

Licensing Sub Committee A - 4 November 2014

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

Present: **Councillors:** Raphael Andrews (Chair), Nick Wayne (Vice-Chair) and
Flora Williamson

Councillor Raphael Andrews in the Chair

28 INTRODUCTIONS AND PROCEDURE (Item 1)

Councillor Andrews welcomed everyone to the meeting and asked members and officers to introduce themselves.

29 APOLOGIES FOR ABSENCE (Item 2)

None received.

30 DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)

None.

31 DECLARATIONS OF INTEREST (Item 4)

None.

32 ORDER OF BUSINESS (Item 5)

The order of business was B2, B3 and B5. Items B1 was deferred to a future meeting and items B4, B6 and B7 were agreed prior to the meeting as all representations had been withdrawn.

33 MINUTES OF PREVIOUS MEETING (Item 6)

RESOLVED

That the minutes of the meetings held on the 26 August and 4 September 2014 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.

34 AN APPLE A DAY, 621 HOLLOWAY ROAD, N19 - NEW PREMISES LICENCE APPLICATION (Item B1)

The Sub-Committee noted that this item had been deferred to an additional Licensing Sub-Committee on the 18 November 2014.

35 BURGER LOBSTER, 38-42 ST JOHN STREET, EC1M 4AY - VARIATION OF PREMISES LICENCE (Item B2)

Thomas O'Maoileoin, representing Thomas and Thomas Partners, submitted an amendment to the original application. He stated that the hours for all licensable activities be reduced to midnight. Closing time would then be 00:30 to allow half an hour drinking up time. To respond to concerns regarding alcohol on the premises he submitted an additional condition stating that customers could not bring alcohol onto the premises.

The licensing authority agreed with this amendment and advised that the only issue remaining was the proposed condition regarding the sale of alcohol, ancillary to food, between the hours of 08:00 to 11:00 am on Mondays to Fridays.

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The noise officer reported that the noise team were concerned about the sale of alcohol in the area between the hours of 08:00 and 11:00 particularly on Thursdays to Sundays as this was a very busy area.

Mr O'Maoileoin informed the Sub-Committee that the early hours for the sale of alcohol were required to allow for champagne breakfasts. Five out of the six Burger and Lobster restaurants had been granted earlier licences. It was expected that breakfasts/brunches were more likely to be taken up by people at the weekends.

In response to questions, the applicant stated that it was expected that the premises would attract local residents. They would not want to attract clubbers. The premises had a receptionist and clients would be shown to the table and those intoxicated would be refused entry. The premises would be opening for breakfast in any event. He understood the concerns of the police but had not come across problems with drinkers early in the morning. He did not consider that it was necessary to have security guards for a restaurant at that time of the day. The applicant understood that the premises was in a cumulative impact area but, as the hours would be reduced after midnight the licensing objectives would be promoted. Alcohol would be sold in a responsible way and if problems arose the licence could be reviewed.

In summary, the applicant stated that he would be happy to restrict the type of alcohol served with breakfast if it was considered necessary.

RESOLVED

- a) That the premises licence variation be granted to:-
- i) Reduce the terminal hour for the sale of alcohol on and off the premises, the playing of recorded music and live music and the provision of late night refreshment to midnight Monday to Sunday.
 - ii) Bring forward the commencement of the sale of alcohol for consumption on and off the premises from 08:00 am Monday to Sunday.
 - iii) For closing hours to be brought forward to 00:30 hours.
- b) That the following conditions shall be applied to the licence:
- i) Conditions of the current premises licence.
 - ii) No alcohol shall be brought onto the premises.
 - iii) Between 08:00 and 11:00 hours, alcohol shall be ancillary to a meal.

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 noted the applicant's amendment to the application to reduce the hours for the provision of late night refreshment and regulated entertainment to bring it in line with the application to reduce the sale of alcohol until midnight. A reduction to the opening hours to 00:30 was also proposed. In support of the amended application the applicant also offered a condition that no alcohol should be brought onto the premises.

The Sub-Committee noted that the licensing authority was content with the amended application but maintained a condition be imposed to ensure that the sale of alcohol was ancillary to a meal.

The Sub-Committee heard evidence that the application for earlier hours was to offer customers coming to the premises to be able to consume alcohol with a substantial breakfast/table meal if they required. The business was hoping to target local residents who were more likely to use their premises on weekends. There was a company policy in place not to serve to people who appeared to be intoxicated or on drugs.

