

Licensing Sub Committee C - 2 May 2017

Present:	Councillors:	Rowena Champion, Asima Shaikh and Flora Williamson (Chair).
Also Present:	Councillors:	Kaya Comer-Schwartz (Item B1)

150 INTRODUCTION AND PROCEDURE (Item A1)

151 APOLOGIES FOR ABSENCE (Item A2)

152 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

153 **DECLARATIONS OF INTEREST (Item A4)**

154 **ORDER OF BUSINESS (Item A5)**

155 MINUTES OF PREVIOUS MEETING (Item A6)

156 **NOMAD, 58 OLD STREET, EC1V 9AJ - PREMISES LICENCE REVIEW (Item B1)**

The noise team reported that the review had been submitted following repeated non-compliance with conditions by the licensee. Complaints from residents had been received since January 2011. The sound levels were discussed with the management of the premises and a calibration certificate was requested. In April 2011 a calibration certificate was received but this did not include all information that was required and was rejected. No response was received. Warning letters were sent in December 2012 and reminders in January and February 2013 but no response was received. It was made clear to the

Licensing Sub Committee C - 2 May 2017

acoustic consultant for Nomad that the noise levels were greater than the levels on the licence and that a variation would need to be applied for should they require the levels to be varied. They were also reminded that a calibration certificate needed to be submitted. The acoustic consultant did not acknowledge the licence conditions and did not detail any sound insulation works that had been carried out. In March 2013, the acoustic consultant informed the noise team that the noise levels were acceptable. However these levels were in excess of the condition on the licence. He was advised that if the sound levels were to be increased, a variation of the licence would need to be applied for. The acoustic consultant wrote in June disagreeing with the conditions and in response to this letter he was asked to vary the licence. In September 2016 a calibration certificate was requested and again in January 2017. The licensee and his representative attended an officer panel in November 2016 and they advised that a certificate would be submitted. A certificate was received on the 2 May 2017, on the day of the Licensing Sub-Committee meeting, and levels were in excess of the noise level condition by a large amount. The applicant had been advised on at least four occasions to apply for a variation, complaints were still being received from residents and there was a lack of responsibility from the licensee. The noise team had been forced to submit a review of the licence due to non-compliance.

The police officer reported that he had read the review and was in agreement with it. He had been present at the officer panel in November and agreements had been made regarding CCTV and serious assault conditions but no variation had been submitted following the panel meeting. He considered that management of the premises did not reach the high standards required. The licensee talked about making changes but then did not act.

The licensing authority stated that at the officer panel the licensee had agreed to submit a minor variation and to submit an acoustic survey. Complaints had still been received and there had been no contact from the licensee since the review except in the two days prior to the review hearing. It was suggested that there be a suspension of the licence in order to allow acoustic works and the submission of a calibration certificate.

A local resident reported that the premises was a club venue with a continuous thud of loud music. A supermarket nearby had an alcohol licence and the patrons of Nomad used it to buy cheaper alcohol. Regularly patrons would spill out of the club at 5am and consume alcohol in the street. There would be loud noise from patrons beneath his bedroom. The patrons used the estate and there would be loud music from vehicles, patrons would congregate whilst drinking alcohol and there would be shouting, fights, bottle smashing and slamming of doors. The estate was then left in a mess and extra caretakers had to be employed to clear up the debris. The licensee had sent an email on the day of this meeting about measures he proposed to introduce including a marshal to cover the estates. The resident did not consider this would address the loitering and noise nuisance. Patrols would not be able to identify the patrons and move them on and marshals would meet with resistance. He stated that Nomad had not addressed the issue of noise inside the premises which was within their control so he had little faith that they would be able to control the noise outside the premises.

