

**MINUTES OF THE LICENSING SUB-COMMITTEE A  
TUESDAY, 7 SEPTEMBER 2010**

Councillors Reid, Basu and Ejiofor

Apologies Councillors Demirci and Adamou

Also Present: Councillor Scott, for the item on Eros Supermarket

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCA01.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Cllr Demirci, for whom Cllr Basu was acting as substitute, and from Cllr Adamou, for whom Cllr Ejiofor was acting as substitute. It was agreed that Cllr Ejiofor would Chair the meeting.</p>	
<b>LSCA02.</b>	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	
<b>LSCA03.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>	
<b>LSCA04.</b>	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the meetings held on 16 July 2009, 24 November 2009, 7 June 2010 and 29 June 2010 be deferred to a future meeting of Licensing Sub Committee A for approval and signature.</p>	
<b>LSCA05.</b>	<p><b>SUMMARY OF PROCEDURE</b></p> <p>Noted.</p>	
<b>LSCA06.</b>	<p><b>EROS GROCERS, 120A ALEXANDRA PARK ROAD, MUSWELL HILL, LONDON N10 2AL</b></p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on an application for a premises licence variation at Eros Grocers, 120a Alexandra Park Road, Muswell Hill, London N10. It was reported that the representations made by the Metropolitan Police and the child protection team had been agreed with the applicant, and had therefore been withdrawn. A large number of representations had been received from local residents, objecting to the sale of alcohol for 24 hours a day at the premises and expressing concerns that this would lead to issues with loitering outside the premises and nuisance caused by people being attracted from outside of the local area.</p>	

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Cllr Nigel Scott, Ward Councillor, addressed the Committee in objection to the application, and stated that the premises was located in a predominantly residential area, and so there would be no local demand for the sale of alcohol for 24 hours a day. Cllr Scott expressed concern that 24 hour sales of alcohol would therefore attract people from outside the local area, and that this would cause a disturbance to residents. In response to a question from the Committee, Cllr Scott stated that he did not feel that there was any need for an extension of the existing licensing hours. Cllr Scott confirmed, in response to a question from the applicant, that he did not directly link any incidents of anti social behaviour in the area specifically to Eros.

Other local residents addressed the Committee in objection to the application, emphasising the residential nature of the area, and that the facility to buy alcohol for 24 hours would attract people from outside the area, causing nuisance due to noise from cars and anti social behaviour. Residents stated that they supported the rights of local businesses to earn a living, but not at the expense of the communities within which they were situated. It was reported that there had been issues in the past with young people causing a nuisance outside the premises, and one local resident reported an incident in which her son had been followed by youths from outside the premises, who had demanded money. Residents expressed concern at the effect a late night licence would have on the area, and in particular on people who needed to get up early for work. Concerns were also expressed that local residents would feel less safe travelling home at night if there was a 24 hour alcohol licence in place at the local shop, especially as the area was very quiet and there would be no police presence.

In response to questions from the Committee, all the local residents present felt that there was no need to extend the current licence at the premises. It was also confirmed that the incident in which a child had been followed and asked for money could be linked to the premises as, when the Police had investigated, the suspect had returned to stand directly outside Eros.

Mr Kilic, representing the applicant, addressed the Committee in support of the application. Mr Kilic confirmed that the applicant had agreed to comply with the conditions proposed by the police and the child protection team, and noted that no other responsible authorities had made representations in respect of the application. Mr Kilic referred to the Thwaites case, and reminded the Committee that they could only base their decision on the evidence presented to them. Mr Kilic also referred to a number of points in the guidance, and stated that, while individuals outside the premises were accountable for their own activities, the premises would take all reasonable steps to prevent any incidents occurring in connection with their customers. Mr Kilic acknowledged the concerns expressed by residents, and stated that the premises would do its best to address any concerns. The Committee was asked to grant the application as requested to give the premises an opportunity to operate within the conditions proposed, and Mr Kilic

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reminded the Committee that the licence would be subject to review if any incidents were to occur in connection with the premises.

In response to a question from the Committee, Mr Kilic confirmed that the applicant acknowledged that the licence applied for would make a difference, and that additional conditions suggested by the responsible authorities had been agreed in order to reflect this. The Committee asked the applicant whether there were any issues with young people gathering outside the premises; the applicant replied that there were a number of young people in the area after schools had closed, between 3pm and 6pm, but that there were very few young people around after 8pm. In response to a question from the Committee regarding refusal logs, the applicant reported that a refusals log was currently maintained and that around 10 to 15 sales were refused and recorded on a daily basis. It was confirmed that the premises always required ID for alcohol sales. In response to a question from the Committee regarding the number of letters of representation received in relation to the application, Mr Kilic advised that it was the evidence that was in the representations that was important.

In response to a question from the Committee regarding any possible compromise in opening hours, Mr Kilic responded that the applicant would be happy to agree to close at midnight on Sundays, as there was no intention to keep the premises open for 24 hours on a Sunday.

The objectors and applicant's representative had the opportunity to sum up their cases, and the Committee retired to deliberate.