The Sub-Committee concluded that, with the reduced hours applied for the evening and the condition that alcohol be served ancillary to the consumption of food for the earlier opening hours, the licensing objectives would be upheld.

The Sub-Committee took into account licensing policies 1 and 2 regarding cumulative impact and licensing policy 7 regarding licensing hours.

36

CENGIZ PLACE, 47 GREEN LANES, N16 9BU - NEW PREMISES LICENCE APPLICATION (Item B3)

The police reported that there were a number of venues in the area which the police were aware were used for gambling. The police had written to the applicant on two occasions, on the 28 August and on the 15 September, and had not been responded to. They had discovered a number of criminal intelligence reports relating to the venue. Due to the lack of communication from the applicant they had concerns about the professionalism of management and were still maintaining their objection.

The applicant stated that she was not aware that she needed to respond to the first letter from the police. She was not aware of any incidents at the premises and stated that there was new management and there were no illegal practices at the venue. She had installed CCTV approximately two months ago, just after the application for the premises licence had been made. The venue was used as a social community for residents. Customers would sometimes ask for alcohol to drink when playing card games. There was a kitchen area and drinks would be kept behind the bar. It was not like a pub and customers came to watch football games and to socialise.

In response to questions, the applicant stated that she made her profit through the sale of soft drinks, teas and coffees and nuts and crisps. If alcohol was sold then the profits could increase. Everyone was welcome to come to the premises but it was mainly used by retired people who played card games and board games with their friends. No drinks were allowed outside. No music was played. Customers would just go outside the premises to smoke. Signs had been erected to remind customers to leave quietly and customers were also reminded not to make a noise when leaving. The applicant was unaware of illegal activity but this may have been an issue under the old management. There would be minimal drinking. The customers were known to them. The applicant stated that she had sent an email in response to the letter from the police in September stating that all conditions would be accepted. However, the applicant accepted that she had not read the letter properly and had not responded to concerns from the police about criminal gangs in the area. The Sub-Committee were concerned that the applicant had not taken this letter more seriously and she had not telephoned the police immediately.

In summary, the police appreciated that the CCTV condition proposed had been accepted. He had been concerned regarding the intelligence reports linked with the venue but not had the opportunity to discuss these with the applicant. The applicant agreed that she should have spoken to the police about these reports and asked if the item could be deferred in order that she discuss this matter with the police. The applicant stated that she would be willing to prevent certain people from entering the premises if required.

RESOLVED:

That the application for a new premises licence for Cengiz Place, 47 Green Lanes, N16 9BU 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 heard evidence from the police that there were restricted criminal intelligence reports related to the venue which was a considerable cause for concern. The police had written to the applicant regarding these concerns but the applicant had only addressed the conditions relating to CCTV that the police had proposed.

The Sub-Committee heard evidence from the applicant regarding the future use of the venue and her explanation as to the delay in responding to the police representation and her failure to address the criminal activity that the police had raised with her. She invited the Sub-Committee to adjourn proceedings to enable her to liaise with the police in this regard.

The Sub-Committee concluded that the failure by the applicant to address the serious concerns of the police of persons visiting the venue and their connection to criminal activity gave the Sub-Committee no confidence that any concerns raised in the future would be dealt with by the applicant in a prompt manner which the Sub-Committee considered necessary to promote the licensing objectives; an adjournment would not resolve this matter.

In light of the evidence, the Sub-Committee concluded that the decision to refuse the licence was fair and reasonable.

The Sub-Committee took into account licensing policy 10, in relation to running the business lawfully and in accordance with good business practice, when making their decision.

37 **CEVICHE, EMPIRE HOUSE, 136-144 CITY ROAD, EC1V 2RL - NEW PREMISES LICENCE APPLICATION (Item B4)**

The Sub-Committee noted that this application had been agreed prior to the meeting as the representations had been withdrawn.

38 **BEERS, WINES, SPIRITS, 426 ST JOHN STREET, EC1 - REVIEW OF PREMISES LICENCE (Item B5)**

The trading standards officer summarised the review application as detailed in the report. He considered that the licence should be revoked. There had been a seizure of illicit alcohol in March 2014. An invoice had been provided but initial checks on the invoice were suspicious. The licensee had received advice both in writing and at a training session. The illicit alcohol was found in resealed packs, loose rather than shrink wrapped and had some crooked labels, all of which would have been noticed if advice had been followed. At the time of the visit there were also a number of conditions that had been breached as witnessed by the police and the licensing and trading standards officers. These included a health and safety condition that had been placed on the licence in 2008 and had only just been completed, but had not been inspected, and a personal licence holder being on the premises at all times. There had been two underage sales during the time that the licensee had been involved with the business.

