

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 25 FEBRUARY 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy, Alev Cazimoglu and Dogan Delman

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Ellie Green (Principal Trading Standards Officer) (Item 4 only), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Lorraine Cox (Forty Hall & Estates Manager) and Gavin Williams (Operations & Sales Manager) – Applicant for Forty Hall, Jennifer Holmes (interested party)
Suna Hazar (solicitor on behalf of the Applicant for N21 Food & Wine), Councillor Dinah Barry (Winchmore Hill Ward Councillor / interested party)

407

WELCOME AND APOLOGIES FOR ABSENCE

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

There were no apologies for absence.

408

DECLARATION OF INTERESTS

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

409

FORTY HALL, FORTY HILL, ENFIELD, EN2 (REPORT NO. 173)

RECEIVED the application made by the Council's Finance & Corporate Resources Department for the premises known as and situated at Forty Hall, Forty Hill, Enfield, EN2 for a new Premises Licence.

NOTED

1. The introductory statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence for Forty Hall.
 - b. The application sought opening hours of 07:00 to 01:00 the following day, and supply of alcohol from 09:00 to 01:00 the following day, and

LICENSING SUB-COMMITTEE - 25.2.2015

regulated entertainment and late night refreshment every day of the week.

c. Initially, representations were made by the Metropolitan Police and the Licensing Authority, but the applicant had agreed all requested conditions and the representations had therefore been withdrawn.

d. The application remained subject to representations from other persons at five addresses as set out in Annex 03.

e. A letter confirming the updated position was sent to residents as set out in Annex 04.

f. Subsequently a second email was received from Mrs Holmes as set out in Annex 05.

g. The Chair confirmed that all five representations carried weight.

2. The opening statement of Mrs Jennifer Holmes, interested party, including the following points:
 - a. She still stood by what she said in the second email and in the first letter of representation.
 - b. She was concerned at the initial time span applied for the licence from 07:00 to 01:00 and remained concerned at the request for supply of alcohol from 09:00 to 01:00, and had a serious objection that this was for supply of alcohol from 09:00 seven days a week.
 - c. Her second objection was that opening hours to the public would be from 07:00 every day including weekends, which only guaranteed six hours of quiet for residents in the area.
 - d. All the letters of representation were from residents at the lower end of Forty Hill ie. all downhill from the park. From the south side of the house noise came across the parkland and these residents got the noise front on. There was a significant amount of noise during events. People could be controlled in the house, but she was concerned about what would be going on outdoors and that it would create noise.
 - e. It was especially concerning that opening hours would be from 07:00 including on Sundays. This was totally wrong and she suggested the premises should not be open to the public until 10:00 on Sundays and 08:00 or 09:00 on other days of the week.
 - f. She gathered that pyrotechnics were banned, but during an event last year there was firing of cannon which she understood would be classified as pyrotechnics and she would like clarification if that was a banned activity as it had seriously affected her house.
3. Mrs Holmes responded to questions, including the following:
 - a. The Chair raised that the Banqueting Suite within Forty Hall was already licensed for similar hours, and asked if any residents had had occasion to object to events or about breaches of the licence there. Mrs Holmes advised that she had not heard of any such objections and confirmed that she had never had to complain about crime or disorder there.
 - b. The Chair, for information, noted that the fact that a premises was licensed from an opening hour to a terminal hour did not necessarily

LICENSING SUB-COMMITTEE - 25.2.2015

mean that licensable activities would take place every hour of every day, but set out an envelope within which activities could be carried out.
c. In response to the Chair's request for clarification of the location of her home, Mrs Holmes confirmed her address and that there were only a few trees between Forty Hall and her house and therefore nothing to block any sound.