**RESOLVED**

The Committee carefully considered the application, written and verbal representations of local residents, the responsible authorities and the applicant and also took into account section 182 of the guidance and the Council's Licensing Policy and resolved to grant the application by Eros Grocers in the following terms:

Supply of Alcohol:

Sunday – Thursday	0700 – 0000
Friday	24 hours
Saturday	24 hours

Opening hours:

From 0700 on Monday to 0000 on Sunday

Subject to the following additional conditions:

- To fully implement the Challenge 21 scheme
- To implement the recommendations made by the Metropolitan Police at page 60 of the documentation, namely that a minimum of 2 people are to be working on the premises between 0000 and

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	<p>0700.</p> <ul style="list-style-type: none"> <li>- CCTV to be installed at the premises, the recordings to be kept for 30 days and made available to the police and responsible authorities on demand. This to be of digital quality and to cover the exterior of the premises.</li> <li>- A complaints book to be maintained on the premises.</li> <li>- Signs to be displayed, asking customers to leave quietly and respect the local area.</li> </ul> <p>For the avoidance of doubt, the premises licence is to be granted only once the licensing authority has provided written confirmation to the applicant that it is satisfied that all the conditions have been met to the satisfaction of the licensing authority. The licence is subject to review if the conditions are not met.</p>	
<p><b>LSCA07.</b></p>	<p><b>SANDERO RESTAURANT, 434 HIGH STREET, ST ANN'S ROAD, N15 3JH</b></p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on an application for a new premises licence for the provision of regulated entertainment, supply of alcohol and provision of late refreshment at Sandero Restaurant, 434 St Ann's Road, London N15. Representations had been received from the child protection officer, Metropolitan Police and Noise Team during the consultation and all the conditions proposed by these responsible authorities had been accepted by the applicant. Representation had also been received from Planning, and from local residents expressing concern regarding the effect of noise emanating from the premises on nearby homes and concerns regarding planning issues. The Committee was reminded that planning issues could not be taken into account in their decision, as these did not fall within the remit of the Licensing Act 2003.</p> <p>Local residents addressed the Committee in objection to the application, as the rear of the premises was an open area and the noise from this area would prevent local residents from opening their windows. Concerns were also expressed regarding the noise and nuisance from additional cars parking in the vicinity of the premises.</p> <p>In response to questions from the Committee, residents expressed concerns regarding odour from the flue at the premises and refuse collection. It was suggested that conditions on the licence could address the issue regarding ventilation equipment and that refuse collection would be addressed as part of any planning consent. The Licensing Officer advised the Committee that the Planning Inspectorate decision in respect of the premises did not include the rear extension, which was an ongoing matter, and that the Committee could only consider the plans submitted in relation to this application. Any subsequent change to the plans would require a fresh application.</p> <p>The applicant's representative addressed the Committee in support of the application. It was reported that the applicant came from a catering background, and that the premises had been opening as a restaurant with no licence to sell alcohol previously. Planning permission for use as</p>	

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a restaurant had been refused, however the Planning Inspectorate had granted permission on appeal, with conditions. The applicant's representative advised that any concerns raised by local residents could be addressed by means of conditions within the Licensing Act, and that any breach of the conditions could lead a review of the premises licence, along with punishment under other relevant Acts.

The Committee retired to deliberate.

**RESOLVED**

The Committee carefully considered the application, the representations of all responsible authorities, local residents and the applicant and took into account the Haringey licensing policy and section 182 of the guidance and resolved to grant the application for a new premises licence at Sandero Restaurant, 434 St Ann's Road. Namely:

The Provision of Regulated Entertainment:

Monday – Sunday: 1000 – 2300

Provision of Late Night Refreshment:

Monday – Sunday: 2300 – 2330

Supply of Alcohol:

Monday – Sunday: 1000 – 2300

Opening Hours:

Monday – Sunday: 0700 – 2330

Subject to the following conditions:

- That the premises will be constructed in accordance with the plans submitted.
- That all of the conditions recommended by the Noise Team be implemented, in particular the condition that all ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.
- That the recommendations of the Child Protection Officer to implement the Challenge 21 scheme be adopted.
- That the recommendation of the Metropolitan Police at page 161 of the documentation be adopted.

For the avoidance of doubt, the premises licence is to be granted only once the licensing authority has provided written confirmation to the applicant that it is satisfied that all the conditions have been met to their satisfaction. The licence is subject to review if the conditions are not met.

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<b>LSCA08.</b>	<b>ITEMS OF URGENT BUSINESS</b>  There were no new items of urgent business.	
<b>LSCA09.</b>	<b>EXCLUSION OF PRESS AND PUBLIC</b>  <b>RESOLVED</b>  That the press and public be excluded.	
<b>LSCA10.</b>	<b>EXEMPT MINUTES</b>  <b>RESOLVED</b>  That the exempt minutes of the meeting of Licensing Sub Committee A held on 29 June 2010, be deferred for consideration at the next meeting of the Licensing Sub Committee A.    The meeting closed at 22:35 hours.	