

Licensing Sub Committee A - 19 February 2019

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 19 February 2019 at 6.30 pm.

Present: **Councillors:** Poole (Chair), Ngongo (Vice-Chair) and Mackmurdie

Also Present: **Councillors:** Heather

Councillor Gary Poole in the Chair

43 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Poole welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

44 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence.

45 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

46 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

47 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

48 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 18 December 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

49 NAGS HEAD, COVERED MARKET, 22 SEVEN SISTERS ROAD, LONDON, N7 8AG - NEW PREMISES LICENCE APPLICATION (Item B1)

The licensing officer stated that an update report had been provided in the second despatch. Three additional conditions had also been provided by the applicant and these were as follows:

- 1) There shall be no self-service of alcohol at the premises.
- 2) That children are not permitted on the premises after 20:00 unless they are accompanied by an adult.

- 3) At all times when alcohol is sold on the premises there will be an open food market on the Mezzanine level providing substantial refreshment.

The Planning Officer stated that there was an open enforcement case. Currently the use class was A1. It was not clear whether there would be a change of use. However, planning was a separate regime to licensing. There was baseline consent for planning permission for the area including the market. The Planning Officer advised that there were no planning issues which would prevent the determination of this application.

The Licensing Authority stated that their representation had been made on the grounds of location, C1 use, saturation, licensing hours, operating schedule and dispersal policy. Since then the composite list of conditions had been submitted by the applicant and the hours had been reduced to the framework hours, there would be no motorised vehicles after 8pm, no off sales after 8pm and only the entrance on Seven Sisters Road would be used after 8pm. The Licensing Authority had not withdrawn their representation as they were of the view that the ground floor bar should not be licensed and only the mezzanine should be licensed for use when the open food market was open.

Three residents and a ward councillor spoke to object to the application. The first resident spoke and explained that much pain and suffering was caused to residents living in the vicinity. There were four pubs within 50m of the market. Nearby there was also a 24 hour McDonald's, a KFC open until 12am, 4 small licensed supermarkets, betting shops, casinos and two large supermarkets. There were only three nearby residential roads where people could park and there had been problems with drunken revellers, drug dealing, people shouting, throwing takeaways and delivery drivers congregating, shouting and arguing. It was stated that the area could not take another large licensed premises. Concern was raised that two or three years ago the market sold goods, then it turned into a hot food market and the mezzanine was developed, both without planning permissions. It was proposed that 20 food outlets would sell alcohol. Concern was raised about this licence not promoting the licensing objectives and about the large premises being in a cumulative impact area. The resident raised further concern that the applicant had no control over the ground floor exits and would not have this without the consent of the other lessees. Similarly it had no authority to agree conditions. In addition, the resident stated that the applicant's balance sheets from other premises were weak and losses had been made. Concern was raised at the lack of compliance with Licensing Policies 1 or 3.

The second resident raised concern about the premises being in a saturated cumulative impact area. It was on the night bus route from London, had high knife crime, vandalism, theft and residents felt as if they were under attack. She outlined a number of crimes that had taken place in the area and stated that she had crime numbers for all these cases. The chair clarified that none of the incidents of crime mentioned could be directly attributable to this premises and there was no representation from the police. The resident stated that the theft of alcohol with

violence occurred on a daily basis in the area and increased alcohol consumption would lead to more problems for residents. Concern was raised that as the applicant intended to create small units, if one refused to sell alcohol to somebody, the person would move on to another unit.

The third resident raised concern about the impact on family life. Taking her children to school and back she passed rubbish, discarded cans, shouting, and illegally parked vehicles. She had witnessed her neighbour being knocked down by a vehicle travelling the wrong way down the street. She did not take her children out after dark as she did not feel safe. She was concerned about smoking areas and vehicles outside the premises making noise and her children were now unable to sleep at the front of the house due to noise. She stated that the problems in the area were not good for the community and in particular for children and advised that the headteacher of Grafton School was against the application.