4. The introductory statement of Lorraine Cox, Forty Hall & Estates Manager (the applicant) including the following points:
 - a. She wished to provide additional details about the background to the application. The aim was to develop the whole estate as one visitor attraction so she had asked for a licence which mirrored that already granted for the Banqueting Suite, so that the site could work more collaboratively.
 - b. Forty Hall building would not do the same business as the Banqueting Suite. The Banqueting Suite's main uses were for evening proms or late night parties for very large numbers. The hall did not accommodate that many people, and it would be a smaller business.
 - c. She did not want to sell alcohol to people early in the morning, but had applied in fullness of the application, ticking every box on the form.
 - d. There were no plans at all to stage boxing or wrestling. At some point they may have a country fair with some type of traditional activity covered by the classification.
 - e. She would be happy to go into more detail on her plans with residents.
 - f. She did write to people in the local area to tell them about events coming up at Forty Hall and had established a practice for this.
 - g. In her role she was directly responsible for any problems at the site including at the Banqueting Suite or any other activities on site. She dealt with any issues and changed practices as necessary.
 - h. She acknowledged that trees had been cut and were not in leaf and sympathised with Mrs Holmes and neighbouring residents.
 - i. She did not believe that activities in Forty Hall would be in any way on the same scale as those already taking place. She managed all activities on site and would manage this building and would be prepared to take further action if required.
 - j. She believed that working with neighbours and residents was essential.

5. Lorraine Cox responded to questions, including the following:
 - a. In response to Councillor Cazimoglu's queries regarding maximum capacity of the site at any one time, it was advised that the business was growing and changing, and that there were a number of options on offer. One of the most popular options in the Hall was for drinks and canapes following a church or other ceremony up until 19:00 or 20:00, with some groups then moving on to the Banqueting Suite for dinner and dancing. Other customers wished to hold parties / buffets in the ground floor of the hall, potentially until 01:00. The ground floor had a

LICENSING SUB-COMMITTEE - 25.2.2015

maximum capacity of 180 people. (The Banqueting Suite's capacity was 250.)

b. In response to further queries whether events at maximum capacity could be held simultaneously, it was confirmed that would be possible, but that there was a shared calendar of events on site and nothing would be put on that could not be sufficiently managed. There had been one day last year when the site had been used for two wedding parties (one going on until 01:00), one christening party, and a public event.

c. Councillor Delman questioned the application's reference to indoor and outdoor events. It was confirmed that this application was for the buildings and the courtyard which was within the curtilage of the building. The Principal Licensing Officer clarified that any place without a roof was classed as outdoors. The plan of the premises would form part of the licence.

d. The Chair referred to Mrs Holmes' concerns and questioned what time realistically that the public would be on site, and that alcohol would be sold or consumed. It was advised that the Hall's current public opening hours were from 12:00 Saturday and Sunday and 11:00 Tuesday - Friday and the closing time was 16:00 in winter and 17:00 in summer. Most events were held at lunchtime, afternoon or evening, but it was possible that there may be an early hiring for a wedding breakfast for example.

e. In response to further queries regarding the early starting hours sought, it was advised that this could cover very occasional needs such as being able to offer a hot toddy at a dawn event.

f. In response to Councillor Delman's query whether the shop in the Hall sold alcohol, it was stated that it did not and never will. It operated as a small gift shop. Alcohol would be sold at a pop up bar for an event.

g. Councillor Delman asked if Temporary Event Notices had been used for events at the Hall thus far. It was advised that the building had been covered within the Parks' licence, granted in 2012, which covered the house and grounds and so had been licensed until 23:00. This application would become the predominant licence for the Hall, would clear up responsibilities and would tie the estate operation together.

h. Councillor Cazimoglu asked about reassurance around engagement and monitoring with residents. Lorraine Cox advised that practices had changed in 2012 following refurbishment at the Hall. Things had been rather ad hoc previously, but she now wrote to residents in the area before each season began in respect of the programme of public events at Forty Hall (it would not be possible to list all private events as bookings came in all the time). She also attended the Friends of the Park group's meetings – the group included mainly local residents and had agendas and minuted meetings and she was able to answer any questions raised there. She also had individual meetings with residents. She put her name on the communications and was contactable personally. She considered herself a neighbour in the locality. There had been a problem 18 months ago when residents opposite Forty Hall