The licensee's representative stated that incidents of crime and disorder were a matter for the police and there had been no suggestion of any such incidents. There had only been one incident in seven years. The licensee was perfectly happy with the conditions proposed at the officer panel and training had taken place two weeks after the officer panel meeting. The review process had taken place which was why the variation had not been submitted. They were also happy to accept the SIA condition proposed at a rate of one door supervisor to every fifty customers as they already did this. He stated that the proposal to reduce the hours would almost kill the business. There had been no suggestion previously that the hours should be reduced. The problems in 2016 had been more associated with public

nuisance and not noise escape. There had not been a long history of public nuisance and they had not been aware of nuisance in the street until October/November 2016. If they had known previously they could have taken action. The acoustic consultant was unaware how the condition about noise levels had been inserted onto the licence as these had not been agreed at the licensing hearing in 2008. He tabled a proposed additional condition to employ an acoustic consultant to replace the conditions 19 and 20 on the licence. The tabled condition would be interleaved with the agenda papers. They were not aware of any issues with noise escape between 2013 and 2016. He stated that following the officer panel the search wand was always used. The fire extinguisher issue had been addressed. The closure of Honduras Street was wrong but it was done in an attempt to help the parking situation. The sound system had been calibrated. Further measures put in place were to employ marshals to patrol the area. Management had found that people did respond to patrols. People causing nuisance on the estates may not all be patrons of Nomad. Nomad would help with litter patrols. Notices and procedures had been tabled for information. During the week they held community events such as swing nights, dance classes. At the weekend they would hold promoted events, gig nights or birthday parties and it was stated that a reduction in hours would be a business killer. They employed a bar manager and six or seven bar staff. It was stated that one positive representation had been received.

In response to questions the licensee's representative said that the calibration certificate had not been provided as they had not understood why conditions 19 and 20 were on the licence. The acoustic consultant had pursued this matter with the noise team but had not got anywhere. An application for a minor variation, which had been agreed in November at the officer panel, had not been submitted because of busy diaries. A variation application had not been made previously as between January 2013 and September they had not heard anything from the noise team and had considered this matter resolved. It was noted that an officer panel indicated serious concerns despite this gap in time but a calibration certificate had still not been prepared. The licensee was aware that he needed to comply with licence conditions but could not understand how conditions 19 and 20 had been applied to the licence. The licensing officer advised that following the submission of sound/insulation details by the previous licensee these conditions would have replaced the previous condition on the licence. She stated that there was an error regarding the correct floors on the licence and once the licensing officer was notified of this the licence was amended. The licensee's representative did not consider they needed to ask for a variation if it was a technical administrative error on the licence. The licensee considered that the noise levels on the licence would be too low and if they had to comply to these levels they would not be able to run their business. The licensee stated that there had been substantial sound proofing although it was accepted that evidence of these works had not been provided. The licensee stated that they would want to see the condition regarding the appointment of a noise consultant on the licence and that this be removed once a scheme had been agreed with the noise team. The licensee reported that sound proofing works had been carried out and no music noise could be heard outside although he then admitted that at times there had been noise escape. For the past month to six weeks there had been new security, CCTV, Lodos had been working with Nomad and could also provide CCTV and there had been a marshal at the front of the estate to act as a deterrent. The licensee refuted that there was weak management at the premises and stated that the premises was bad when he took over the licence. Crime was low but it was accepted that there were some anti-social behaviour/dispersal problems. He asked customers to stay inside the venue for taxis. He did not get callouts by the police and often helped the police out. Not all of the problems were coming from Nomad. He had tried to prevent people parking in Honduras Street. He had now put systems in place and would welcome a visit from officers. The licensee stated that he thought he was getting it right but he would take on board the concerns. He stated he did not know about the public nuisance outside the premises until October 2016 and should be given a chance to put this right. The licensee was informed that there had been a high level of support from residents for this review. He accepted the

Licensing Sub Committee C - 2 May 2017

police conditions but not the proposed curtailing of hours as this would be the finish of the business and he considered he should be given a chance to put measures in place. He had employed marshals six weeks ago. It was noted that the noise team were still receiving noise complaints in January 2017. He considered that the correct systems were now in place. The Sub-Committee noted that the resident disagreed. He stated that over the last six weeks there had been timed patrols of the area. He informed the Sub-Committee that he would have to accept a closure of the premises if this was the decision.