Councillor Heather spoke against the application and stated that there was a petition of over 200 signatories and the premises was in a cumulative impact area. He was of the view that the business would be alcohol led and there were too many alcohol units in the area already. Alcohol consumption led to major crime in the borough and the application posed a serious risk to the promotion of the four licensing objectives. There was already a high level of drug dealing, anti-social behaviour, noise and excessive consumption of alcohol. This application would increase this as there would be up to 500 people consuming alcohol. It would also exacerbate litter and cooking fumes, increase traffic congestion and parking problems. It was stated that children should not be exposed to these problems and it was reiterated that the headteacher of Grafton School had put in a representation. Concern was raised that the premises would attract people travelling in cars, that the waste facilities and toilets were not adequate and that even though recorded music had been removed from the application, music could still be played up until 11pm.

The applicant's representative stated that the application had many supporters and some of the objections, when compared to the composite list of conditions were broadly in line. He stated that the hours were within framework hours, the premises was not going to be a bar or a nightclub and without serving food, the business would not be able to survive. The operators were experienced, the DPS had been a DPS since 2013 and was the managing director of the company which had a number of similar operations. He responded to objectors' concerns by saying that these were concerns about the area at the moment, and granting the licence would help to deal with the issues. £65,000 would be spent refurbishing the outside of the building. Concerns about drug dealing and taking were only likely to happen if there was a lack of staff or security but there would be SIA security staff on Thursday, Friday and Saturday nights which would be a deterrent. The smoking area would be at the far side of the premises away from residential buildings and the extractor had already been installed at the back of the building. He stated that the premises would not become a destination venue and that the Herslett Road entrance would be closed after 8pm.

The applicant's representative stated that Condition 31 dealt with litter as there would be no off sales after 8pm and Condition 21 dealt with noise and vibration. It was proposed that there would be no motorised deliveries after 8pm and no cyclists would be permitted to congregate after 8pm. Conditions were in place to address the premises being in a cumulative impact area and policy had to allow for exceptions. The policy stated that if certain exceptions were met, an application might not add to the cumulative impact. It was suggested that these exceptions were met as the application was for framework hours, was not alcohol led and met football match conditions. It was stated that the premises could operate with a bring your own alcohol policy and no licence conditions. The licence conditions protected residents. The food led condition showed the premises was not alcohol led. The units would also serve over 20 types of global cuisine including from the Dominican Republic, Jamaica and Bulgaria. The applicant's representative stated that a dispersal policy had been drawn up.

The applicant's representative stated that national planning guidance separated the planning and licensing regimes. The applicant considered that he had the correct permission and the planning authority was content. However, on 22 January 2019, the planning officer had confirmed that obtaining planning permission might be a requirement.

The applicant's representative stated that if the licence was granted to include the ground floor bar, this bar would be for no more than 20 customers. In response to the concerns of residents that the applicant did not have control of the exits, the applicant's representative stated that if the licence was granted, the applicant would sign into a lease giving him control.

In response to questions from members, the applicant's representative confirmed that the capacity of the first floor was 430 and the average price of drinks was significantly higher than nearby pubs and clubs as it was more expensive to run a food market than a bar. The price of food would be affordable for local residents.

The chair queried how each of the 20 units would be policed to ensure the licensing objectives were upheld and whether one duty manager from Sundays to Wednesdays was adequate. The applicant's representative stated that there was overall control of the units, the DPS would be responsible for all alcohol sales, all staff would sign up to the law and licensing policy and would operate a Challenge 25 policy. If any units breached the licence, this would be a criminal offence for the DPS and there would be an immediate termination of the business's contract with the market.

The chair raised concern about the level of supervision of the units and by SIA security staff if the market was at full capacity, particularly as one security officer would be monitoring the smoking area. The applicant's representative stated that the figures in the operating schedule were the minimum levels of staffing and in reality, these were likely to be higher. The applicant was also following guidance and policy and the operator was experienced.

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In response to members' questions about the directors having linked businesses in craft beer, the applicant stated that two of the directors had backgrounds in beer production but no longer had shares in it. They owned restaurants, a bed and breakfast and bakeries. The applicant also had bakeries in Italy.

Members raised concerns about the lack of a cleaning schedule in the operating schedule and suggested that cleaning once at the end of the day was inadequate. The applicant's representative stated that at the moment the market was not causing any litter and there would be no off sales after 8pm; cleaning would take place throughout the day as well as at the end of the day. The applicant's representative agreed that if required, a full schedule could be agreed with Environmental Health.

