

# **MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 3 FEBRUARY 2025, 7:00PM – 8:10PM**

**PRESENT:** Councillors Anna Abela (Chair), Makbule Gunes, and Nick da Costa

## **1. FILMING AT MEETINGS**

The Chair referred to the filming of meetings and this information was noted.

## **2. APOLOGIES FOR ABSENCE**

No apologies had been received.

## **3. URGENT BUSINESS**

There was no urgent business.

## **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **5. SUMMARY OF PROCEDURE**

The Chair provided a summary of the procedure for the meeting.

## **6. APPLICATION FOR A NEW PREMISES LICENCE AT SMOKY LOUNGE, 83 MAYES ROAD, WOOD GREEN, LONDON, N22 6TN (NOEL PARK)**

Upon opening the meeting, Ms Daliah Barrett, the Licensing Team Leader, stated that some additional late papers had been received from the applicant.

In response to questions, Mr Bryan Barnes, resident, informed the Sub-Committee that:

- He objected to additional documents being circulated as the hearing of the application had already been subject to delay.

In response to questions, Mr Shiekh Subrattee, resident, informed the Sub-Committee that:

- He objected to additional documents being circulated as the applicant already had time to submit documents and the applicant should not be given an advantage.

In response to questions, Mr Robert Sutherland, the applicant's representative, informed the Sub-Committee that:

- As a matter of law, the documents were not late under the procedure of the Licensing Act and the regulations, but he accepted that they may not have been in accordance with the Council's timetable in relation to the Licensing Act.
- Whilst he would say the documents and the video should be considered, the documents from the acoustic consultants were following on from a series of emails with the Noise and Nuisance team. A number of questions were raised by the head of the department causing a delay. That resulted in an additional document from the acoustic consultants which had to address particular questions. In addition, there was a dispersal plan that indicated how the premises would operate in relation to dispersal should the licence be granted. There was also a further update to the noise management plan. A copy of the noise management plan was contained within the original report. There were some minor changes to it. In respect of the video evidence, it would not be a surprise to the Sub-Committee that the basis of the complaints was not accepted by the by the applicant and the evidence of the CCTV was to demonstrate that the number of people inside of the premises was very small. On one occasion, it was only two and on another occasion, it was maybe four or five. Generally, the number of patrons inside of the venue at the times the complaints were made were very small. The final document was in relation to a statement from the DPS who was able to give direct evidence herself. It would assist if the Sub-Committee could see it, but the evidence could be provided orally. If the Sub-Committee was minded to adjourn the hearing to another date, then he would invite the Sub-Committee to continue with the hearing without the additional information.

At 7:29pm, the Sub-Committee decided to adjourn to deliberate. The Sub-Committee reconvened at 7:39pm.

RESOLVED:

The Sub-Committee returned to the meeting and the Chair stated that the Sub-Committee had deliberated on the matter of the documents that were submitted late and considered that the Licensing Act allowed Councils to set their own policies in relation to licensing and the documents were not submitted in accordance with Haringey Council's procedural rules. The Sub-Committee wished to have the time to consider the documents so it could make a decision based on all the information that available. The Sub-Committee had also heard from the two objectors and its view was that the objectors should also have the opportunity and the time to fully consider the documents. For this reason, the Sub-Committee decided to adjourn the hearing of the application to 24 February 2025.

The Sub-Committee adjourned at 7:41pm to allow some in-person attendees to be able to leave the Council's offices and reconvened at 7:42pm.

## **7. APPLICATION FOR A NEW PREMISES LICENCE AT 6 BROTHERS, 17 WEST GREEN ROAD, TOTTENHAM, LONDON, N15 5BX (SEVEN SISTERS)**

### **Presentation by the Licensing Officer**

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for a new premises licence.
- The application sought sale of alcohol Monday to Sunday 07:00 to 23:00 With alcohol for off sales only at the premises.

- The application submitted had put forward various conditions that are put forward. There were conditions for CCTV, refusal logs, age verification conditions, a Challenge 25 scheme and there was also a section on how alcohol delivery would be managed.