In summary, the noise team stated that it was very common to have sound levels details on the licence following a sound survey. The public nuisance had been discussed with the licensee but nothing had been done. She had advised the noise consultant on at least four occasions to apply for a variation to the licence. The one resident who had written in to support the licensee lived over a quarter of a mile from the premises and was not affected by the public nuisance.

The police stated that they would need the use of marshals to be a condition of the licence and patrons barred from the club if identified as perpetrating anti-social behaviour. An ID scanner could be conditioned which was a useful tool when dealing with anti-social behaviour. Signage should be clear and the website should highlight procedures. The problems caused were anti-social behaviour and noise disturbance. It was not for the police to deal with this behaviour and residents were suffering. The reduction in hours would reduce anti-social behaviour and conditions should still be applied to the licence.

The licensing authority stated that they had no confidence in the management, there had been no application to vary the licence and the calibration certificate had not been received despite repeated requests.

The licensing authority stated that they had no confidence in the management and there had been no application to vary the licence or the receipt of the calibration certificate despite repeated requests.

The local resident had called the police on a number of occasions because of fights but people had dispersed by the time the police had arrived. He considered that the measures were not working and the business should go back to being run as a public house. Residents were suffering as the issue was noise. There were 30 representations and he had attended the meeting despite being a busy man. The management could not keep people quiet. It was not the same during the week. Despite triple glazing he could hear the thud of music and noise from patrons most weeks even two weeks ago. He agreed with a reduction of hours. The condition in the licence had not been addressed and the acoustic consultant had not even attended the meeting.

The licensee's representative offered the previous condition 13 to replace conditions 19 and 20. He stated they should work together to prevent noise disturbance. If sound levels were not agreed there could be no regulated entertainment and a cutback in hours would kill the business. The premises could not simply go back to being a pub and employees would be out of work. The licensee was aware about public nuisance in October and was now taking steps. If these did not work the matter could be brought back to Committee. If the old condition 13 was added he considered it would work. In response to a question from the Sub-Committee he agreed in a reduction in hours on Sunday – Thursday. The licensee reported that Nomad was situated on a main road with traffic lights outside. There was noise at these lights which he could not prevent.

RESOLVED

- 1) That the licence in respect of Nomad, 58 Old Street, EC1V 9AJ be suspended for a period of two weeks and modified as follows:-
 - a) That the hours for licensable activities be restricted until 01:00 am on Sunday to Thursday and 02:00 on Friday and Saturday.
 - b) That the following conditions be applied to the licence:-
 - When alcohol and/or public entertainment is provided by way of music and dancing, SIA registered door supervisors will be employed from 9pm until 1 hour after closing time at the rate of one door supervisor for every fifty customers.
 - CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:

The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking shall be kept and made available to Police or authorised Council officers on request;

One camera shall show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;

The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public.

The system shall record in real time and recordings will be date and time stamped.

Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or authorised council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request and

At all times there will be person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence.

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 noise team that they had been requesting a calibration certificate since January 2011. A calibration certificate received in April 2011 was rejected as it did not include all information required. Despite requests no further certificate was received until the day of this meeting. This certificate was also rejected because the

Licensing Sub Committee C - 2 May 2017

levels were in excess of those specified on the licence. Some were increased by 20 decibels, which was too loud for the structure of the premises. The Sub-Committee heard evidence that the licensee had been advised on at least four occasions to apply for a variation of the licence if he wanted the levels to be reset but no application had been received. The Sub-Committee noted the recommendation of the noise team that the hours be reduced to 2am on Fridays and Saturdays.