In response to members' concerns about the dispersal policy, the applicant's representative stated that a policy could be agreed in conjunction with Environmental Health and a marshal could be in place after 9pm on Fridays and Saturdays. At the close of the premises, staff could marshal private hire vehicles away from Hertslett Road.

In summary, the Licensing Authority stated that the ground floor bar should be totally food led.

In summary, Councillor Heather stated that he considered that the premises would be alcohol led. It was in a cumulative impact area which had many issues and many drinking establishments. As it was a large premises with a capacity of 430, this level of people drinking would contribute to cumulative impact. Concerns were raised about public safety and whether the entrances were sufficient and it was suggested that £65,000 would not be enough to adequately refurbish the outside of the building.

In summary, the applicant's representative agreed that there were problems with litter and crime in the area and that the premises was currently unsightly and required improvements. He stated that the nature of the business and the conditions proposed showed it was not alcohol led. He considered that the premises fell within possible exceptions to the cumulative impact. The applicant's representative stated that they had measures in place to deal with crime and disorder, public nuisance, dispersal policy and noise and if there were small areas of concern remaining, the licence could be granted as there was a robust review in process.

RESOLVED:

That the application for a new premises licence in respect of Nags Head, Covered Market, 22 Seven Sisters Road, London, N7 8AG 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 Policies 2 & 3. The premises fall within the Holloway Road and Finsbury Park cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee took into consideration Licensing Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing Policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Thirty seven local resident representations had been received; 21 against of the application and 16 in support. The Sub-Committee noted that the applicant had agreed conditions with the Metropolitan Police and Noise Team.

The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard evidence that the covered market had A1 use class and that on the basis of the details provided by the applicant, it was not clear if in future, it might be a change of use. It was noted that the planning authority was encouraging the applicant to engage with them should the licence be granted. The Sub-Committee heard from the planning officer that there were no planning issues which would prevent the determination of this application.

The Sub-Committee heard evidence from four objectors. The first objector spoke of the pain and suffering of residents as a result of existing crime and disorder and public nuisance in the vicinity. The Sub-Committee heard evidence that children in the area could not get to sleep due to noise, that there was already disturbance from a 24 hour McDonalds, the KFC closing at midnight, four small supermarkets, two large supermarkets, casinos and five betting shops in the area. The objector spoke of parking problems, drunkenness, shouting, food being thrown on the floor, and Deliveroo and Uber drivers shouting and arguing. He also spoke of drug use and drug dealing in the vicinity of the premises. The objector stated that the premises did not have proper planning permission and that the area was rightly designated a cumulative impact zone and such a large capacity venue would have an impact.

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The Sub-Committee heard evidence from the second objector that the area already suffered from problems with drug use and dealing, street drinking, knife crime, theft, assaults and muggings. The objector stated that local residents felt as if they were under attack. The Sub-Committee heard evidence of existing problems with windows being smashed and front doors and gardens being vandalised. The objector referred to various incidents of crime over many years, although the Sub-Committee noted that none of these could be specifically linked to the premises.

The third objector spoke of the impact of the existing licensed premises on children in the area, with high levels of noise, crime and pollution. The objector stated that already her children could not sleep at the front of her house due to noise and disturbance. The objector stated that the area was at saturation point and that the grant of the licence would not be good for the area.

The Sub-Committee heard evidence from the fourth objector that this application was misguided in this area. The objector spoke of the high levels of outlet density. The Sub-Committee heard that the grant of the licence would increase traffic congestion. The objector stated that the site had inadequate waste management facilities and inadequate toilets.

The Sub-Committee heard evidence from the applicant's representative that the hours being sought were within the framework and that the premises would not be a bar or nightclub. The premises would not be alcohol led.

The proposed operators had a great deal of experience and would be spending £65,000 on redeveloping the frontage of the premises. The applicant's representative stated that the grant of a licence would help tackle crime and disorder in the area as the premises would be well looked after and well-staffed and have SIA security at busier times. The applicant's representative stated that the smoking area and extractors/plant would all be on the far side of the premises away from Hertslett Road. The applicant's representative stated that the vast majority of custom would be local and people who travelled would virtually all travel by public transport. The applicant had agreed a condition that there would be no motorised take-away deliveries after 8pm.

