

**MINUTES OF THE LICENSING SUB-COMMITTEE A
THURSDAY, 17 SEPTEMBER 2009**

Councillors Patel (Chair), Demirci and Reid

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA01.	<p>APOLOGIES FOR ABSENCE</p> <p>There were no apologies for absence.</p>	
LSCA02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCA03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCA04.	<p>SUMMARY OF PROCEDURE</p> <p>The summary of procedure was noted.</p>	
LSCA05.	<p>BAR BARAN, 1ST FLOOR, 143-145 PHILIP LANE, TOTTENHAM, LONDON N15 (TOTTENHAM GREEN WARD)</p> <p>The Licensing Officer, Ms Dale Barrett, presented the report on the application for a Premises Licence at Bar Baran, 143-145 Philip Lane N15 4HQ to allow the supply of alcohol at the premises.</p> <p>Ms Barrett reported that the applicant had agreed through his agent to all the conditions proposed by the Noise Enforcement team in their written representation, including alterations to the operating schedule and a revision of the proposed hours as follows:</p> <p>Supply of alcohol : Mon - Sun 1100 – 0130</p> <p>Opening hours: Mon - Sun 1100 – 0200</p> <p>Ms Barrett confirmed that the information in the agenda pack regarding the lack of planning permission for the premises had been included for information only and should not be taken into consideration by the Committee when determining the licence application.</p> <p>Geoffrey Parker and PC Young from the Metropolitan Police presented the Police representation to the licence application under the prevention of crime and disorder objective. The Committee were advised that PC Young and officers from the Enforcement Service had attended 143-145 Philip Lane on 16 September 2009 and found the premises open with a number of customers on site. A quantity of alcohol was found in the bar area and fridges including a several bottles of beer and a number of half</p>	

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open bottles of spirits, leading to concerns regarding the alleged unauthorised sale of alcohol. The applicant was not present at the premises at the time of the visit. It was confirmed that an investigation would be undertaken by the Enforcement Team to determine whether any legal action would be taken in addition to the confiscation of the alcohol.

In response to a query from the Committee, confirmation was provided that no receipts for the sale of the alcohol or drink prices had been displayed at the premises, although purchase receipts for the alcohol had been found. In addition, the customers in the premises at the time did not overtly appear to be consuming alcohol.

The Police requested that the licensing hearing be adjourned until such time as the investigation into the alcohol found on the premises be concluded and any subsequent legal action completed. The Committee sought legal advice on this request and were advised that the Committee were in a position to proceed with the hearing. Should any legal action be taken in regards to the suspected unauthorised selling of alcohol, alternative legal routes were available for action, including the potential for revoking the applicant's personal licence and calling the premise licence into review should it be granted. The Committee were also advised that it would be difficult to impose a licence condition on a situation that might or might not occur in the future and additionally that the applicant could be prejudiced if the hearing was adjourned.

The Police also raised concerns regarding three male cousins of the applicant alleged to be involved with the sale of cannabis and other offences in the area and the potential for subsequent association with the premises in the future due to the family tie. Member's clubs in the locality had historically been linked to the sale of cannabis and a subsequent increase in anti-social behaviour. In response to these concerns, the Committee were advised that the applicant had agreed to a condition being applied to the licence in relation to the named male relatives being barred from the premises.

Lamin Tamba from the Noise Enforcement team confirmed that the Enforcement team had no further representations other than those agreed by the applicant.

The applicant addressed the Committee and confirmed that he had run a licensed business for the last 10 years and that the small quantity of alcohol found at the premises had been purchased in anticipation of the licence being granted. He stated that the small amount of alcohol consumed had been through personal consumption only and had not been for sale. In addition, the applicant confirmed that he was not in contact with the three cousins named as of concern to the Police and did not know where they were living and stated that they would not be visiting the premises.

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	<p>RESOLVED:</p> <p>The Committee heard the representation of the responsible authorities, namely the Police and the applicant. The Committee took into account the Section 182 guidance and statement of licensing policy. Having considered all the representations, the Committee granted the premises licence in respect to Bar Baran, 143-145 Philip Lane, Tottenham, N15 4HQ. The Committee welcomed the reduction of hours and agreed those hours, namely supply of alcohol Monday – Sunday 11am to 1.30am, and opening hours Monday – Sunday 11am to 2am.</p> <p>In reply to the Police representation concerning association of family members with the premises, the Committee were grateful the applicant had suggested a condition be added to their licence and the Police also welcomed this condition. The Committee therefore imposed as a condition that Hasan Koc, date of birth 07/06/1985, Naver Engin Koc, date of birth 08/07/1980 and Aslan Koc, date of birth 01/01/1982 be not allowed to enter the premises at any time whilst in operation. Please note the Hasan Koc mentioned is not the applicant.</p> <p>The Committee further imposed those conditions outlined in the operating schedule as detailed on page 5 and 6 together with the agreed conditions imposed by Environmental Health on page 38-40 and the mandatory conditions.</p> <p>The Committee noted the representation by Planning detailing the fact there are outstanding issues relating to planning permission for 143-145 Philip Lane, N15 4HQ. The Committee did not take this into account in reaching their decision as any breach in planning permission could be dealt with under the Town and Country Planning Act 1990 and not the Licensing Act 2003.</p>	
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JAYANTI PATEL

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