

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 30 MAY 2007**

MEMBERS: Councillors Annette Dreblow (Chairman), Anne-Marie Pearce and Yasemin Brett

OFFICERS: Mark Galvayne (Licensing Officer), Claire Tomaso (Environmental Health Officer), Linda Dalton (Legal Representative), PC Murphy (Metropolitan Police)

Also Attending: Ms Husniye Degrimenci (applicant), Mr Cohan Zedak (applicant's agent) and Mr David Dadds (applicant's representative)

**33
APOLOGIES FOR ABSENCE**

NOTED that there were no apologies for absence.

**34
DECLARATION OF INTERESTS**

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

**35
APPLICATIONS UNDER THE LICENSING ACT 2003 (REPORT NO. 14)**

RECEIVED the report (no. 14) of the Head of Licensing.

**36
APPLICATION FOR A PERSONAL LICENCE (REF. 01)**

SUBMITTED an application by Mr Ali Gondas for a Personal Licence.

NOTED that the application had been withdrawn.

**37
EGE SUPERMARKET, UNIT 12, THE GREEN SHOPPING CENTRE,
EDMONTON, N9 0TT (REF. 02)**

SUBMITTED an application by Mrs Mukaddes Temur for a new Premises Licence.

NOTED that the representation made by the London Fire and Emergency Planning Authority had been withdrawn, therefore the local authority would grant the application without the need for it to be considered by the Sub-Committee.

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**NAZLI FOOD CENTRE, 44-44A FORE STREET, EDMONTON, N18 2SS
(REF. 03)**

SUBMITTED an application by Ms Husniye Degrimenci and Mr Mehmet Yasar for a variation of an existing Premises Licence.

NOTED

1. The opening statement of Mark Galvayne, Licensing Officer, including the following points:
 - i. the variation of the existing Premises Licence sought to allow the supply of alcohol 24 hours a day;
 - ii. the applicant had accepted all the proposed conditions.
2. The opening statement of Claire Tomaso, Environmental Health Officer, including the following points:
 - i. representations were made under the prevention of public nuisance and the protection of children from harm objectives of the Council's Licensing Policy;
 - ii. there was no record of complaints relating to noise and disturbance arising from the premises but there was a potential for noise and disturbance to local residents arising from anti social behaviour by patrons visiting or leaving the premises or loitering in the area in the early hours of the morning;
 - iii. during an assessment visit on 22 February 2007 the applicant had advised that children were permitted on the premises until 22:00, which was a breach of conditions as unaccompanied children under 14 were not allowed on the premises after 21:00;
 - iv. as part of the same assessment visit the applicant was unable to provide a 'refusals book' for inspection, which again was a contravention;
 - v. a written warning had been issued to an employee of the premises for the sale of alcohol to a 16 year old child on 21 August 2006;
 - vi. refusal of any extension of hours for the supply of alcohol was therefore recommended.
3. In response to Mr Dadds, the applicant's representative, request for further information regarding the Trading Standards investigation into the sale of alcohol to a 16 year old child, the Environmental Health officer advised she was unable to provide this as it was an investigation being carried out by another department. Mr Dadds commented that had Trading Standards felt this incident to be of particular concern relative to the Council's licensing objectives they would have made representation with regard to the application.
4. The opening statement of PC Murphy, Metropolitan Police, including the following points:

