take place until the local authority were satisfied that all the conditions were compliant.
  - f. Mr Graham Hopkins (Agent), who was acting on behalf of Mr Qadeer had indicated a full agreement to all the conditions as per Annex 5 of the report (Page 53). No agreement had been made relating to the suspension of the licence and therefore this was the only matter up for discussion today.
  - g. The review application was supported by the police. Steve Elsmore from ASB unit was here today stepping in for PC Martyn Fisher. Victor Ktorakis (Licensing Authority), Mr and Mrs Qadeer and Mr Graham Hopkins (Agent from GT Licensing consultants) were also present.
2. The statement of Victor Ktorakis, Licensing Authority, including:
- a. Enfield Licensing Authority sought the review of this premises licence on the grounds that the premises have been found to be selling non-duty paid alcohol and tobacco and continuous breaches in licensing conditions.
  - b. The premises was visited on the 22 April 2016 by Licensing Enforcement Officers, HMRC and a sniffer dog handler from Operation Wagtail. The following items were seized:
    - 30 x 50g Golden Virginia rolling tobacco
    - 77 x 50g Amber Leaf rolling tobacco
    - 22 x 70cl Smirnoff Vodka
    - 12 x 70cl Glens VodkaThe alcohol bottles had fake VAT back labels on them.
  - c. As this was the first offence, the Premises License Holder (PLH) was written to and advised to submit a minor variation application so as to amend and strengthen the licensing conditions in the hope that this would stop him from selling non-duty paid goods in the future.
  - d. The PLH did not take up the offer within the 2 week time frame leaving the local authority with no choice but to review the licence and request that conditions be amended and added.

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- e. As mentioned, the PLH had since agreed to the conditions as sought by the review.
  - f. Licence inspections discovered licence conditions were being breached in March 2016. 8 were being breached in May 2016 and 4 were being breached in June 2016. 3 of these conditions related to training.
  - g. Along with the non-duty paid goods, this has led to a lack of confidence in those running the premises and their ability to comply with the licence.
  - h. The Licensing Authority therefore recommended that the premises licence also be suspended for a maximum of 3 months until compliance with all licensing conditions including the new additional conditions.
  - i. The Secretary of State believes that the sale of smuggled alcohol should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective has been undermined, then the revocation of the licence (even a first offence) should be considered. That being said, should non-duty paid goods be found at the premises in the future, the licensing authority will seek a review to revoke the premises licence permanently.
3. The statement of Steve Elsmore on behalf of the Police, including:
    - a. The police supported the review and agreed with what was sought by the Licensing Authority.
  4. The statement of Graham Hopkins (GT Licensing Consultants) on behalf of Mr Qadeer, the premises licence holder, including:
    - a. Mr and Mrs Qadeer accepted the facts as presented by Ellie Green on behalf of the licensing authority.
    - b. Mr and Mrs Qadeer had asked Mr Hopkins to apologise on their behalf, to Members and to the officers concerned for both having stocked and sold duty evaded goods and for breaches of their licence.
    - c. Mr and Mrs Qadeer appreciated fully the seriousness of the position and wanted to assure Members of their genuine remorse and that this breach was a one off.
    - d. He had spoken to Mr and Mrs Qadeer, who was the Designated Premises Supervisor about the non-duty paid goods. Mr Qadeer had bought the non-duty paid goods from an eastern European gentleman in a white van. The eastern European man had entered the premises and offered Mr Qadeer the alcohol and tobacco goods and he bought them. Mr Qadeer was adamant that this was the one and only time he had done this and would not do it again.
    - e. Further to that, a sign had been put up at the premises stating that the premises did not buy any goods from cold callers. Mr Qadeer was also advised that if it was safe for him to do so, to provide the eastern European gentleman's vehicle registration

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- number to the Police and Trading Standards. Graham Hopkins further advised that it was not only shop keepers that needed to be caught but also the suppliers of duty evaded goods.
- f. Mr Qadeer would only be buying from reputable cash & carry establishments and would keep all the invoices as required for excisable goods.
  - g. Mr and Mrs Qadeer had owned the shop since 2012 and it was their sole livelihood. He wanted to make it clear that the premises are only an off licence and not a convenience store and only relied on the sale of tobacco and alcohol for their livelihood.
  - h. No duty evaded goods had been found at the premises before and nothing had been found since.
  - i. Mr and Mrs Qadeer accepted all the additional conditions as proposed by the Licensing Authority. They accept that they are appropriate, proportionate and necessary. The additional conditions will give Mr Hopkins' clients clear guidance and what's expected of them as regards a premises licence.
  - j. Mr Qadeer would be receiving training, further guidance and quarterly visits by Mr Hopkins so that compliance checks could be made and tested against the licence conditions. The Premises Licence Holder would be on site at all times along with 2 employees. CCTV would prove that there would always be 3 people on site. Mr and Mrs Qadeer have agreed to sign a contract for this.
  - k. Mention had been made in the report regarding possible allegations of under-age sales. There had never been a failed test purchase at the premises. Mr Qadeer strongly denied selling to under age customers. He was fully aware of the requirements of under age sales. This subject would be covered in the training to be provided by Mr Hopkins, who will also be providing all staff training logs for the next year. The premises did have a refusals book, but further guidance would be provided to Mr and Mrs Qadeer in the training.
  - l. With regard to the 3 month suspension of Mr Qadeer's licence until condition compliant; most of the additional conditions would be in place over the next 2 weeks, including training, and this would be communicated to the Licensing Authority for compliance testing.
  - m. Mr Hopkins requested if the committee could impose the shortest suspension possible as this was their sole livelihood including 3 children below school age. They are willing to fully comply and had employed Graham Hopkins to help with that.
  - n. The Chair referred to Mr Hopkins comment that this was a one off purchase of non-duty paid tobacco and alcohol and when the European man in a white van had actually visited the premises to sell further goods. Ellie Green (Principal Licensing Officer)

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clarified that this visit was on the same day as the seizure by the Licensing Team.

5. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
  - a. In light of what has been said, the Sub-Committee may be minded to modify the conditions and any further conditions in addition to Annex 5 (of the report), exclude any licensing activities, remove the DPS or suspend the licence for a period not exceeding 3 months or to revoke the license.
  - b. In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

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:

“After listening to all the evidence given and with the Licensing Authority’s objection on prevention of Crime and Disorder in mind:

The panel has agreed that conditions as agreed with Mr Qadeer apply. We also agreed that we suspend the licence for a period not exceeding 3 months. We believe that this is proportionate and appropriate given the seriousness of the actions at the licensed premises’.

3. The Licensing Sub-Committee resolved to modify the conditions of the licence and to suspend the licence for a period not exceeding three months.

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MINUTES OF PREVIOUS MEETING**

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RECEIVED the minutes of the meeting of Licensing Sub Committee held on Wednesday 6 July 2016.

**AGREED** that the minutes of the meeting of Licensing Sub Committee held on Wednesday 6 July 2016 be confirmed and signed as a correct record.