

COMMITTEE:
Licensing Sub-Committee
15 May 2019

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part 1	Item
<p>SUBJECT: Application for a Variation of a Premises Licence</p> <p>PREMISES: Shoppoint, 6-8 The Green, Winchmore Hill, LONDON, N21 1AY</p> <p>WARD: Winchmore Hill</p>	

1 LICENSING HISTORY:

- 1.1 On 10 April 2006, an application by **Mr Mohammed Salim** to convert an existing Justices On Licence to a Premises Licence, which was not subject to any representations, was granted by the Licensing Authority (**LN/200501313**).
- 1.2 The premises licence at this time permitted 24 hours opening, and sale of alcohol, off supplies 08:00 to 23:00. Mr Salim was also the Designated Premises Supervisor (DPS).
- 1.3 On 21 June 2007, Mr Mohammed Salim was granted the variation application permitting the sale of alcohol, off supplies, 24 hours daily. This was not subject to any representations.
- 1.4 On 16 November 2007, the Licensing Sub-Committee at a hearing determined the review application sought by Trading Standards, following repeated underage sales and breaches of licence condition. The Licensing Sub-Committee resolved to modify the conditions and sought to remove the Designated Premises Supervisor, Mr Salim.
- 1.5 On 31 March 2009, Licensing Enforcement submitted a review application following repeated breaches of licence conditions. However, on the day of the hearing, Mr Salim surrendered premises licence LN/200501313.
- 1.6 On 10 February 2010, the Licensing Sub-Committee issued a new application which was subject to a number of representations from residents and Responsible Authorities. The new premises licence (**LN/200900686**) permitted sale of alcohol (off sales) and opening between 7am and 11pm daily. The new premises licence holder was **Mr Michal Otremba**.
- 1.7 On 1 June 2018, a transfer application was granted naming **Mr Barbaros Yener** as the Premises Licence Holder, who was also named as DPS since 14 May 2018. These applications were not subject to any representations.

1.8 Mr Yener was granted Temporary Event Notices (TENs) for the following dates:

- 7am on 24 December 2018 to 1am on 25 December 2018
- 7am to 23:59 on 31 December 2018

1.9 Barbaros Yener and Ali Riza Kotuz are directors of Shopoint Limited.

1.7 In the nearby area of Shopoint, three pubs hold a premises licence. For information purposes, the licensing details for each premises are as follows:

Address	Opening Hours (latest closing time)	Alcohol Hours (latest sale of alcohol)
The Kings Head, Public House, The Green, Winchmore Hill, LONDON, N21 1BB.	00:00 (24 hours)	00:00 (midnight)
Salisbury Arms, LONDON, N21 3NP.	23:30	23:00
Queens Head Winchmore Hill, Public House, 41-43 Station Road, Winchmore Hill, LONDON, N21 3NB.	00:00 (24 hours)	00:00 (midnight)

1.9 A copy of the existing premises licence is attached as Annex 1.

2.0 THIS APPLICATION:

2.1 On 21 March 2019 an application was made by Mr Yener to vary the premises licence.

2.2 The application seeks:

Activity	Current Hours	Hours Applied
Open to the Public	07:00 – 23:00 everyday	No change Mon – Thurs 07:00 – 01:00 Fri - Sun
Alcohol (off sales)	07:00 – 23:00 everyday	No change Mon – Thurs 07:00 – 01:00 Fri - Sun

2.3 Each of the Responsible Authorities were consulted in respect of the application.

2.4 A copy of the application is attached as Annex 2.

3.0 RELEVANT REPRESENTATIONS:

3.1 **The Licensing Authority:** Representation has been made against the application on the grounds of prevention of public nuisance. This representation is produced in Annex 3. The representation seeks modification in conditions and reduction in hours sought, as follows:

Activity	Current Hours	Hours Applied	Hours sought by the Licensing Authority
Open to the Public	07:00 – 23:00 everyday	No change Mon – Thurs 07:00 – 01:00 Fri - Sun	No change Sun - Thurs 07:00 – 00:00 Fri - Sat
Alcohol (off sales)	07:00 – 23:00 everyday	No change Mon – Thurs 07:00 – 01:00 Fri - Sun	No change Sun - Thurs 07:00 – 00:00 Fri - Sat

3.2 **Other Persons:** Representations have been made, against the application, by 17 local residents. The residents are referred to as IP1 to IP17 respectively. The grounds of representation are based on all four of the licensing objectives: prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.

3.3 Copies of these IP representations are attached in Annex 4.

3.4 All residents live in the Winchmore Hill ward, and in one of the following roads: The Green, Wilson Street, Hoodcote Gardens, Hoppers Road and Broad Walk.

3.5 Cllr Maria Alexandrou, the ward councillor will be representing some of the residents at the hearing.

3.6 The Metropolitan Police made representation, namely seeking modification to conditions. The applicant has agreed those conditions and subsequently this representation was withdrawn.

4.0 PROPOSED LICENCE CONDITIONS:

4.1 The conditions arising from this application can be found in Annex 5.

5.0 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 April 2017 ('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)].

Hours:

- 5.5 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].

- 5.6 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].

Decision:

- 7.1 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 9.37].

- 7.2 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:
 - 7.2.1 the steps that are appropriate to promote the licensing objectives;
 - 7.2.2 the representations (including supporting information) presented by all the parties;
 - 7.2.3 the guidance; and
 - 7.2.4 its own statement of licensing policy [Guid 9.38].

- 7.3 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:
- 7.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 7.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 7.3.3 to refuse to specify a person in the licence as the premises supervisor;
 - 7.3.4 to reject the application [Act s.18].

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

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