In relation to cumulative impact, the applicant's representative stated that the premises fell within the exceptions to the policy as they were not alcohol led, were within framework hours and match day conditions had been agreed. Any alcohol sold would be more expensive than that available at other licensed premises in the area. The applicant's representative also stated that tight conditions had been proposed in relation to noise breakout and dispersal. The Sub-Committee noted that further conditions were proposed during the course of the discussion at the hearing, including in relation to the number of SIA security staff and in relation to the capacity of the ground floor bar.

The Sub-Committee noted the position in relation to planning permission and the submissions of the objectors that the premises were already in breach of planning consent. However, the Sub-Committee was satisfied with the evidence from the

planning officer and so the planning issues were not determinative of the Sub-Committee's decision.

The Sub-Committee noted that it was the applicant's submission that the premises would not be alcohol led. The Sub-Committee was not satisfied that this would be the case, noting that there would be 15 separate units on the first floor that could potentially have an alcohol offering, as well as the 2 bar areas. However, even if the premises was not alcohol led, Licensing Policy 3 in relation to cumulative impact areas was clear that even where a premises met the possible exceptions, this only meant that they might be able to demonstrate that there would be no negative cumulative impact. The Sub-Committee was not satisfied that the applicant had demonstrated that there would be no cumulative impact in the event that the licence was granted.

Whilst the Sub-Committee noted the detailed conditions proposed by the applicant as set out in the document headed Composite List of Conditions, together with the further conditions proposed during the course of the hearing, the Sub-Committee remained concerned as to the impact that a large capacity venue would have in this area. In response to questions, the applicant's representative confirmed that the capacity of the venue was 430. Whilst a condition was offered limiting the ground floor bar capacity to 20, the Sub-Committee remained concerned that such a potentially large number of people leaving the premises late at night would add to the cumulative impact in the area.

The Sub-Committee noted that the applicant was proposing that after 8pm, entrance and exit to the premises would be via Seven Sisters Road. However, this road was a red route as was Holloway Road. Therefore, any taxi or delivery driver would inevitably stop in Hertslett Road, a highly residential area. Although the applicant had offered a condition in relation to a traffic marshal, the Sub-Committee was not satisfied that the applicant had fully dealt with the possible addition to cumulative impact from such a potentially large number of patrons leaving via one exit on a red route. Although a change to the number of SIA staff was proposed at the hearing, the Sub-Committee remained concerned that dispersal, staffing levels and traffic marshalling would not be adequate to ensure that the premises did not add to cumulative impact.

The Sub-Committee noted that the applicant had agreed standard match day conditions with the police. However, the Sub-Committee remained concerned that the conditions agreed and proposed would not deal with cumulative impact on match days if the premises were full to capacity. The Sub-Committee noted that SIA security staff would police the smoking area on Thursdays, Fridays and Saturdays, but noted that there was no mention of how many patrons could be in the smoking area.

The Sub-Committee was therefore not satisfied that the applicant had rebutted the presumption in Licensing Policies 2 and 3 that an application which was likely to add to the existing cumulative impact would normally be refused as the operating schedule had not demonstrated that there would be no negative cumulative impact.

The Sub-Committee was not satisfied that the grant of the licence, even with the conditions agreed and proposed, would promote the licensing objectives. The Sub-Committee was concerned in relation to all the licensing objectives but particularly in relation to public safety and the prevention of public nuisance.

The Sub-Committee considered Licensing Policies 2, 3 and 4 in relation to cumulative impact, 6 in relation to opening hours and 7 in relation to the operating schedule.

50 BAGCI FOOD CENTRE, 152 CENTRAL STREET, LONDON, EC1V 8AY - PREMISES LICENCE REVIEW APPLICATION (Item B2)

There was no update from the licensing officer.

Trading Standards advised the sub-committee that there had been a small seizure of illicit alcohol, a failed Challenge 25 sale and an underage sale. At the time of the underage sale, training records had not been produced but they had been subsequently. At a visit to the premises on 9 January 2019, no further illicit alcohol was found and on 12 February 2019, four members of staff had attended training. Although since the breach of the licence, the management of the premises had engaged and co-operated with Trading Standards and better procedures had been put in place, the offences outlined had still been committed.

In response to questions from members about the purpose of a medium term suspension when this was not the first offence and there had been a catalogue of licence breaches between 2010 and 2018, Trading Standards stated that it would provide time for management issues to be resolved and although the issues were serious, management was now engaged and co-operating.

