

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 5 OCTOBER 2016**

COUNCILLORS

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

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), Antonia Makanjuola (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Jamie Ahmet, The Drinkup Group Limited

147

WELCOME AND APOLOGIES FOR ABSENCE

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

148

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest.

149

**THE DRINKUP GROUP, 111 WILLOW ROAD, ENFIELD, EN1 3BP
(REPORT NO. 94)**

RECEIVED the application made by The Drinkup Group Limited for a new Premises Licence for The Drinkup Group, 111 Willow Road, Enfield, EN1 3BP.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. This was an application for a new premises Licence. The Drinkup Group Limited was the applicant and had three company directors: Jamie Llewellyn, Ritchie Llewellyn and Jamie Ahmet. Mr Ahmet was in attendance at the meeting.

LICENSING SUB-COMMITTEE - 5.10.2016

- b. The application was for supply of alcohol 14:00 to 04:00 daily, but the premises would not be open to the public.
 - c. All the Responsible Authorities were consulted. The Police originally made representation, but further conditions were agreed with the applicant and their representation was withdrawn.
 - d. The Licensing Authority objected to the application in its entirety based on the Protection of Children from Harm and Prevention of Public Nuisance. Their written report was set out in Annex 04 of the agenda pack.
 - e. There were also representations against the application by two interested parties: Town Ward Councillors Michael Rye and Joanne Laban. The representations were on the grounds of the Prevention of Crime and Disorder and of Public Safety, and were attached as Annex 05 and Annex 06 of the agenda pack. The councillors were unable to attend this hearing, but raised concerns that this was an inappropriate commercial development in a residential area; that it would pose a burglary and a fire risk; and that it would increase traffic movement by vans in the area.
 - f. The Drinkup Group Limited had amended the application to include relevant proposed conditions. The final set of conditions set out in Annex 07 were all agreed by the applicant.
 - g. This was the first application of its kind to come before Licensing Sub-Committee, which involved online/remote sale of alcohol. The actual sale was deemed to take place when the alcohol was physically set aside in the storage area for delivery to the customer, and the licensable hours applied for would relate to this action. The times of delivery to and from the premises did not form part of the sale of alcohol, but could be regulated through conditions.
 - h. The premises was not in a Cumulative Impact Policy Area.
 - i. The Licensing Sub-Committee may not have regard to whether or not a proposal was likely to be permitted in accordance with the law relating to planning or building.
2. The statement of Charlotte Palmer, Licensing Authority, including:
- a. The applicant had agreed to all conditions requested, but the Licensing Authority still objected to this application.
 - b. In terms of public nuisance, there were concerns in relation to potential disturbance to local residents. This premises was located in a residential garden in a residential street. The ambient noise levels in the area were low so any increase in noise could have a negative impact. The storage area was a brick built garage building close to the back door of the residential building. Officers observed light coming in through the gaps around the shutter; indicating it was likely to have poor sound insulation. The plans showed how close the storage unit was to residences. Noise caused by sorting stock or general conversation etc had the potential to disturb local residents. The impact if the business proved successful should be considered. This business venture would be more suited to an industrial unit.

LICENSING SUB-COMMITTEE - 5.10.2016

- c. No planning application had been received for change of use from residential to commercial storage and delivery. Officers had indicated it was likely that such a proposal would be considered inappropriate.
 - d. The specified Designated Premises Supervisor (DPS) was Mr Ritchie Llewellyn. It was confirmed that he did not currently hold a personal licence, but that this was a requirement. Until the DPS had a personal licence, a premises licence, should it be granted, could not be operated.
3. Charlotte Palmer responded to questions as follows:
- a. The Chair asked about assertions that gaps in the shutters letting in light would make the storage building 'likely' to have poor sound insulation. It was advised that no tests had been carried out by officers, but it was likely that where light could travel through then sound would also escape. The shutters were not tightly closed and would not keep in general conversation, and this was a concern. The assertions were based on officers' experience. The building was residential. A storage unit for commercial use would be more substantial. Charlotte Palmer affirmed that she was confident the building was likely to allow noise permeation.
4. The statement of Mr Jamie Ahmet, on behalf of The Drinkup Group Limited, including:
- a. The business involved only the three directors and could not support large amounts of stored goods. There was no plan to store a lot of alcohol at the premises. Once an order was received, they would go and purchase the goods from the wholesalers, then store them on site. The business would be low volume as that was affordable.
 - b. No customers would ever attend the premises.
 - c. The business would change its hours to 14:00 – 22:00 to eliminate any chance of disturbance from noise that would naturally come from its operation.
 - d. In response to clarifications requested it was confirmed that the application was now being amended to seek supply of alcohol 14:00 to 22:00 daily rather than 14:00 to 04:00 daily. This would apply to both setting aside and delivery of goods. The applicant was agreeable to the lesser hours and advised that the wholesaler they used closed at 19:00.
 - e. All conditions sought had been agreed. The majority were already in the original application.
 - f. The DPS had a date set to get his personal licence on 12 November 2016, as this was the first date he had been able to attend the recommended course.
 - g. Orders would be received online, but if for any reason there was a problem with submitting the order, a phone number would be in place as a back up.
 - h. The aim of the business was ultimately to run events. This operation was a small part of building a brand and opening up more avenues, and this was also why they were so flexible about this application.
5. Jamie Ahmet responded to questions as follows:

LICENSING SUB-COMMITTEE - 5.10.2016

- a. In response to the Chair noting that this proposal was a stepping stone to building a business, and asking about future intentions, it was confirmed absolutely that as it grew the business would seek commercial premises.
- b. In response to the Chair's further queries why a premises outside a residential area was not sought at this stage, it was advised that use of the proposed premises was based on convenience for themselves as it was their general activity base and where they would be.
- c. Councillor Delman asked how and by whom deliveries would be made. Mr Ahmet confirmed it would be just the three directors making the deliveries themselves and that they all drove a Smart car. There would be no use of couriers and no delivery vans, just the three directors picking up stock and delivering the goods.
- d. In response to further queries by Councillor Delman, it was confirmed that goods would be picked up from the wholesaler after an order was made and would be delivered to the customer no later than 10pm. They did not have the means to supply large functions at this stage, but they did have ambitions and a business plan, and had looked at 24 hour storage facilities.
- e. The Chair asked about previous experience in the alcohol trade. Mr Ahmet advised that the need for such a service had been noticed at events they had attended, when the organiser was unable to go to a wholesaler themselves.
- f. The Chair noted that if the Sub-Committee was minded to grant the premises licence application as amended, it could not be operated until the personal licence and necessary planning permission were attained. Mr Ahmet acknowledged this and advised that a planning application would be submitted if this licensing application was successful. He confirmed that the business would not legally be permitted to operate until everything was in place.
- g. In response to Councillor Savva's query regarding proposals to keep down their workers' noise levels, it was confirmed that the drivers were the three directors, who would carry out the entire operation.
- h. In response to Councillor Savva's query regarding potential for obstruction of the road, it was confirmed this was a small operation as described, and there would be no need or use of forklifts etc.
- i. In response to the Chair's queries regarding occupiers of neighbouring properties, it was advised that the Llewellyns lived at the adjacent residence, and the other closest residents at no.113 Willow Road made no objections.
- j. Charlotte Palmer noted that on an officer visit the building had been full of gardening equipment and enquired if any changes were proposed. Mr Ahmet confirmed that the building would be cleared out and the door would be changed as it would be impractical for this operation. CCTV equipment had been purchased and would be installed.
- k. Charlotte Palmer asked about additional conditions in respect of the change of door, and in respect of deliveries via the employees only, and Mr Ahmet confirmed agreement to those.

LICENSING SUB-COMMITTEE - 5.10.2016

I. Charlotte Palmer advised that the Licensing Authority may have provided a different response to an application as this now appeared, with reduced hours and additional conditions.

6. The summary statement of Ellie Green, Principal Licensing Officer, confirming that there had been no representations from local residents in response to notices displayed accordingly, and it was for the Licensing Sub-Committee to take such steps as it considered appropriate for the promotion of the licensing objectives in determining the application, with reference to all relevant guidance and policy.

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 the submissions from all parties, the Licensing Sub-Committee (LSC) resolved to grant the application as amended in full – that is to say operating hours from 14:00 to the reduced terminal hour of 22:00, bringing the hours into line with the delivery times established by condition.

In addition, the LSC is applying two additional conditions as agreed at the hearing between the applicant and the Licensing Authority (LA) such that the LA considered that amended application demonstrated sufficiently appropriate steps were being taken to promote the licensing objectives, and the representations therefore were withdrawn.

The LSC agreed with this conclusion, and was sufficiently satisfied by the applicant’s understanding that any licence as granted could not be operated without both the proposed DPS being granted a personal licence, and the business being legitimised by receipt of planning permission for the same premises.

In respect of the remaining representations from the Ward Councillors, the LSC was persuaded that the scale of business (so long as it operates from these premises) is sufficiently low in volume as to diminish the potential for theft of stock; plus the fact that under

LICENSING SUB-COMMITTEE - 5.10.2016

questioning, the applicant reasserted that the business model did not entertain personal visit sales being conducted from the premises.

The issue of potential public nuisance has already been dealt with by condition and amended hours.”

3. The Licensing Sub-Committee resolved that the application as amended be granted in full as follows:
 - (i) Hours the premises are open to the public: from 14:00 to 22:00 daily.
 - (ii) Supply of alcohol (off supply only): from 14:00 to 22:00 daily.

Conditions (in accordance with Annex 07):

- (i) Conditions 1 to 32, which are not disputed,
- (ii) AND additional Conditions 33 and 34 as agreed between the applicant and the Licensing Authority.

33. Deliveries to and from the premises shall only be made by the business ie. no third party or courier company shall be used.

34. All doors shall minimise noise escape from the premises to the satisfaction of the Licensing Authority.

150 MINUTES OF PREVIOUS MEETINGS

RECEIVED the minutes of the meetings of Licensing Sub Committee held on Wednesday 27 July 2016 and Wednesday 10 August 2016.

AGREED that the minutes of the meetings of Licensing Sub Committee held on Wednesday 27 July 2016 and Wednesday 10 August 2016 be confirmed and signed as a correct record.