### **Presentation by the applicant**

The applicant's representative Mr Nick Semper and Mr Mo Rahman, the applicant, informed the Sub-Committee that:

- The applicant had applied for a licence through his company. He was an experienced and successful food retailer and was seeking authorisation to enhance the offering to his existing customer base with the sale of alcohol for consumption off the premises.
- Sales would be during normal hours of operation for a business of a convenience store serving the local community with a provision of wide range of groceries and other home produce for purchase in the store and available by delivery.
- The safeguards proposed within the operating schedule were intended to ensure that licencing objectives were robustly promoted.
- Standing against the application was solely the Police who observed that the off licence would be supplying alcohol from 07:00 and were located on a high street with several primary schools nearby - with one secondary school. They felt that the mornings would be subject to numerous school children passing by on West Green Road. The Police also thought that the children on the way to school would routinely see customers purchasing alcohol and standing outside the premises or in the nearby vicinity. They also believed that as a that a licenced premises, selling alcohol from 07:00 undermined the Clear, Hold, Build initiative in Tottenham which targeted individuals causing crime and anti-social behaviour, thus having an adverse impact on the local community. In order to dissuade the risk of harm to children, Police suggested that while the premises may open at 07:00, the supply of alcohol should start at 09:00.
- The applicant had agreed the Police amendment to the conditions regarding CCTV immediately and to counter their worries, the applicant offered conditions on a 'without prejudice' basis that the licence holder would join and participate in any active responsible retailing scheme operating in the local area and that no lager, beer or cider exceeding 6.5% abv would be stocked or sold with exception of craft beers and artisan products, no matter the time of day.
- The Police had objected to the two additional proposed conditions as they concluded that the sale of alcohol at 07:00 would risk causing early morning street drinking and this would be seen by school children passing by. Consequently, the applicant withdrew the offer.
- The applicant had not asked for special treatment, the applicant asked to be treated the same as other operators and not be disadvantaged with regard to every other operator in Tottenham. Sainsbury's nearby was licenced to sell alcohol from 06:00 until 00:00. West Green Road International had a 24-hour licence along with a long list of various other premises – many of which either operated on a 24-hour basis or could sell alcohol from 06:00 or 07:00.
- A brief examination of the premises licence register of Haringey revealed hundreds of convenience stores licenced from 07:00 or earlier. It was not clear why the application should be treated any differently.
- There was no evidence that the premises or the applicant had ever sold alcohol responsibly to street drinkers or children before.
- If there were street drinking issues in the area, then none of that could be seen as a detriment to the applicant as he had not sold alcohol to anyone from the premises to

date and therefore prior existence of street drinkers in the area could not go against him.

- The applicant had no intention to sell alcohol to the alcohol enabled perpetrators of anti-social behaviour, as this would result in him appearing back before the Sub-Committee for a review hearing. There was no other reason why he would have offered the condition to not sell lager, beer or cyder exceeding 6.5% abv. These were the products that street drinkers craved.
- It should also be noted that neither Trading Standards nor Children's Services were the lead responsible authorities for the prevention of crime and disorder and the prevention of harm to children licencing objectives. They had not objected to the grant of the licence with the proposed hours. It was also not for one responsible authority to stand in the shoes of another.
- The Section 182 guidance clearly stated that shops, stores and supermarkets should generally be free to provide sales of alcohol for consumption off the premises at anytime when the when the retail outlet was open for shopping unless there were good reasons based on the licencing objectives for restricting hours.
- Good reasons to restrict hours should be based on evidence because the Section 182 guidance stated that the determination should be evidence based.
- There was no evidence that the applicant operating from 07:00 would sell irresponsibly to street drinkers so as to upset children on their way to school.

In response to questions, Mr Semper and Mr Rahman, informed the Sub-Committee that:

- The businesses had been going well so some refurbishment had been completed. A lot of customers wanted to shop in the same place they brought alcohol, so hopefully the application would provide more growth in the business and make it more successful.
- The applicant accepted the CCTV conditions and had done so immediately.
- There were several million people that worked in London within a night time economy. There were a lot of people going home at 06:00 or 07:00 and they may wish to stock up with their groceries and buy drinks. Similarly, people going to work or arranging social events at work may wish to swing by the premises and collect alcohol on their way to work.
- Other types of alcohol other than lager, beer or cider that exceeded 6.5% abv included alcohols such as wine, sherry and whiskey.
- Lager, beer and cider were persons who drink in the streets sought. They tended to buy one can at a time, sometimes funded by begging. However, if there was a PSPO in the area, a passing police officer was entitled to remove the stock of alcohol from the premises.