LICENSING SUB-COMMITTEE - 25.2.2015

had not received her letters which had not been delivered correctly to flats within their building, but she met with the residents, talked it through and made sure the communication was corrected and their comments were taken on board.

i. The Chair asked whether there would always be a member of staff on site during a booking to third parties. Lorraine Cox advised that they did not hire to third parties; she or a colleague would welcome customers, it was their premises and under their management. She insisted that party bookers sent any caterers to her so she could tell them what was allowed and have them sign an agreement. These were controlled events.

j. Mrs Holmes asked about control of people attending events and whether they would be able to wander outdoors with drinks. The Principal Licensing Officer advised that consumption of alcohol was not licensable or controllable and it was difficult to control a person moving from a licensed area and this could not be conditioned. Lorraine Cox added that any affray in the parkland would be covered by the byelaws and parks police. If there were problems relating to Banqueting Suite attendees she would expect the Banqueting Suite manager to call the police and to keep her updated. Additionally, an estate management meeting was held every six weeks on site, and included the parks police, where any issues were reported and dealt with.

k. The Principal Licensing Officer raised that the licence would cover the café and asked if it was proposed that alcohol be served at the café and at what hours. Lorraine Cox confirmed that the café currently opened from 10:00 to 18:00. Alcohol could be served there potentially. If the café manager wanted to serve alcohol she would have to satisfy her as licence holder of compliance with the licence and, if necessary attend appropriate training. In response to further queries from the Chair, the Principal Licensing Officer confirmed that, if granted, the licence would permit sale of alcohol from 09:00 to 01:00 every day. The café was operated under a lease arrangement.

l. In response to Mrs Holmes' request for confirmation that reference to the outdoors meant only the courtyard, the Principal Licensing Officer confirmed that the plans set out on pages 21 to 24 would be attached to any granted licence and this was the demarcation of the licensed area. The plans were an integral part of the licence.

m. In response to Mrs Holmes' query why there would be a need to open at 07:00, it was advised that there might be a need in some cases for people to bring things in for setting up of events. Mrs Holmes did not accept a need for people to be coming to the site so early, especially on Sundays, as it could result in disturbance and noise. The Chair acknowledged the concern and advised that any licence had boundary hours and the operation within them was a management issue.

6. The closing statement of Mark Galvayne, Principal Licensing Officer, that there were no particular policy matters to bring to Members' attention, but having heard all the representations, the Sub-Committee

LICENSING SUB-COMMITTEE - 25.2.2015

must take such steps as it considered appropriate for the promotion of the licensing objectives.

7. Mrs Holmes confirmed that she had nothing further to add to her statements.
8. Lorraine Cox, Forty Hall & Estates Manager, confirmed that she had nothing further to add to her statements.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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

2. The Chairman made the following statement:

“Having heard and read all the written and oral submissions from all parties, the Licensing Sub-Committee (LSC) has resolved to grant the application in full.

The panel was satisfied that the applicant has taken all reasonable and appropriate steps for the promotion of the licensing objectives, and that the oral submissions made at the hearing amplified the case, and satisfied any concerns the LSC might have had.

We acknowledge the points of concern raised by local residents, but feel that all of these have been addressed by the applicant, who has demonstrated a strong intention, evidenced by past behaviour, to be a good neighbour.

The use of Forty Hall as applied for here is to be for controlled events, mirroring the hours as already exist for extant licences in Forty Hall Park and the Banqueting Suite. There has been no history of complaints associated with either of those licences. Further the current application is for premises that have a physical capacity somewhat less than the Banqueting Suite.

We are confident that the applicant will respect the interests of neighbours, by acknowledging that the hours granted denote a window of time within which licensable activities may take place.

LICENSING SUB-COMMITTEE - 25.2.2015

Should the worst fears of Mrs Holmes and others be realised, there is always recourse to the review procedure.”