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The police supported the review of the licence and informed the Sub-Committee that the management was not at the high standard you would expect from a premises.

Miss Power, solicitor, supporting the licensee, Mr Kashmiri, passed a document to the Sub-Committee highlighting the changes to be made to help address concerns. This document would be interleaved with the agenda papers. She reported that this was a family business. It was accepted that management was below standard and requested a three month suspension rather than revocation which would both punish and allow enough time to sort out management structure.

Mr Kashmiri stated that he had installed a fingerprint machine, he authorised other staff when not at the premises. Staff had been trained regarding Challenge 25. He realised mistakes had been made. He stated that the licence supported a family with two sons. He stated that he had provided a small bundle of letters of support. The Sub-Committee agreed that this bundle be disregarded as it had only been received on the evening of the meeting.

In response to questions Ms Power stated that everything the trading standards officer had stated was accurate except that the licensee had not had anything to do with the business in 2008. Mr Kashmiri reiterated that he did not have anything to do with the business in 2008 but only in 2010 or 2011. The licensing officer produced a licence transfer document from 2007 to transfer the licence to Mr F Kashmiri and a variation application made in April 2007 with his handwriting and signature. Mr Kashmiri stated he had been manipulated into taking the business over and he was not running the business at this time. He had been duped.

Mr Kashmiri stated that he would probably take a back seat in the business. He had not seen breaches but now had CCTV installed. He missed a training session as his wife was pregnant. He stated that the underage sales were made by members of staff, the first was dismissed and the second was taken away from cashier duties. All problems were now addressed and a three month suspension would give time to attend trading standards training and allow family members to come on board. Ms Power suggested that Mr Kashmiri was willing to step out of the business.

In summary, the trading standards officer stated that the price indicated on the invoice was not consistent as that stated at the interview. The previous designated premises supervisor was absent from the premises. Whether or not Mr Kashmiri was involved in the business in 2008 there was evidence of poor management since 2012 in any event which could lead to a revocation of the licence.

Ms Power requested that the Sub-Committee consider the proposal outlined in page three of her tabled document and apply a three month suspension of the licence.

RESOLVED that the premises licence in respect of Beers, Wines and Spirits be revoked.

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 heard evidence from the trading standards officer that there had been a seizure of illicit Smirnoff vodka in March 2014. The licensee had, prior to the visit, received advice regarding illicit alcohol both in writing and at a training session. Licence conditions were also found to have been breached at subsequent visits. This included a breach of condition which required a personal licence holder to be present at all times when licensable activities were being conducted. The Sub-Committee noted that there had been

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two underage sales, in October 2012 and September 2013, when Mr Kashmiri was the licensee.

The Sub-Committee noted that it was accepted by the applicant that there had been a serious management failure and proposed that a three month suspension be imposed in order to serve as a punishment and to give the licensee time to change things around. As it was a family business it would allow time for the licensee to ensure that the management structure improved. He was prepared to step away from the business, if necessary. The Sub-Committee noted that training had taken place and that family members were now personal licence holders. There was a willingness to attend training offered by trading standards.

The Sub-Committee considered that the licensing objectives of crime and disorder and the protection of children from harm had been seriously undermined by the number of breaches of the law and of licence conditions sustained over a long period of time. This was compounded by a systemic failure of management. The Sub-Committee concluded that revocation was the only course of action.

In light of the evidence, the Sub-Committee concluded that the decision to revoke the licence was fair and reasonable.

In making their decision, the Sub-Committee took into account licensing policy 4 regarding shops selling alcohol, policy 9 regarding high standards of management, licensing policy 25 and 26 regarding the illegal sale of alcohol and licensing policy 30 regarding the review of licences.

39 **CRESSIDA FOOD MARKET, 52 CRESSIDA ROAD, N19 3LB - PREMISES LICENCE TRANSFER AND DPS VARIATION APPLICATION (Item B6)**

The Sub-Committee noted that this application had been agreed prior to the meeting as the representation had been withdrawn.

40 **ORLEAN'S NIGHTCLUB, 259-261 SEVEN SISTERS ROAD, N4 2DD - PREMISES LICENCE TRANSFER AND DESIGNATED PREMISES SUPERVISOR VARIATION (Item B7)**

The Sub-Committee noted that this application had been agreed prior to the meeting as the representation had been withdrawn.

The meeting ended at 9.15 pm

CHAIR