At this point in the proceedings, the Licensing Officer stated that various licensed premises in the area sold alcohol at various times including, 06:00, 07:00 and 08:00 (00:00 on a Saturday and 12:00 on a Sunday).

In response to more questions, Mr Semper and Mr Rahman, informed the Sub-Committee that:

- Vodka, rum and whiskey would be sold. There had been a lot of research into what kind of products alcohol dependent people preferred. Wine was very low on the list, spirits were too strong and needed to be watered down. The optimum 'hit' that street drinkers wanted was over 6.5% abv to 9% abv. This was why there was a nationwide

initiative called 'super strength' where places that were blighted with an indigenous street drinking population asked that retailers did not sell beer, lager or cider over 6.5% abv.

At this point in the proceedings, the Licensing Officer stated that reduced strength had been around for many years, but a blighting of street drinkers was different to Haringey having an additional problem of a certain street drinking culture. The people often drank stronger alcohol together. This took place along West Green Road and had been a cause for concern that the Council had tried to address.

In response to more questions, Mr Semper and Mr Rahman, informed the Sub-Committee that:

- The applicant had offered to pub watches or any other business crime retail initiative so that those banned from drinking in the streets or were subject to restriction orders could be circulated by the Police.
- The applicant had no interest in retailing alcohol to the alcohol dependent antisocial street drinkers. Aside from a potential review application, the premises would become inhabited by people the applicant would not want. This would also put off more desired customers.
- The responsible retailer plus scheme included restrictions on single cans of lager, beer or cider, not selling bottles of spirits smaller than 350ml and other restrictions. The applicant would be happy to accept these conditions.
- The applicant would attempt to maintain the level of customer satisfaction in his business to deny street drinkers possibility to any nuisance.

### **Presentation by interested parties**

PC Peters informed the Sub-Committee that:

- He was objecting to the application because of the early start time.
- He was aware that there were other off licence premises on West Green Road that sold alcohol from an earlier time or from 07:00. However, 07:00, even with other licensed premises located in the area, was still quite an early start time and would exacerbate issues for the local community. This could be witnessed in the area.
- The premises had been present in the area as a grocery shop for many years and he saw no problems with the applicant. However, the start time was quite early. It was in a residential area and there was already a number of off licences present in the area.
- Starting at 07:00, when there were so many other off licences would cause problems of anti-social behaviour. This could add to the crime of the local area.
- There were many premises in the area that started at 07:00 or at 06:00, but started selling alcohol at 09:00.
- There were two premises in the area that opened at 07:00, but sold alcohol from 09:00.
- He was only asking for a modest reduction of licencing hours, to limit the problem of any of any public nuisance and crime and disorder that could be caused from the early sales of alcohol.
- There were several schools in the area including secondary schools and the area had significant levels of footfall, especially at the Seven Sisters tube station.
- Another off licence in the area could contribute to public nuisance and crime and disorder.

- The applicant had stated that the Police had refused the offer of no lager, beer or cider exceeding 6.5% abv with the licence holder to participate in any responsible retailer scheme operating in the area. This was not the case as he would welcome the condition.

In response to questions, PC Peters informed the Sub-Committee that:

- The applicant had no problematic history.

To summarise, PC Peters stated that there was no information that the applicant had run a premises in a bad way. There had not been calls made to the Police and the application was otherwise sound. The issue simply related to the early opening time. To sell alcohol from 07:00 was quite early and an additional off licence in the area could contribute to public nuisance and crime and disorder.

To summarise, Mr Semper stated that PC Peters had been offered additional conditions to placate his position. As PC Peters had refused them, they were withdrawn. It was up to the Sub-Committee whether to have them as part of a licence or not. PC Peters had also stated that there was no need for another licensed premises in the area, but this was not a matter for the Licensing Authority to consider in discharging their duties. PC Peters seemed to feel that there may be issues if another licence was issued, but there was no cumulative impact policy in place for the area. The case of Thwaites stated that the Sub-Committee's decision should be not only evidence based, but should be based on proper and real evidence. There was no proper and real evidence that had been brought forward from objectors. The hearing was not a review hearing, but, about whether the modest convenience store operating in accordance with the operating schedule before the Sub-Committee, including the comprehensive raft of conditions would undermine or promote the licensing objectives. The application would not undermine the licensing objectives. Trading Standards and Children's Services who led on the protection of children from harm had raised no issues with the application's substance, content or the additional built-in safeguards. There was no recorded history or indelible evidence of any issues, or any other cause for concern involving the applicant, the premises or any other premises operated by him in the past. The applicant should not be treated any different than any other operator in the area by a fair and equal borough as per the Council's mission statement repeated in its statement of licensing policy. There was just speculation that it might. Fear and speculation that there might be issues was insufficient reason or grounds to treat the application differently than the many other businesses in the area. Consequently, he would request that the Sub-Committee granted the application supported by the comprehensive raft of effective conditions and any others that the Sub-Committee deemed appropriate and proportionate.