3. The Licensing Sub-Committee resolved to grant the licence in full as follows:
- (i) Hours the premises are open to the public : Sunday to Saturday from 07:00 to 01:00 the following day.
 - (ii) Supply of alcohol (on and off supplies) : Sunday to Saturday from 09:00 to 01:00 the following day.
 - (iii) Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music & Performance of dance : Sunday to Saturday from 07:00 to 01:00 the following day.
 - (iv) Late night refreshment : Sunday to Saturday from 23:00 to 01:00 the following day.
- Conditions 1 to 22 (in accordance with Annex 06 to the report).

410

N21 FOOD & WINE, 740 GREEN LANES, LONDON, N21 3RE (REPORT NO. 174)

RECEIVED the application made by Mr Yilmaz Kaya for the premises known as and situated at N21 Food & Wine, 740 Green Lanes, Winchmore Hill N21 to vary the Premises Licence.

NOTED

1. The introductory statement of Mark Galvayne, Principal Licensing Officer, including the following points:
- a. This was an application to vary the existing Premises Licence of N21 Food & Wine made by Mr Yilmaz Kaya.
 - b. The current licence permitted sale of alcohol until 23:00 every day of the week.
 - c. This application was to extend hours for sale of alcohol until 01:00 on Friday and Saturday nights only.
 - d. The Licensing Authority had made representation against the application and considered that a more appropriate terminal hour for alcohol sale would be 00:00 rather than 01:00.
 - e. Councillor Barry had made representation against the application and considered that the hours for sale of alcohol should not be extended beyond 23:00.
 - f. Paragraph 2.1 of the report should read “(as amended on 5 December 2014)”.
 - g. He confirmed that all conditions requested had been agreed, as set out in Annex 06, between the applicant and the Police and the applicant and the Licensing Authority.

LICENSING SUB-COMMITTEE - 25.2.2015

- h. Therefore, conditions were agreed but not hours, and the issue for determination at the hearing related only to the time to which alcohol was to be sold on Friday and Saturday nights.
2. The opening statement of Ellie Green, Principal Trading Standards Officer, on behalf of the Licensing Authority, including the following points:
- a. The Licensing Authority had carefully considered the application.
 - b. It was worth noting that the original application sought supply of alcohol until 03:00 and this was subsequently reduced to 01:00 in the amended application.
 - c. The Licensing Authority considered that 01:00 was still too late and proposed that 00:00 would be more appropriate.
 - d. The Licensing Authority were happy that the applicant had agreed the requested conditions.
 - e. This premises was in a commercial parade but still surrounded by residential premises and flats above.
 - f. A terminal hour for supply of alcohol of 00:00 would not exceed the five surrounding licensed premises, at which the last sale of alcohol was also 00:00. It was also clarified that the two nearest on-licensed premises closed at 00:30 and 01:00 on Friday and Saturday.
 - g. A late night observation had taken place to gather evidence. It was noted that Green Lanes was significantly quieter after 00:00 in respect of passing traffic and pedestrians. Any noise and disturbance may be more noticeable against a lower background noise level after that hour.
 - h. Concerns had been raised on behalf of local residents and Councillor Barry. Last week the Licensing Authority had received information regarding under age sales and after hours sales at the premises. She confirmed those were the first complaints of this nature in respect of this premises.
 - i. A test purchase after 23:00 was attempted on two occasions and both times the premises was found to be shut.
 - j. Trading Standards sent a letter to the premises in respect of the complaint received and providing advice on preventing under age sales.
 - k. A test purchase using an underage volunteer was attempted and the purchase was refused.
 - l. A full inspection was carried out to check compliance with the licence. Of the 13 conditions, two or three issues were discovered and the licence holder was advised. Training was not recorded as required by Condition 11. There were no refusals recorded in the book since last October and it was questionable whether this was realistic (this was checked before the refused test purchase). This was a potential breach of Conditions 8 and 9. The officer gave seven days for compliance and provided further advice. The Licensing Authority was disappointed that the licence holder had not met the steps advised previously in October.
 - m. Similar conditions strengthened by the Licensing Authority would be added to the licence if a variation was granted.

