

**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

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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.

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DECLARATION OF INTERESTS

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

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

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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 - c. The Licensing Authority had withdrawn its original representation against the application following the agreements reached through mediation.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.

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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:

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- (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

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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

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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.

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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:

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- 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.”

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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.

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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.