The Sub-Committee heard evidence from the police that, at an officer panel meeting in November 2016, the licensee had agreed to further conditions suggested by the police. The police discussed with the licensee the making of a variation application to add these conditions to the licence but no such application was made. The Sub-Committee noted the police concerns that the management of the premises was not up to the high standards required.

The Sub-Committee heard evidence from the licensing authority that complaints were still being received and that there had been no improvement. The Sub-Committee heard that since the review application was submitted there had been no contact from the licensee, until Friday 28 April and the morning of this Sub-Committee. The Sub-Committee noted the licensing authority's recommendation that the licence be suspended for a period of time to allow for acoustic works and a calibration certificate.

The Sub-Committee heard evidence from a local resident that he and his family were disturbed by a continuous thud of loud music and are kept awake most weekends and some week nights. He stated that Nomad patrons spill out at five am, go to the supermarket and consume more alcohol. He stated that patrons used the estate as a meeting point and caused havoc, screaming and shouting, urinating on the estate, fighting, smashing bottles and using drugs. He stated that patrons sat in vehicles and played loud music. The Sub-Committee noted the resident's concerns that actions proposed by the licensee such as marshals and patrols would not control the general noise caused by patrons leaving the premises. The resident stated that the management could not deal with the music being too loud even though they had full control of this, so how could they control disturbance outside.

The Sub-Committee heard evidence from the licensee's representative that there had been only one incident in seven years that had resulted in a report to the police. He was happy to accept the conditions proposed by the police and the noise team but not the reduction in hours. The Sub-Committee heard that, between 2013 and 2016 there had been no correspondence or complaint regarding sound escape or public nuisance and at the officer meeting in November 2016 there was only one mention of a complaint about people leaving. There was no long history of public nuisance complaints. The licensee was not aware of public nuisance until October/November 2016 and if he was not aware he could not take action. Since November 2016 he had taken action. The Sub-Committee heard evidence that the licensee had never understood how the levels were put as a condition on the licence and the licensee was proposing that an acoustic condition as tabled be added to the licence to replace conditions 19 and 20. The Sub-Committee heard that since the officers panel meeting, wands would be used as part of search procedures, fire extinguishers were addressed immediately, CCTV was addressed immediately and the calibration had now been done. Marshalls had been introduced as had litter patrols. The Sub-Committee noted the notices and procedures produced by the licensee.

The Sub-Committee noted that the licensee was prepared to accept a reduction of hours between Sunday and Thursday but that he did not accept a reduction on Friday and Saturday as this would kill his business.

The Sub-Committee was concerned about the standards of management at the premises. The management had failed to provide a valid calibration certificate for six years and had

failed to follow advice in relation to seeking a variation. The Sub-Committee was concerned that such a large number of residents, 27 in total, had indicated their support for the review due to the management's inability to control public nuisance and sound escape. The Sub-Committee noted the licensee's comments that sound proofing had been carried out at the premises but no evidence had been provided, no variation application received and sound escape complaints continued. The Sub-Committee noted the recent actions taken by the licensee but also noted the resident statement that noise issues continued.

The Sub-Committee having considered the evidence balanced the needs of the business and the needs of the local residents. The continuing noise problems at 5am were having a detrimental impact on residents' quality of life and the Sub-Committee was not satisfied that anything other than a reduction in hours would lessen this impact and promote the licensing objectives. The Sub-Committee remained concerned about the continuing failure to reset the noise levels in the premises and provide a calibration certificate, or to apply for a variation in relation to the noise levels. The Sub-Committee concluded that a two week suspension would allow time for the issue of the noise levels to be resolved.

The Sub-Committee was satisfied that this suspension together with the reduction in hours and the agreed conditions would combine to protect the residents' needs, allow the business to continue and promote the licensing objectives, particularly in relation to public nuisance, and that the measures were proportionate and appropriate.