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- i. representation was made under the crime and disorder objective of the Council's Licensing Policy;
 - ii. although the premises had not caused any problems for Police in relation to crime and disorder or other nuisance, they were situated in the main 'hot spot' crime and disorder area of the borough;
 - iii. over a 6 month period up to 13 February 2007 there were 264 British Crime Survey crimes committed in a half kilometre radius of the premises;
 - iv. also within this radius and period there were 352 calls to the Police regarding anti social behaviour, which accounted for 3.4% of the borough total, well above the borough average;
 - v. therefore the Police objected to any increased hours for the sale of alcohol.
5. In response to Councillor Pearce, PC Murphy advised that, within the same radius and time period, the Police had received only 7 calls relating to street drinking but that it was not possible to state if the other British Crime Survey crimes were alcohol related or not.
6. In response to Mr Dadds, the applicant's representative, PC Murphy advised that:
 - i. there was no causal link between the premises and the quoted British Crime survey crimes;
 - ii. there were approximately 9 premises across the borough who were licensed to sell alcohol 24 hours a day.
7. The opening statement of Mr Dadds, the applicant's representative, including the following points:
 - i. the premises currently operated as a grocery store 24 hours a day giving no cause for concern with regard to noise nuisance;
 - ii. the petrol station opposite the premises also operated 24 hours a day;
 - iii. during the day there were two members of staff on the premises and during the evening there were 3;
 - iv. the applicant had accepted all the proposed conditions and was willing to work with all responsible authorities;
 - v. the premises was well managed;
 - vi. Trading Standards could have made representation against the application if they felt the Council's licensing objectives were seriously jeopardised by the incident of sale of alcohol to a 16 year old child;
 - vii. the incident of sale of alcohol to a 16 year old child had resulted in a letter of warning being sent to the applicant's father, who had made the sale, as it was a first offence;
 - viii. further staff training had been arranged;
 - ix. the 'refusals book' had been removed from the premises by Trading Standards in relation to another enquiry and at the time of

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- Environmental Health's assessment visit a replacement 'refusals book' was on order from the Council;
- x. the British Crime Survey statistics quoted were not relevant as there was no causal link with the premises;
 - xi. the variation of hours sought were to provide facilities to meet the changing shopping habits of the community;
 - xii. statutory guidance issued under section 182 of the Licensing Act 2003, recommends to Licensing Authorities that appropriately licensed shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours;
 - xiii. the granting of the application would not set a precedent and light touch consideration was required as representations were mostly irrelevant as there was no causal link with the premises.
8. In response to the Environmental Health Officer, Mr Dadds, the applicant's representative, accepted that a duplicate 'refusals book' should have been available on the premises but considered this was a technical breach of conditions and did not warrant refusal of the application.
9. In response to the Chairman, Mr Dadds, the applicant's representative, confirmed that the applicant was aware of the incident of sale of alcohol to a 16 year old child, but remarked that if Trading Standards had serious concerns with the management of the premises they would have made representations against the application, which they had not.
10. The closing statement of Mark Galvayne, Licensing Officer, including the following points:
- i. in respect of the seriousness of non-compliance with licence conditions, Parliament had agreed, in respect of the Licensing Act 2003, that carrying on a business with a premises licence but in breach of condition of that licence was an offence as serious in law as carrying on a business without any such licence at all. Both of these activities were offences under the same section of the Act, section 136, and both offences carried the same maximum penalty, on conviction, of a £20,000 fine and 6 months imprisonment;
 - ii. paragraph 8.5 of the Council's Licensing Policy recognised that statutory guidance issued under section 182 of the Licensing Act 2003, recommends to Licensing Authorities that appropriately licensed shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours;
 - iii. however paragraph 8.6 of the Council's Licensing Policy stated that "whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises".

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11. The closing statement of Claire Tomaso, Environmental Health Officer, including the following points:
 - i. there was the potential for noise and disturbance to local residents arising from anti social behaviour by patrons visiting or leaving the premises or loitering in the area in the early hours of the morning;
 - ii. the protection of children from harm in relation to concerns over the management of the premises.

12. The closing statement of PC Murphy, Metropolitan Police, including the following points:
 - i. there were no crime and disorder issues with the premises;
 - ii. the premises was situated in the main 'hot spot' crime and disorder area of the borough.

13. The closing statement of Mr Dadds, applicant's representative, including the following points:
 - i. there were remedies other than refusal of the application to address minor breaches of conditions;
 - ii. the relevance of representations should be considered in that there were no noise nuisance or crime and disorder issues related to the premises and no causal link with the general anti social behaviour and crime issues in the vicinity of the premises;
 - iii. the premises already operated as a 24 hour business;
 - iv. the management of the premises was being strengthened by the provision of further staff training;
 - v. the applicant had accepted all proposed conditions.

RESOLVED that

- (1) In accordance with the principles of Section 100(A)(4) 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 involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act, (as amended by the Local Government (Access to Information) (Variation) Order 2006), as are listed on the agenda.

