

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 14 OCTOBER 2020**

COUNCILLORS

PRESENT (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), Balbinder Kaur Geddes (Legal Adviser), Jane Creer (Democratic Services)

Also Attending:

**1
WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. The Chair explained the order of the meeting.

**2
DECLARATION OF INTERESTS**

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

**3
POLONEZZ, 14 GREEN LANES, LONDON N13 6JR**

RECEIVED the application made by Mr Piotr Swis for the premises situated at Polonezz, 14 Green Lanes, London, N13 6JR for a New Premises Licence.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application for a new premises licence was made by Mr Piotr Swis for Polonezz, 14 Green Lanes, N13.
 - b. The application sought opening hours and sale of alcohol (off sales) 08:00 to 21:00 Monday to Saturday and 09:00 to 20:00 Sunday.
 - c. The premises was a convenience store.

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- d. The licensing history in respect of the store was set out in the officers' report. The previous licence held by Polonez Limited was revoked in March 2020 following a review application from Trading Standards following the discovery of non-duty paid alcohol and cigarettes on the premises on more than one occasion.
 - e. The new application was submitted in the name of an individual: Mr Piotr Swis. He had been a Director of Polonez Limited for a period of time since the review, but had now resigned as a Director.
 - f. Mr Swis had not replied to any email in respect of the application and hearing. A mobile number provided to the Licensing Team was for Izabela Kuziola. Officers spoke to her and she advised the best person to contact was Jakub Lenczewski, a previous Director who had resigned 18/6/20 but been reappointed 17/9/20.
 - g. Mr Lenczewski was contacted and he advised the application contained an administrative error in naming Mr Swis and the application should have been made in the name of the company. However, Mr Swis had not given authority for anyone to act on his behalf and the application could not be changed without his authorisation.
 - h. Mr Swis and Mr Lenczewski had been advised of the situation, and that if they wished to withdraw the application they would need to attend this hearing, as it had not been withdrawn more than 24 hours beforehand.
 - i. Officers had not received any response or received a valid withdrawal request and the hearing therefore needed to proceed.
 - j. The Licensing Authority was concerned there was a connection with the new applicant and DPS and those involved with the business when the former premises licence was revoked. Representation had been made by the Licensing Authority against the application in its entirety, as set out in Annex 3 to the report and additional information.
 - k. Should the Licensing Sub-Committee be minded to grant the application in full or in part, the Licensing Authority sought conditions as set out in Annex 4. Mr Swis had not indicated any agreement to these conditions.
 - l. Mr Swis was not present at this hearing, nor was he represented.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of the Licensing Authority, including:
- a. This premises had been licensed previously for the sale of alcohol and that licence had been revoked on 18/3/20.
 - b. The Secretary of State guidance took smuggled tobacco very seriously, and the undermining of the prevention of crime and disorder licensing objective.
 - c. It was clear that the business was being run by the same company, and the same DPS was proposed. This application was made by an individual, but the proposed DPS was still Izabella Kuziola. Mr Swis was a Director of Polonez Limited. It now appeared there had been an error in the application, but this was clearly the same business. The links with the

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previous licence holder led the Licensing Authority to have no confidence in the applicant and to object to the application in its entirety.

d. Less than five months had passed since the revocation of the licence, and this application was for longer hours and offered less conditions than the previous licence. It was considered justified for the Licensing Authority to object to the application in its entirety.

e. If the sub-committee was minded to grant the application in full or in part, recommended conditions were proposed to fully promote the licensing objectives. It was also recommended that a different person be named as the DPS. A DPS was meant to have control over the sale of alcohol on a daily basis and if they had been there previously they would have been aware of the non-duty paid goods. Therefore the Licensing Authority had no confidence in the person being named.

f. As officers had not heard from Mr Swis there were no further comments at this time.

3. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representative of the Licensing Authority, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.

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:

“The Applicant not having attended and the Licensing Sub-Committee having read and listened attentively to the written and oral representations of Charlotte Palmer for the Licensing Authority, the Licensing Sub-Committee has resolved that the appropriate step to be taken to support the promotion of the licensing objectives is not to grant a licence to Mr Piotr Swis at the premises known as and situated at Polonezz, 14 Green Lanes, London, N13 6JR.

The Licensing Sub-Committee believes that the storage of smuggled goods (sale or storage of smuggled tobacco and alcohol) in the recent past which resulted in the revocation of the company's previous licence remains a live issue which would undermine the furtherance of the licensing objective of prevention of crime and disorder in particular.

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The Licensing Sub-Committee was persuaded on the evidence of the Charlotte Palmer of the Licensing Authority Enforcement Team of the real risk that the applicant and its officers and staff would be unlikely to comply with the proposed conditions to any licence given their previous conduct, in particular that of the Designated Premises Supervisor.”

3. The Licensing Sub-Committee resolved that the application be **REFUSED**.

4 MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meeting held on Wednesday 23 September 2020 as a correct record.