The Licensing Authority stated that a representation had been submitted to support the Trading Standards review. There was a history of non-compliance and the Licensing Authority sought to encourage high standards. These had not been shown by the licensee and the premises had not been run to the high standards expected. At a visit on 12 January 2019, the shop was busy but the licence holder and DPS was not present, a Challenge 25 notice was displayed, CCTV was working but only as far back as 5 January 2019, training records and the sale refusal log were available. On a visit on 8 February 2019, CCTV was working and recording but only back to 15 January 2019, high strength alcohol was still being sold, the licence was on display, 3 people were in the shop and the licensee's son (who did not have a personal licence) was managing the shop. There was a refusal log back to 2 January 2019 and officers were advised that the refusal log prior to this had been sent to an agent. Invoices were being kept together as were training certificates, fire fighting equipment was correct but the fire exit was blocked and there was no UV pen on the premises. Officers instructed management to resolve areas of concern and since the review had been submitted, improvements had been made. The Licensing Authority requested that a suspension be imposed.

Public Health stated that they were concerned about the impact of alcohol on children and young people. Islington had the highest rate of alcohol related hospital

admissions out of the London boroughs and half of young people who had been drunk had purchased alcohol from off licences.

Members raised concern about there being several schools in this locality.

The Police stated that they had attended when the test purchase with a 14 year old (who looked 14) was conducted. A fixed penalty notice had been issued to the person who made the sale. The visit showed there were compliance issues and although there had been some improvements made, some issues remained. A 24 hour licence was held and high standards had to be demonstrated. Concern was raised that management was only engaging now that they had no choice as the review had been submitted. The Police requested that the licensee's son should become the DPS.

The licensee's representative stated that although the premises had fallen short of expectations by selling alcohol to a 14 year old, many licensees did not engage even when a review had been submitted. The licence was granted in 2006 and the currently licence holder and DPS had been in place since 2008. He was away when the test purchase in 2010 was conducted. There were no suggestions that the licence was not sufficiently conditioned. The review process was designed to remedy problems and management had taken action and responded well to the review. He stated that the responsible authorities had spoken in positive terms about how the premises had responded. The applicant's representative stated that the anti-social behaviour issue in 2014 was not sufficiently linked to the licensable activities on the premises and the Challenge 25 test was subjective – the person was 23 and this was not much of a transgression.

The licensee's representative stated that the applicant had been unable to find the invoice for the 26 cans of illicit alcohol. It was believed it had been purchased from their regular cash and carry in error, was not a large quantity and on further occasions, none had been found. The illicit alcohol also related to just one product and it was not the licence holder nor his son who made the sale.

The licensee's representative stated that four individuals from the premises had attended the first available training session after the submission of the review, further CCTV memory storage had been purchased and was in use and a UV pen was now available to comply with conditions.

The licensee's representative suggested that an independent inspector could conduct a test purchase every 3 months and report back to the local authority and police. Also, the licensee's son was content to become the DPS and licence holder. It was hoped that the measures undertaken and suggested demonstrated that improvements had been made and that it was acknowledged that further improvements were required.

In response to a question from a member, the licensee's representative stated that the premises did not respond to the Trading Standards letter dated 15 November 2018 in error.

A sub-committee member asked the person being proposed as the DPS and licensee, how he could assure the sub-committee the licensing objectives would not be breached. He replied that he would staff had regular training, would enforce Challenge 25, ensure all products had invoices and these were kept together and that he would ensure that CCTV was working and recording for 31 days. If there were any problems, he would resolve them as soon as possible.

In summary, Trading Standards stated a Challenge 25 breach was a warning for licensees. Engagement could have taken place before the review was submitted but did not. It was recommended that a medium term suspension could help the premises address issues. A criminal offence had occurred and there was a need for regular refresher training and for records to be kept.

In summary, the Licensing Authority advised that they supported removing the DPS. Concern was raised about the suggested use of an independent consultant by the licensee's representative when there had been errors in previous information submitted by the consultant.

In summary, Public Health reiterated that they were concerned about an underage sale having been made.

In summary, the Police stated they would not give weight to checks conducted by an independent consultant and would still do checks themselves. Concern was raised about the protection of children from harm when alcohol had been purchased by a 14 year old who looked 14 years old. The Police considered the proposed new DPS and licensee to be more suitable than his father.