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

- (2) The Chairman made the following statement:

"We have listened carefully to representations from the applicant, the Environmental Health Officer and the Metropolitan Police and also read the evidence presented by all parties. We have heard that these premises are situated within the highest concentration of crime and disorder in the borough and in a designated alcohol control zone. We have also heard that the Nazli Food Centre has received a warning for

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selling alcohol to an underage person in August 2006, plus the lack of availability of a 'Refusals Book' when asked. However we have also learned that these premises have been operating without further problems since that date and the applicant has agreed to the conditions requested by the responsible authorities.

Mindful of Enfield Council's Licensing Policy, particularly paragraph 8.3 concerning nearby residential premises and paragraph 8.6 that the availability of alcohol gives rise to concerns, this could exacerbate current problems, we have decided to increase the hours permitted for the supply of alcohol but not fully to 24 hours as requested, as follows:

Supply of alcohol Monday – Sunday 07.00 to 01.00 (the following day)"

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.
3. A minimum of two staff shall be on the premises after 23:00.
4. The 'red care' alarm system shall be operated and maintained at the premises.
5. Notices shall be displayed requesting that customers arriving at, queuing and leaving the premises, do so quietly.
6. A 'refusals book' shall be operated at the premises.
7. The 'Think 21', or similar, proof-of-age scheme shall be operated at the premises and relevant literature shall be displayed.
8. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premise that may give rise to concern in respect of children.
9. A Closed Circuit Television (CCTV) system shall be installed, operated and maintained at the premises. The CCTV system shall conform to the following points:
 - (a) If the CCTV equipment is inoperative or not working to the satisfaction of the Police and Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police;

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- (b) Cameras must be sited to observe the entrance door, the bar and till area and eating areas;
- (c) Be capable of visually confirming the nature of the crime committed;
- (d) Be capable of identifying the suspected criminal(s) visually for purposes of evidence and connect them with the crime;
- (e) Provide evidence-supporting detail relating to the circumstances;
- (f) Provide a linked record of the date, time and place of any image;
- (g) Provide good quality colour images;
- (h) Capture full frame shots of the heads and shoulders of all people exiting the premises from both entry and exit routes;
- (i) Have the capability to record a full-length view of a person 1.92m tall, to occupy at least 60% of the image height, in at least one of the captured images;
- (j) Operate under existing light levels within the premises;
- (k) Have the recording device located in a secure area or locked cabinet;
- (l) Have a monitor to review images and recorded picture quality;
- (m) Record images as near to real time as possible and where practical, personal attack buttons should be connected via the CCTV system, to change any time-lapse recording to real time;
- (n) Be regularly maintained to ensure continuous quality of image capture and retention;
- (o) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice;
- (p) Have signage displayed in the customer area to advise that CCTV is in operation;
- (q) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes;
- (r) If the system is analogue, a library of 31 video tapes are required for storage and rotation;
- (s) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept;
- (t) If tapes are used it should be ensured that they are good quality and in good condition and in any case must be changed every 12 months;
- (u) the medium on which the images are captured should be cleaned so that images are not recorded on top of the images recorded previously;
- (v) the medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated;

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- (w) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment;
 - (x) All access to the medium on which the images are recorded should be documented;
 - (y) Police will have access to images at any reasonable time;
 - (z) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.
10. Shutters shall be installed over the alcohol display area and shall be locked shut after the terminal hour for the supply of alcohol.
11. Children under 14 shall not be allowed to enter the premises after 21:00 unless accompanied by a person over 18.
12. There shall be displayed on the exit doors a sign stating, "you are entering a drinking control area and no open alcoholic drinks are to be taken off the premises".

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CROWN CAFE & RESTAURANT, 90 CROWN ROAD, SOUTHGATE, N14 5EN (REF. 4)

SUBMITTED an application by Mr Munir Hussein for a new Premises Licence.

NOTED that the applicant had accepted the proposed conditions and therefore the representation made by Environmental Health had been withdrawn and the local authority would grant the application without the need for it to be considered by the Sub-Committee.

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KERVAN SOFRASI RESTAURANT, 171 HERTFORD ROAD, EDMONTON, N9 7EP (REF. 5)

SUBMITTED an application by Mr Gursel Aksu for a new Premises Licence.

NOTED the request by the applicants' representative to adjourn the hearing of the application pending the outcome of the appeal for variation of planning permission.

AGREED to adjourn consideration of the application.

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MINUTES

AGREED to approve as a correct record the minutes of the meetings held on 18 April 2007 and 25 April 2007.