LICENSING SUB-COMMITTEE - 25.2.2015

- n. She maintained that 00:00 as the terminal hour was necessary to support the prevention of public nuisance. If the hour was any later, local residents would be less tolerant and the operation could be detrimental to residential amenity.
3. Ellie Green responded to questions, including the following:
- a. The Chair queried, given the disappointment on compliance with conditions, whether the recent inspections had led to a consideration of a change in the Licensing Authority's position. Ellie Green did not think that recent observations were sufficient to change her position. The under age test purchase had been attempted yesterday and refused, and there was no significant history of complaints. The premises had complied with a different condition, and this was not time related.
4. The opening statement of Councillor Dinah Barry, Winchmore Hill Ward Councillor, including the following points:
- a. She confirmed that she was making the representation in her own right.
 - b. Attention was drawn to the map included on page 41 of the agenda pack showing the vicinity of the premises, and in particular the position of Queens Avenue and Trinity Court. Queens Avenue had family sized flats above shops and family houses backing on the New River. Trinity Court was a peaceful turning behind Holy Trinity Church; it was a quiet and secluded road which attracted families and older residents, but also anti-social behaviour. There were already some problems of noise and litter from groups gathering in the church car park and drinking.
 - c. Residents had not been aware of this application until it was too late for them to submit comments. (The Principal Licensing Officer provided clarification that three residents had made representation against the application initially. When they had been advised of the amendments to the application, all three had withdrawn their representation, having heard about the reduced hours and agreed conditions. He confirmed that one of those representations was from a business in Green Lanes and two from residents in Queens Avenue. As they had been withdrawn the representations were not material to this hearing.)
 - d. Following her contact with residents as ward councillor, she had received comments from eight residents of Queens Avenue and Trinity Court. None felt that they wanted her to stop objecting to the application.
 - e. She and the residents agreed that they thought people would be continuing their evening's drinking in the vicinity if the application was granted. The most likely users of the shop at late hours to buy alcohol would be those leaving other licensed premises and there would be an increase in street drinking and noise, littering and anti-social behaviour.
 - f. Although there would be a condition regarding people leaving quietly, it was unlikely to be policed, and people would be likely to move to the residential areas.

LICENSING SUB-COMMITTEE - 25.2.2015

- g. The shop would attract people who had already been drinking in other areas to come here. The licensed hours were already reasonable to serve the local community. Extended hours would attract roving customers looking for alcohol.
 - h. Over-burdened police would be unable to cope with monitoring the extra conditions.
 - i. The application should not be granted just to let a small minority have access to alcohol.
 - j. Concerns were raised that the premises had not met conditions already included in the licence.
 - k. This was not an appropriate location for a shop to sell alcohol after 23:00.
5. Councillor Barry responded to questions, including the following:
- a. The Chair asked whether residents had made their comments to her in response to the original application or after December when it was amended. Councillor Barry advised that some comments had been made in relation to the original application, but she had emailed those residents and checked with them and they still objected.
 - b. In response to the Chair's query where people would be attracted from to the shop, Councillor Barry highlighted that there were already five licensed premises in the area supplying alcohol until 00:00. The Three Wishes and On Broadway pubs both sold alcohol until 00:00 and stayed open an hour after that.
 - c. The Chair queried whether problems in the area were known to be directly linked to this premises. Councillor Barry did not think this could be known, but groups did gather in the church car park with drink, suggesting it was from off-sales.
 - d. The Chair asked whether a need had been felt to call a review of this premises licence and if evidence had been noted for this. Councillor Barry advised there was nothing specific other than residents being angry about alcohol being sold later, and general comments.
 - e. In response to the Chair's query regarding specific premises giving concern and mentioned verbally by residents to Councillor Barry, she confirmed that the premises referred to was On Broadway, but residents thought that customers from the pub would go on to N21 Food & Wine. In response to the Chair's comment that this could already occur and whether there was evidence that it did, Councillor Barry advised that this was a concern at the moment in respect of current noise and nuisance, and if the application was granted people would come to the shop because there were off sales and go somewhere secluded to drink.
 - f. In response to the Chair's query in respect of reference to over-burdening the Police and remark that there was no representation from the Police themselves, Councillor Barry clarified that her concern was that the applicant would agree conditions to gain the licence, but whether they would stick to them was a different matter. The Principal