The Sub-Committee considered licensing policy 30 regarding review of licences and licensing policy 8 in relation to licensing hours when making their decision. They also considered licensing policy 10 in relation to high standards of management. The Sub-Committee also considered the home office guidance particularly paragraph 11.20 in relation to the determination of this review.

157

CROUCH HILL SUPERMARKET, 60 CROUCH HILL, N4 4AD - PREMISES LICENCE REVIEW (Item B2)

The licensing officer reported that conditions regarding CCTV proposed by the police were at page 177 of the agenda.

The police officer informed the Sub-Committee that there were a couple of typing errors in the report at page 176 and that the name Huseyin be replaced with Savvas in paragraphs 5 and 6 of the report. The police officer reported that the owner's son was seen handling stolen alcohol. Police noticed a person entering the premises with a full bag and leave the premises with an empty bag. CCTV showed that Savvas Boybeyi handed cash to Mr Onay who in turn handed it to the person. Mr Savvas Boybeyi admitted the offence and signed a community resolution. The police reported that they were not happy with the management of the premises and were fairly sure that this would not have been the first time that this situation had happened.

The trading standards officer reported that Mr Boybeyi had attended an officer panel meeting following the seizure of illicit alcohol. The licence could have been reviewed at this time. In 2016 there were no suspect spirits or tobacco found on the premises that were suspect, however, there were beers with Polish-only labelling. No invoices had been received for these beers as presumably none were available. This led him to believe that it was highly likely that these would be non-duty paid. The manner in which the stolen goods were handled was routine and appeared to him to be acceptable business practice. In these circumstances he recommended revocation. There was the issue of honesty and the move from illicit alcohol to stolen goods. He asked that, should the licence be suspended, conditions as detailed in his representation should be added to the licence.

Licensing Sub Committee C - 2 May 2017

The licensing authority agreed with revocation. The licensee had failed to comply with conditions and offences had been committed.

The licensee's representative stated that the designated premises supervisor (dps) had not been in the country when this incident had occurred due to a family tragedy. He considered that the employees would behave in a different manner when he was away. Police were at liberty to interview the dps but he had not been interviewed. He stated that the dps had not been involved. Any thoughts about his involvement were based on speculation. The dps was away when both breaches occurred. There had been four underage test purchases attempted, none of which resulted in sales. There had been two visits since 2012, whilst the dps was away but he had provided invoices subsequently. Drinks had been priced incorrectly but were legitimately sourced. It was considered that it would not be proportionate or appropriate to remove the dps from the licence. He accepted conditions 2 and 4 and advised that a suspension should not be imposed as a punishment but only to get things in order to act as a deterrent and to have time to reflect. He agreed the conditions proposed by trading standards. He reminded the Sub-Committee that, although two representations had been received asking for revocation, the Home Office guidance stated that licensing authorities should look to the police as the main source of advice on crime and disorder. He stated that the police representation should carry a greater weight. He also referred to the guidance at paragraphs 11.20 which stated that licensing authorities should seek to establish the cause for concern and action taken should always be no more than an appropriate and proportionate response. Incidents took place whilst the designated premises supervisor was out of the country and it would not be a fair and proportionate response to take a livelihood away for actions not attributed to him. He stated that he could not be responsible for employee's behaviour when not in the premises. He showed the CCTV footage to police when requested. He asked the Sub-Committee to impose conditions as proposed.

In response to questions, the licensee's representative stated that the dps was accountable. If he had seen the CCTV himself he would be in a better position to know whether or not this incident had happened before and appeared to be general practice. He stated that the designated premises supervisor had dismissed two individuals, including his own son, which demonstrated he had taken the matter seriously. He had a record of ten years of a reasonable standard. He did not consider that the breaches were sufficient to revoke. In response to a question regarding the invoices the trading standards officer reported that one had been received dated 23 October but six other invoices were still outstanding.