In summary, the licensee's representative stated that the proposed new license holder was a licence holder with Enfield Council. He stated that Trading Standards had considered a medium term suspension as appropriate when the review was submitted and since then improvements had been made. It was suggested that any suspension should be as short as possible as it should not be used as a punishment.

RESOLVED:

That the DPS be removed and the premises licence in respect of Bagci Food Centre, 152 Central Street, London, EC1V 8AY be suspended for a period of 3 months.

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 Trading Standards that this review had been sought following a small seizure of illicit alcohol, a failed Challenge 25 sale and one underage sale. The Sub-Committee noted the evidence provided by the

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Licensing Authority that there had been an underage sale in 2010 and a sale of alcohol to a visibly drunk man in 2014.

The Sub-Committee heard evidence that Trading Standards had visited the premises twice since the review was submitted and that there had been significant improvements in the management of the premises, in particular there was no illicit alcohol for sale, four employees had attended training regarding age restricted products and the licence holder and his son had engaged with Trading Standards and co-operated since the review.

The Sub-Committee heard evidence from the Licensing Authority that whenever visits had been conducted at the premises there had been no sign of the DPS/licensee. However, at a visit since the review was submitted, Challenge 25 notices had been put up, CCTV was working, training records and the refusals log were available, as were invoices for alcohol sold on the premises. The Sub-Committee noted that although the CCTV was working, it did not show the last 31 days, and the premises were still selling high strength alcohol. Although this was not a breach of the licence, it was contrary to Licensing Policy 14.

The Sub-Committee heard evidence from Public Health as to the health impact of alcohol in relation to children and young people and it was noted that there were four schools in the vicinity of the premises.

The Sub-Committee heard evidence from the police that the underage sale was to a 14 year old volunteer who did look no older than 14. The police stated that on further visits there had been other breaches of the licence that were perhaps not of such severity as an underage sale but showed that there had not been great adherence to the licensing conditions. The police stated that this was a 24 hour licence and the onus was on the applicant to demonstrate best practice. The Sub-Committee noted that Trading Standards were recommending a suspension of the licence, as were the Licensing Authority, whilst the police suggested that the current DPS should be removed.

The Sub-Committee heard evidence from the licensee's representative that the premises had fallen short of what was required and that the review process was designed to remedy any problems with the premises. The licensee's representative submitted that the licensee had already taken steps to make improvements and that there was evidence that the premises were engaging in a more purposeful way with their obligations under the Licensing Act; training had been attended, further memory storage had been purchased for the CCTV and the premises now had a UV light. The Sub-Committee heard evidence that the licensee had not been able to find the purchase invoice for the illicit alcohol but it was purchased from their regular cash and carry. It was a small quantity and was an error on behalf of the premises but it was purchased in a legitimate fashion.

The Sub-Committee noted that the licensee's representative suggested that the DPS could be removed and offered a new condition, although the Sub-Committee noted

the representative's submission that there was no suggestion that the premises were not already sufficiently conditioned.

The Sub-Committee concluded that the addition of conditions would not remedy the problems at the premises as they were already sufficiently conditioned and those conditions had been breached. The Sub-Committee noted the evidence that the DPS had never been seen at the premises by the Responsible Authorities and that it was the licensee's son who appeared to have day to day management. Although the Sub-Committee was concerned that the licensee's son had been in control of the premises at times when there had been breaches, in light of the recent improvements at the premises, the Sub-Committee concluded that the DPS should be removed so that the licensee's son could then take steps to become the DPS.

The Sub-Committee concluded that a 3 month suspension would allow the DPS to be replaced and the premises to ensure that all their procedures were in line with the licence conditions, in particular in relation to CCTV. The Sub-Committee was of the view that in light of the seriousness of the underage sale, the number of breaches noted, the history of breaches, the fact that the licence was a 24 hour licence, and the need to change the DPS, a 3 month suspension was appropriate and proportionate in order to ensure that the licensing objectives were promoted.

The Sub-Committee took into account Licensing Policy 29 in relation to reviews, Licensing Policy 8 in relation to management standards and Chapter 11 of the Code of Guidance, particularly paragraphs 11.21, 11.23 and 11.29.

The meeting ended at 9.55 pm

CHAIR