LICENSING SUB-COMMITTEE - 25.2.2015

Licensing Officer confirmed that any breach of condition was technically a criminal offence and subject to a maximum penalty of a £20,000 fine and six months' imprisonment, and that breaching a licensing condition was as serious as not having any licence at all.

g. In response to the Chair's question whether there was any specific evidence why this licensed premises should not have extended hours two nights a week or how it was not taking sufficient steps to promote the licensing objectives, Councillor Barry stated that the evidence was the geography of the area.

h. In response to the Chair's further queries regarding any evidence of crime and disorder linked to this premises, Councillor Barry advised that there was nothing specific, but residents had told her of concerns.

6. The opening statement of Ms Suna Hazar, solicitor, on behalf of the applicant, including the following points:
 - a. The licence holder Mr Kaya had bought the premises on 16 September 2014 and straight after this purchase he applied for extended hours of opening.
 - b. The first application was submitted in November 2014, but having received representation from the Police and residents he agreed to amend the application and reduce the hours applied for until 01:00.
 - c. There had been a licensing inspection in October 2014. This was the first inspection straight after Mr Kaya had bought the premises. He was very new to this business and trying to set it up from scratch so he did not have everything in place for this licence.
 - d. Mr Kaya had taken action following the inspection. Having complied with the Police request for installation of cameras there was some problem noticed when the inspection took place.
 - e. The Licensing Team also had concerns regarding public nuisance, which were accepted in additional conditions agreed.
 - f. She confirmed that the applicant requested the Licensing Sub-Committee to grant extended hours for sale of alcohol to 01:00 on Friday and Saturday nights.

7. The representative for the applicant responded to questions, including the following:
 - a. In response to Councillor Cazimoglu highlighting that breaches of condition were enforceable and her query how she could be reassured that conditions would be complied with if the application was granted, it was advised that Mr Kaya understood his responsibilities and did work in an off-licence before in Mare Street Hackney and was being trained there, and was continuing training.
 - b. In response to the Chair's queries as to why Mr Kaya originally sought supply of alcohol seven days to 02:30 it was advised that he wanted to extend the hours so that he would be the last person to sell alcohol in that street.
 - c. The Chair asked about what additional steps Mr Kaya had proposed to take to properly promote the licensing objectives, particularly the

LICENSING SUB-COMMITTEE - 25.2.2015

prevention of public nuisance, and whether the same steps were proposed given that the application had been significantly amended. It was confirmed that the same steps were proposed as when the application was first made and they were the steps Mr Kaya would continue to take. He had installed CCTV in the premises. He would make sure that noise levels were kept to a minimum. He would take more training via appropriate courses and would train all staff and would make sure no alcohol was sold to under 18s.

d. In response to the Chair's further queries to satisfy the panel in respect of licensing objectives, it was confirmed that the applicant had agreed to all requested conditions from the Police and Licensing Authority. It was clarified that the application had been amended when the representations materialised and the applicant was agreeable to the conditions proposed.

e. The Chair asked whether the applicant had considered reducing hours sought to 00:00 in line with the Licensing Authority's views. It was advised that the applicant wanted the extra hour to at least make sales until 01:00 and alcohol sales to 00:00. It was confirmed that the business was a general convenience store and that alcohol was a minor proportion of sales, the majority of which were groceries.

f. The Principal Licensing Officer asked if the application was being formally amended at this stage. It was clarified that the application was not being formally amended and was for opening and alcohol sales until 01:00 on Friday and Saturday nights.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The Council's Licensing Policy s. 8.4 was highlighted for Members' attention, as set out in paragraph 5.9 of his report.
 - b. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
 - c. Members were advised that the premises plan on page 54 of the agenda was a new plan to be included as part of the licence and that Annex 06 set out new conditions. The technicality was highlighted that if Members were minded to refuse the application these would not become effective. However, the application could be granted in part to include this new plan and conditions.