In summary, the police officer stated he had not changed their opinion for their recommendation. He stated that Mr Onay had admitted that the same person normally dropped the bottles off and that Mr Savvas Boybeyi had admitted that he had helped to take off the security tags. He asked that the designated premises supervisor be removed from the licence.

The trading standards officer stated he was sorry for the loss of a family member but saw no reason why the licensee should not have been in better charge of the premises. He considered that it appeared that this was accepted practice. There would be no reason to interview the dps once the two people accepted responsibility. Only one invoice had been received when seven had been requested. He recommended that the licence be revoked.

The licensee's representative stated that evidence of the licensee's honesty had been shown by the provision of the CCTV which had incriminated his own son. He asked the Sub-Committee to consider the home office guidance. He stated it was not proportionate to revoke the licence. The dps was not in the country at the time of the incident.

RESOLVED

- 1) That the licence for Crouch Hill Supermarket, 60 Crouch Hill, N4 4AD be suspended for a period of two weeks and modified as follows:-
 - a) That Mr Huseyin Boybeyi be removed as the designated premises supervisor.
 - b) Mr Savvas Boybeyi or Mr Ali Onay have no involvement with the day to day management or any form of employment at the venue.
 - c) That the CCTV condition as proposed by the police be added to the licence as follows:-

CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:
The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking shall be kept and made available to Police or authorised Council officers on request;
One camera shall show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
The system will provide coverage of the interior of any exterior part of the premises accessible to the public.
The system shall record in real time and recordings will be date and time stamped. Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or authorised council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request and
At all times there will be person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
 - d) That conditions detailed on page 186 proposed by the trading standards team be applied to the licence.

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 the review had been brought after the venue had been found to be handling stolen goods. The police stated that the offence was admitted and there had been a conviction and admission of guilt. There had also been a breach of two conditions on the licence. The police stated that the licensee's son had lied to the police before realising that the crime was on CCTV and that he had tried to blame an employee of the business, Mr Onay. The police stated that Mr Onay had admitted that this was not the first time that this person had come to the store and sold alcohol. The Sub-Committee noted the police view that the purchase of stolen goods was accepted business practice and that the licensee would have known this. The police confirmed that they were not happy with the way the venue was run.

The Sub-Committee heard evidence from trading standards that various conditions on the licence had been breached. The licence could have been reviewed in 2012 but instead the licensee attended an officer panel meeting and made a minor variation application to add appropriate conditions in relation to illicit goods. The Sub-Committee heard evidence that during a visit in November 2016 invoices for a number of Polish beers were requested and only one invoice was produced which did not cover all the beer concerned.

The Sub-Committee noted that the licensing authority recommended revocation as the licensee had failed to comply with the licence conditions and the premises had handled stolen goods.

The Sub-Committee heard evidence from the licensee's representative that the licensee was out of the country at the time the offence was committed. He did not know about the criminal activity and was taken advantage of whilst he was away. The Sub-Committee noted that the licensee was never interviewed by the police in relation to the offences. The licensee accepted the seriousness of the offence and agreed the conditions in relation to CCTV and the removal of Mr Onay and Mr Savvas Boybeyi from the business. The Sub-Committee noted that the licensee had dismissed Mr Onay and Mr Savvas Boybeyi from his employment. The licensee accepted that his record over the last 10 years had not been exemplary but it had been of a reasonable standard.

The Sub-Committee was concerned about standards of management at the premises. Although it was noted that the licensee was not in the country at the time of the offence, the past history of breaches and the evidence suggesting that this was not a one off offence were of concern. The licensee's failure to produce invoices for the alcohol seen in the stock room was a clear breach of the licence conditions. This, combined with the history of the premises and the offence under food labelling legislation, persuaded the Sub-Committee that the licensee should be removed as designated premises supervisor in order to promote the licensing objectives. The Sub-Committee was of the view that a two week suspension would not only give the business time to find an alternative designated premises supervisor but would also show other businesses in the borough that handling stolen goods is a serious offence and would not be tolerated.

