

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 15 MAY 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Tolga Aramaz and Jim Steven

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), Catriona McFarlane (Legal Services Representative), Jacqui Hurst (Governance and Scrutiny)

Also Attending: Mr Barbaros Yener (Applicant), Mr Ertas (Applicant's representative)
Councillor Maria Alexandrou (Winchmore Hill Ward Councillor)
Councillor Mahym Bedekova (Observer)
Press representative

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WELCOME AND APOLOGIES FOR ABSENCE

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

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DECLARATION OF INTERESTS

There were no declarations of interest.

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**SHOPOINT, 6-8 THE GREEN, WINCHMORE HILL, LONDON, N21 1AY
(REPORT NO. 03) TO COMMENCE AT 10:30AM**

RECEIVED the application made by Shopoint situated at 6-8 The Green, Winchmore Hill, London, N21 1AY for a variation of a premises licence.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:

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- a. The application was for a variation of a Premises Licence by Mr Barbaros Yener (applicant and licence holder) for the premises situated at Shopoint, 6-8 The Green, Winchmore Hill, London, N21 1AY. This was located in a mainly residential area with some commercial properties including three pubs with premises licences, as detailed in the report.
 - b. The application had been amended and now sought licensing hours from 07:00 to 00:00 midnight on Fridays and Saturdays and, on Sundays preceding a Bank Holiday Monday. No change in hours were being sought from Sunday to Thursday (with exception of the specific Sundays as detailed above).
 - c. Representations had been made, against the application, by 17 local residents, as set out in Annex 4 of the report. All of the residents lived in the Winchmore Hill ward, and in one of the following roads: The Green, Wilson Street, Hoodcote Gardens, Hoppers Road and Broad Walk.
 - d. Councillor Maria Alexandrou, the Ward Councillor would be representing some of the residents at the hearing.
 - e. The Metropolitan Police had made representation, namely seeking modification to conditions. The applicant had agreed those conditions and subsequently this representation had been withdrawn.
 - f. The conditions sought by the Licensing Authority had now been agreed by the applicant (Annex 5 of the report referred).
2. The introductory statement of the applicant's representative Mr. H.Ertas, including:
- a. The variation to the premises licence being sought had been amended to an extension in hours from 11.00pm to 01:00am on Fridays and Saturdays only and Sundays preceding a Bank Holiday Monday.
 - b. The applicant was aware of the problems that had been experienced in the past by local residents when the premises had been under the management of Costcutter, as detailed in the written representations received.
 - c. The premises were now under new management. It was felt that the variation sought was reasonable and necessary to ensure that the business remained profitable. The premises needed to increase its revenue to meet rising costs.
 - d. That the applicant had agreed all conditions requested by the responsible authorities.
 - e. The objections that had been received were noted but it was stated that these related to the previous premises and not the current management/applicant and had taken place some time ago. The applicant was not aware of any current issues in the area. It was felt that some of the objections were exaggerated.

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- f. The view of the applicant that there was a demand from residents for the premises to be open beyond the current 11.00pm. There were no other local shop premises for the sale of alcohol open later than this in the local vicinity.
- 3. In response, questions and points of clarification were raised, including:
 - a. It was confirmed that all conditions sought from the application, as detailed in the report had now been agreed.
 - b. It was noted that the applicant had stated that there was resident demand for the extended opening hours, the Sub-Committee asked if this could be evidenced and noted that no petition or letters of support had been submitted for consideration. The applicant was unable to provide evidence at this time.
 - c. Attention was drawn to the outcome of the inspection of the premises that had taken place on 11 April 2019 as set out in the report. The Sub-Committee noted the licence conditions that were not being met at that time. Mr Ertas stated that action had been taken following the inspection and that all conditions were now being met. The Sub-Committee expressed concern that the conditions had not been complied with prior to the inspection taking place; and, at the lack of knowledge and awareness of the applicant/premises licence holder of the conditions to be met.
 - d. The Sub-Committee stated that the premises licence holder must meet all of the required conditions of the licence. Concern was expressed at the non-compliance highlighted in the earlier inspection of the premises.
 - e. In response to a question raised, it was confirmed that all training and appropriate records were now in place.
 - f. The Licensing Authority was satisfied that the conditions of the current licence were now being adhered to.
 - g. The Sub-Committee noted that the conditions of the licence were necessary to ensure that the premises were being run properly and that issues of concern did not arise. The requirement of staff training and appropriate written record keeping was highlighted. The applicant was questioned on the staff training provided.
 - h. Councillor Alexandrou, as Ward Councillor, questioned the demand for the extended opening hours and, if the demand did not exist there would not be the required increase in revenue for the hours requested. In response it was noted that the premises had previously had two Temporary Event Notices (TENs) over the Christmas and New Year holiday period when demand and revenue had increased.
- 4. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including:

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- a. That the applicant had now agreed to all of the conditions required.
 - b. The amendment to the variation of the Licensing Hours for Fridays and Saturdays only and Sundays only when preceding a Bank Holiday Monday.
 - c. The objections received as provided in the report and that none related to the current licence holder.
 - d. That this was a mainly residential area with some commercial premises. The Licencing Authority did not want to the previous anti-social behaviour issues experienced by local residents to re-occur.
 - e. It was recommended that an extension in hours be granted to midnight only, not 01:00am as sought by the applicant.
5. The statement of Councillor Maria Alexandrou, Winchmore Hill Ward Councillor, representing several local residents, including:
- a. The strong opposition of local residents as set out in the written representations received. The issues of anti-social behaviour that had been experienced by the residents previously as detailed in the representations.
 - b. That when the licensing hours had reverted to 11.00pm the issues of anti-social behaviour had stopped.
 - c. The pubs in the local area closed at a reasonable hour as detailed in the report.
 - d. An extension of hours would encourage individuals to remain in the local area and residents were concerned that the issues of anti-social behaviour including crime and public disorder; the prevention of public nuisance; and, noise pollution would return. The noise of cars coming to and leaving the premises was also highlighted. The premises would not be able to control unruly behaviour outside of the premises. It was also important to ensure that there were no underage sales of alcohol and ensure that the licensing objective of the protection of children from harm was adhered to.
 - e. Residents wanted to be able to sleep at night undisturbed. The premises were located in a conservation area and a drinking controlled area.
 - f. In response the Sub-Committee questioned if there had been any recent changes to the opening hours of the pubs in the vicinity. They also noted the reports of local residents of “roaring cars” and questioned the existence of speed humps in the area. It was further noted that the reports were from the residents only; it was not evidence that had been provided by the police. It was noted that the issues had related to the premises when it had been Costcutter.

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6. The closing statement of the applicant's representative, Mr. Ertas, including:
 - a. The applicant was aware of the anti-social issues that had previously been experienced but felt that the representations that had been received were exaggerated. The variation was only sought to 01:00am as previously specified and, compromises had been made on the original variations sought. No issues had been experienced when the TENS had been in place over the Christmas and New Year period. If issues did arise from the extended hours then the licensing authority could revoke the premises licence.
7. The closing statement of Councillor Maria Alexandrou, Winchmore Hill Ward Councillor, including:
 - a. Residents' concerns had been received and noted. The residents did not want the anti-social behaviour problems that they had previously experienced to return. This was a mainly residential area. They wanted the business to be successful but their concerns had been clearly stated.
8. The closing statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the Licensing Authority recommended a limit of the variation to 00:00 (midnight).
9. The closing statement of Ellie Green, Principal Licensing Officer. Members' attention was drawn to the relevant law, guidance and policies for the Sub-Committee's consideration, as outlined in the report.

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 Sub-Committee 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:

The Chair thanked everyone present for their attendance at the hearing and the representations that had been made. The Licensing Sub-Committee had listened to and considered all the representations made

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and, noted the 17 objections that had been received. The Licensing Sub-Committee agreed to grant the application in part with the Hours Open to the Public and Alcohol (off sales) on Friday and Saturday and, Sundays preceding a Bank Holiday Monday amended to 07:00 to 00:00 (midnight). The Conditions as agreed by all parties promote the four objectives of the Licensing Act. The Licensing Sub-Committee had concerns regarding the applicant's previous compliance with, and knowledge of their licensing conditions and objectives which is why they did not grant the full variance requested.

3. The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED IN PART** as follows:

- (i) Licensing Hours and Activities:

Activity	Licensing Hours	Non-Standard Timings
Open to the Public	07:00 to 23:00 Sunday to Thursday (no change) 07:00 to 00:00 (midnight) Friday and Saturday	07:00 to 00:00 (midnight) Sundays preceding a Bank Holiday Monday
Alcohol (off sales)	07:00 to 23:00 Sunday to Thursday (no change) 07:00 to 00:00 midnight Friday and Saturday	07:00 to 00:00 (midnight) Sundays preceding a Bank Holiday Monday

Conditions (in accordance with Conditions in LSC Report – Annex 5):

- (ii) Conditions 1 to 22 which are not disputed (Licensing Authority new conditions agreed; and agreed to remove Conditions 10 and 11).

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MINUTES OF PREVIOUS MEETINGS

This item was deferred for consideration at a future meeting of the Sub-Committee