9. The closing statement of Ellie Green, Principal Trading Standards Officer, including the following points:
 - a. She had not been persuaded during this hearing to change her position.
 - b. She did not consider that sale of alcohol after 00:00 would be appropriate.
 - c. She had not been persuaded by the representation of the interested party that alcohol sales should be reined back to 23:00.

LICENSING SUB-COMMITTEE - 25.2.2015

- d. She had access to Police intelligence and had done a full check of records, and confirmed there were no incidents recorded and no specific information relating to this premises.
 - e. She was considering what was said regarding the potential of sale of alcohol stopping at 00:00 and other sales at the shop until 01:00. If that were to be considered, she would request additional conditions to restrict customers' access to alcohol between 00:00 and 01:00. The Licensing Authority had model conditions for this circumstance and though she did not have these to hand, a copy could be obtained for Members' deliberation.
10. The closing statement of Councillor Dinah Barry including the following points:
- a. The major point was the presence of a very quiet, secluded area behind the shops.
 - b. The aim of the applicant was to sell alcohol at a time when other local businesses were not, to increase their sales.
 - c. This application was different from on-sales of alcohol: the drink could be taken away and consumed somewhere else, and Queens Avenue was the obvious place for that to take place.
 - d. That there had been no problems with alcohol sales to 23:00 suggested that was where the terminal hour should remain, rather than having alcohol being taken away later.
11. The closing statement of Ms Suna Hazar, solicitor, on behalf of the licence holder, including the following points:
- a. Representations by the Police and three other interested parties had been withdrawn.
 - b. There was no evidence as such to support refusal of this application.
 - c. The test purchase of yesterday showed that the licence holder was operating properly.
 - d. She believed that the application should be granted in full.

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:

LICENSING SUB-COMMITTEE - 25.2.2015

“Given that there is a presumption under the Licensing Act in favour of granting applications unless there is sufficient evidence that the four licensing objectives are being compromised, the Licensing Sub Committee (LSC) has decided to grant the application in full.

Having considered all the submissions made in writing and reiterated at the hearing, the LSC did not feel that there was strong enough evidence of crime and disorder or public nuisance specifically associated to N21 Food & Wine that it was appropriate to arrive at any other decision.

We are aware of the policy guidance in respect of premises situated in close proximity to residential areas (LBE Licensing Policy 8.4); however we still did not believe there was anything compelling in what we heard to apply such weight to that guidance to determine against this application.

The LSC was disappointed to learn that some of the conditions had still not been fully complied with, but the evidence from the Licensing Authority was clear that these failures were not hours related and of a minor nature.

The LSC does take the concerns of local residents and representatives seriously, but it is bound to determine cases purely on the strength of evidence it receives.

Indeed three local residents from the vicinity, having previously made representations against extended hours for alcohol sales to 02:30 seven days a week, then withdrew their objections once the applicant had revised their application and agreed strengthened conditions be applied to the licence.

If, of course, the worst fears of local people are realised, and sufficient evidence is brought to bear, the review process exists for that very reason.”

3. The Licensing Sub-Committee resolved to grant the licence in full as follows:
 - (i) Hours the premises are open to the public : Sunday to Thursday no change and on Friday and Saturday from 05:00 to 01:00 the following day.
 - (ii) Supply of alcohol (off supplies only) : Sunday to Thursday no change and on Friday and Saturday from 05:00 to 01:00 the following day.Conditions 1 to 16 (in accordance with Annex 06 to the report).