The Sub-Committee was satisfied that this suspension, the removal of the designated premises supervisor and the agreed conditions would combine to promote the licensing objectives and that the measures were proportionate and appropriate.

The Sub-Committee considered licensing policy 30 regarding review of licences, licensing policy 10 regarding high standards of management and the home office guidance, particularly paragraphs 2.1 and 11.20.

158

AYA SUPERMARKET, 599 HOLLOWAY ROAD, N19 4DJ - APPLICATION FOR NEW PREMISES LICENCE (Item B3)

The police officer reported that the venue was in the cumulative impact area and there was nothing in the application to demonstrate why the operation of the premises would not add to the cumulative impact.

The licensing authority reported that there had been no engagement from the applicant. The saturation zone had not been addressed in the application. The licensing authority was concerned about street drinking in the area and asked that if the Sub-Committee were to grant the licence there should be a start time of 10am with the conditions proposed. However, this was a heavily saturated area and there was no need for another licence in the area.

The applicant's representative stated that as stated in the licensing policy at paragraph 4, each application would be on its merits and in paragraph 6, an exception would be a small premises with a capacity of fifty persons or less. Conditions as proposed were all accepted and a later start time of 10am was also agreed. This application was consistent with licensing policy 8 regarding hours and the applicant was not seeking to go beyond this time. He stated that an extensive operating schedule had been submitted. The premises would not impact negatively with the operating schedule conditions and hours proposed.

In response to questions it was noted that there were 12 other licensed premises within a 200m radius. The premises was currently operating on an unlicensed basis. It was noted that this ward had the highest number of off licences in the Borough and the premises was not expected to be any different to others in the area. It was noted that super strength beers would not be sold and the applicant offered a condition that no ciders would be sold.

In summary, the police stated that they had not heard anything about the venue that would be considered an exception. The venue could not fail to impact on the area and considered that the application be refused.

The licensing authority agreed with the police and considered that they had not heard anything different about his premises. For a small premises to be considered exceptional they should not be alcohol led.

The applicant's representative stated that the premises was currently trading as a community store so alcohol would be ancillary to the business. He stated that the operating schedule was comprehensive and all licensing objectives would be promoted. He considered that the licence would not impact negatively on the area should it be granted.

RESOLVED

That the application for a new premises licence in respect of Aya Supermarket, 599 Holloway Road, N19 4DJ 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 2. The premises fall within the Holloway Road and Finsbury Park 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 Sub-Committee heard evidence from the police that the premises were in an area with a high level of crime and disorder and that there were 12 other licensed premises within a 200 m radius. The Sub-Committee noted the police concerns that there was nothing in the application to show that the premises were not going to impact on the area.

The Sub-Committee heard evidence from the licensing authority that the applicant had not engaged with the authority and had not addressed the fact that the premises were in a saturation area. The Sub-Committee noted the concerns around street drinkers in the area.

The Sub-Committee heard from the applicant's representative that all conditions suggested were accepted as well as a reduction in the hours sought to 10 am rather than 8 am. The applicant's representative stated that an extensive operating schedule had been submitted including terms in relation to CCTV, training, Challenge 25, the keeping of an incident book, fire risk assessments and emergency plan and conditions regarding nuisance. A comprehensive set of conditions had been submitted and this demonstrated that the premises would not have a negative impact. The Sub-Committee noted that the applicant already has two licensed premises. The Sub-Committee heard that the premises were a small community store that was not alcohol led.

Licensing Sub Committee C - 2 May 2017

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8. However, the Sub-Committee was of the view that the applicant had 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.

The Sub-Committee concluded that granting the 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 Sub-Committee was concerned about street drinking in the area and that, even with the change in hours sought, granting the licence would undermine the licensing objectives.

In accordance with licensing policy 2, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives.

The meeting ended at 10.30 pm

CHAIR