At 8:10pm, the Sub-Committee withdrew to consider the application.

**RESOLVED:**

The Licensing Sub Committee carefully considered the application for a Premises License at, 6 Brothers, 17 West Green, Road, Tottenham, London, N15 5BX.

In considering the application, the Sub-Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, and the applicant's and objector's representations.

Having considered the application and heard from all the parties, the Sub-Committee decided to **GRANT** the application subject to the conditions below:

### **Sale of Alcohol**

Monday to Sunday: 0700 to 2300 hours  
Supply of alcohol **OFF** the premises

### **Hours open to Public**

Monday to Sunday: 0700 to 2300 hours  
Supply of alcohol **OFF** the premises

### **CONDITIONS:**

**The Committee requires the Applicant to adhere to the Conditions proposed by the Applicant at Section 18-21 of the application & at pages 141-147 of the Committee papers in addition to the following conditions:**

1. The Licence-Holder/Premises will join and participate in the Responsible Retailer Plus Scheme operating in the local area.
2. No Lager, beer, or cider exceeding ABV 6.5% will be stocked or sold, with the exception of crafter beers and artisan products.
3. Will not sell single cans of lager, beer or cider.
4. Will not sell single bottles of lager, beer or cider that are smaller than 330ml or which have been separated from multipacks.
5. Will not sell bottles of spirits that are smaller than 350ml (half bottle size).
6. Will not sell alcohol to people suspected of drinking in the street or other public places, whether they appear drunk or not.
7. A digital CCTV system shall be installed in the premises complying with the following criteria:
  - (a) Cameras shall be sited to observe the entrance and exit doors both inside and outside the premises.
  - (b) Cameras on the entrances shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
  - (c) Cameras overlooking floor areas shall be wide angled to give an overview of the premises.
  - (d) Be capable of visually confirming the nature of the crime committed.
  - (e) Provide a linked record of the date, time, and place of any image.
  - (f) Provide good quality images - colour during opening times.
  - (g) Operate under existing light levels within and outside the premises.
  - (h) Have the recording device located in a secure area or locked cabinet.
  - (i) Have a monitor to review images and recorded picture quality.
  - (j) Be regularly maintained to ensure continuous quality of image capture and retention.
  - (k) Have signage displayed in the customer area to advise that CCTV is in operation.
  - (l) Digital images shall be kept for 31 days.
  - (m) Police or authorised local authority employees shall have access to images at any reasonable time.
  - (n) The equipment shall have a suitable export method, e.g., CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e.

manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

REASONS: The Sub-Committee gave serious consideration to the submissions by the Applicant and to the concerns raised by the objectors- namely the Police.

It was noted that the main area of concern was the proposed early opening hours from 7am onwards in order to sell alcohol.

It was noted that there was a school nearby which would lead to children passing by while alcohol was being sold and the possibility of street drinkers congregating at the same time, which would be harmful to children. However, it was also pointed out by the applicant that several other establishments in the vicinity have the same early opening hours, selling alcohol and that the applicant cannot be singled out in this way, which the Committee found persuasive. It was also noted that no complaints had ever been made about the Applicant and that he had willingly agreed to comply with the Responsible retailer Plus Scheme which has extra conditions on the sale of alcohol designed to prevent the worries and concerns raised by the Police.

In light of the above, it was deemed that a grant of the application with the above conditions balanced the interest of the applicants, the residents and the licencing objectives.

#### **Appeal rights.**

This decision is open to appeal to the Magistrates Court within the period of 21 days, beginning on the day upon which the applicant is notified of the decision. This decision does not take effect until the end of the appeal. Or, in the event that an appeal has been lodged, until their appeal is dispensed with.

### **8. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair .....

Date .....