

Licensing Sub Committee C - 18 November 2014

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 18 November 2014 at 6.30 pm.

Present: **Councillors:** Gary Poole (Chair), Angela Picknell and Flora Williamson

Councillor Gary Poole in the Chair

34 INTRODUCTIONS AND PROCEDURE (Item 1)

Councillor Poole welcomed everyone to the meeting, asked members and officers to introduce themselves and informed all present that the procedures were outlined in the agenda pack.

35 APOLOGIES FOR ABSENCE (Item 2)

Apologies were received from Councillor Gill and Safi Ngongo.

36 DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)

Councillor Picknell substituted for Councillor Gill and Councillor Williamson substituted for Councillor Safi Ngongo.

37 DECLARATIONS OF INTEREST (Item 4)

None.

38 ORDER OF BUSINESS (Item 5)

The order of business was as the agenda.

39 THE AULD TRIANGLE PUBLIC HOUSE, 52 ST THOMAS ROAD, N4 2QW - PREMISES LICENCE VARIATION (Item 1)

The Sub-Committee noted that the applicant, legal representative or the designated premises supervisor had not attended the meeting.

The Chair of the Sub-Committee stated that the Licensing Authority may wish to take further action in relation to the premises.

RESOLVED that the application for the premises licence at The Auld Triangle Public House, 52 St Thomas Road, N4 be refused.

REASONS FOR DECISION

The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The applicant and the licensee did not attend the Sub-Committee meeting. The Sub-Committee did not require any further submissions to be made by the Licensing Authority, the Police or the Noise Team representative. No residents or ward Councillor was present. In advance of the hearing the Sub-Committee carefully considered all the evidence and submissions and read all the material.

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The Sub-Committee carefully considered the application and in particular the steps that the applicant offered to take in relation to promoting the licensing objectives.

The applicant was an existing licence holder, holding a licence for the sale of alcohol on and off the premises, the playing of recorded music for 24 hours a day and the provision of late night refreshment.

The application was for a variation of that licence, to amend the hours for the sale of alcohol to that of Fridays and Saturdays from 10:00 to 1am the following day on Fridays and Saturdays only.

The Sub-Committee noted that there had been a licensing officer panel meeting in May 2014 after the premises had been found operating until after midnight, in breach of the licensing hours. Following the panel the premises was found to be selling alcohol and playing live music after hours on 30 May 2014. There had been a visit by licensing officers in August 2014 and alcohol was again witnessed being sold after hours.

The Sub-Committee further noted that the licence holders or the designated premises supervisor did not appear to be involved in the day to day licensable activities. There had also been complaints regarding noise in the rear yard and noise from entertainment at the premises.

The Sub-Committee accordingly was of the opinion that the decision to refuse the variation application was appropriate and proportionate for the promotion of the licensing objectives.

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AN APPLE A DAY, 621 HOLLOWAY ROAD, N19 - NEW PREMISES LICENCE APPLICATION (Item 2)

The licensing officer reported that additional information had been passed to the Sub-Committee relating to the purchase of the leasehold interest. These papers would be interleaved with the agenda papers.

The police reported that there were 19 licensed premises in a 250 m radius. There were over 1000 crimes for the ward during 2013/14. There had been only two reported crimes for the premises over the last six months since the previous revocation of the licence. He raised concerns that there would be the temptation to sell alcohol out of hours with 24 hour opening. He had agreed three conditions with the applicants which he would like to be added to the licence if it was agreed.

In response to questions, the police reported that they did have concerns regarding the cumulative impact of the premises. He considered that the premises would have an impact on the area. He reported that the CCTV condition was a step in the right direction for the prevention of crime and disorder. This was not a big premises and he considered that there was not much else that the applicant could do.

Mr Haken Er and Mrs Nursever Arabacier, training consultants, supported by the applicant Mr Yalchin Hajiev, reported that they had liaised with the trading standards team and the police. They stated that trading hours for the sale of alcohol would be reduced from the previous licence to 11pm and the volume of alcohol sold would be less. No rubbish would be removed or waste collected between the hours of 23:00 and 07:00. The pictures of waste outside the premises in the agenda pack were from 6 or 7 months previously. The area was not like that now. The CCTV could be used to collect evidence for crime and disorder. If the licence was granted all staff would be trained. The consultants had been training businesses for eight years.

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In response to questions, Mr Hadjev reported that there was no connection between him and the previous owner. He only knew him through buying the premises. Alcohol would be kept behind locked cabinets after licensing hours in order that staff resisted pressure from customers. He considered that the business would not be viable without an alcohol licence. The business would be selling a variety of produce including organic food and wines. When unable to respond to a question, the Chair informed Mr Hadjev that abv was an acronym for alcohol by volume. He reported that all staff had changed from previously. Mr Hadjev stated he would train staff every three months. Following translation he stated that he would keep a record of all training. He stated that 20 or 30 % of sales would be alcohol. He worked in a shop in Muswell Hill for one year before this shop. He was a snooker club manager prior to this. No alcohol was sold in the shop but was in the snooker club. Challenge 25 would be covered in the training.

In summary, the police reported that he was pleased with the additional conditions but had concerns as the premises was in a cumulative impact area.

The applicant stated that conditions had been agreed with the trading standards team and he was happy to attend a trading standards training session in January. In response to a question regarding cumulative impact the applicant stated that his variety of product was different to other shops and he was there to support local needs. The upstairs room could be used as a training venue. There were two personal licence holders on the premises.

RESOLVED that the application for the premises licence for An Apple a Day, 621 Holloway Road, N19 be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 1, 2, 3, 7 and 10. The premises fall under the Junction area of Archway cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Junction area of Archway, in which these premises are situated, is covered specifically under licensing policy 3. The Junction ward in Archway has one of the highest concentrations of off licences of any ward in the borough with an average of one off licence per 317 residents. The policy recognises that as the density of licensed premises increases so does the number of incidents of alcohol crime and disorder.

The Sub-Committee noted and considered the written submissions made by the Metropolitan Police, four local residents and two other bodies. It further considered the written applications made by the applicant in his application.

The Sub-Committee heard oral submission from Steve Harrington of the Metropolitan Police and the applicant, who was further assisted by a licensing consultant.

The Sub Committee noted that there were 19 off sales outlets/businesses in the area and that one had also existed at the premises in question. That licence was revoked earlier this year. The present applicants were not connected to the previous licence holder. The Metropolitan police provided evidence of crime figures for the area and stated that the

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specific area in question traditionally suffers from high levels of crime and disorder. It was recognised that crime in this area was often a result of high levels of consumption of alcohol.

In light of the above, strong, informed management was required to deal with potential difficulties that may arise from any problematic customers.

The Sub Committee questioned the applicant about his plans for management and the training of staff and was not satisfied that this aspect had been considered sufficiently by the applicant. In particular, areas around the training of staff and how frequently this was to take place, appear to have not been given adequate consideration by the applicant.

Licensing Policy 10, provided that the applicant must be able to demonstrate a commitment to high standards of management. The Sub Committee found that the applicant was unable to demonstrate a comprehensive knowledge of best practice in this regard.

The Sub-Committee concluded that the premises licence would add to the availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application. In accordance with licensing policy 2, 3 and 10, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The decision to refuse that application was accordingly, appropriate and proportionate.

The meeting ended at 7.30 pm

CHAIR