

# **MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE B HELD ON THURSDAY, 1ST AUGUST, 2019, 19:00 - 21:00**

**PRESENT:** Councillors Gina Adamou (Chair), Viv Ross and Reg Rice.

## **9. FILMING AT MEETINGS**

Noted.

## **10. APOLOGIES FOR ABSENCE**

Councillor Rice substituted for Councillor Basu.

## **11. URGENT BUSINESS**

There were no items of urgent business.

## **12. DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **13. MINUTES**

### **Resolved**

That the minutes of the meeting held on the 15<sup>th</sup> January 2019 be approved as a correct record of the meeting.

## **14. SUMMARY OF PROCEDURE**

The Chair outlined the summary of procedure.

## **15. APPLICATION FOR A PROVISIONAL STATEMENT - SEVEN BROTHERS, 72-76 HIGH ROAD TOTTENHAM LONDON N15 6JU**

### Preliminary Matter

At the outset, the Committee was informed that the Applicant had modified the application to revise the supply of alcohol time from 24 hours to 06:00 until 01:00. Further, regarding the conditions proposed by the Licensing Authority, the Applicant did not agree to those but did agree to those presented by Public Health, with the exception of the high strength alcohol sale restriction (no super-strength beer, lagers or ciders of 6.5% ABV [alcohol by volume]).

## Licensing Officer

Daliah Barrett, Licensing Officer, introduced this application for a provisional statement for Seven Brothers, 72 – 76 High Road, Tottenham, London, N15 6JU. The applicant, Mr Tacim Koca, held a 24 hour premises licence for 72 High Road. However, the applicant sought for a provisional statement to increase the floor space of the shop to cover 72 – 76 High Road and for a new supply of alcohol hours from 06:00 to 01:00, Monday to Sunday to cover 72 – 76 High Road.

The Committee was informed that a provisional statement would mean that a future application for a premise license by the premise would be granted in principle, unless there was a fundamental change from the provisional statement in question to that future application. Residents would therefore not be able to challenge that future application on the same grounds that they opposed the provisional statement.

Representations had been received from Licensing Authority and the Public Health Responsible Authority regarding the make up of the area and current issues around street drinking and the impact that this caused with potential noise from customers arriving and leaving the premises and customers utilising the outside area.

Representations had also been received from residents with concerns regarding the application, including noise from customers using the street outside to consume alcohol and noise from patrons loitering around the premises.

Following questions from the Committee to the Licensing Officer, it was noted:

- The issue of no VAT number on the application form was not relevant.
- Whilst the Applicant had not ticked 'yes' or 'no' to the provision of indoor sporting events, the Licensing Officer confirmed they would not be providing indoor sporting events.
- The issue of background music level could be disregarded by the Committee as this was not a licensable activity.
- The terms of the existing premises license would remain unchanged. If the Applicant had the provisional statement granted, they could apply for a new premises license in the future which mirrored the provisional statement, once building work had been completed. In that scenario, the new premises license (as agreed in the provisional statement) would supersede the previous premises license which would no longer be in effect.

## Public Health

The Committee next heard from Public Health. The following was highlighted:

- Haringey had the worst statistical data for alcohol related diseases in London which caused misery for families and local communities.
- Haringey had the highest volume of alcohol being sold which had a direct impact on local communities where a large volume of alcohol was consumed.
- The large response from local residents about the impact of alcohol sales in the local area supported Public Health's view that the Applicant needed to look at the volume of alcohol being sold on the premises.

- Public Health were concerned about the mental health of children living in the local area, given there was a school close to the premises. There was also concern for the safety of children in areas where there was reports of people drinking on streets, as demonstrated by photographs submitted by local residents.
- Public Health praised the Applicant for offering to reduce the supply of alcohol from 24 hours in their application to 06:00 until 01:00 but sought for the Applicant to also reduce high strength alcohol sale to no super-strength beer, lagers or ciders of 6.5% ABV.

Following a question from the Committee, it was accepted by Public Health that the Applicant had agreed to a number of conditions but there was disagreement over the sale of high strength alcohol with Public Health concerned that the sale of alcohol over 6.5% ABV would increase alcohol related issues.

Following questions from the Applicant's lawyer, Public Health noted that:

- Each case was considered on their individual merits.
- It welcomed the positive moves made by the Applicant in modifying their application and accepting various proposed conditions but wished to see a further reduction in the sale of alcohol to a time after children arrived at school.

#### Cllr Barbara Blake and Mr Yaniv Joseph, representing the local residents

The Committee next heard from Cllr Barbara Blake representing local residents who had made written objections and signed a petition against the provisional statement. Cllr Blake was joined by Mr Yaniv Joseph.

Cllr Blake started by thanking the Chair for allowing a short recess for the Cllr to consult with the local residents regarding the modification to the application by the Applicant.

Cllr Blake noted the Applicant had agreed to advise customers not to drink on the surrounding streets but claimed they had tolerated street drinking and had done little to address this ongoing issue. The street drinking brought a significant amount of noise, litter and urine to the streets. There was also intimidation of local residents from drinkers. The Committee were asked to consider the impact this had on local families with children.

The Cllr noted a proposed condition related to advising individuals to leave the premises quietly but claimed the premises had tolerated such activity to date. The Cllr claimed clientele of the premises arrived in cars with loud music playing and there was often noise disturbances from those individuals talking loudly. This had a negative impact on local resident's wellbeing by not being able to sleep.

The Cllr acknowledged there was a problem with drinking in Seven Sisters and noted the premises was in an alcohol controlled zone. Residents had complained of feeling intimidated by drinkers and some walked on the opposite side of a street or avoided certain streets altogether to avoid passing drinkers.

The Cllr noted that, if the Committee were to approve the provisional statement, the premises would expand from 1 shop into 3 shops which would likely result in more alcohol being sold and exacerbate pre-existing issues.

Mr Joseph added that the photographs contained in the report pack (pages 59-72) were taken during the day time, when children would have been walking home from school. He claimed children avoided the street next to the premises to avoid those loitering outside drinking.

Following questions from the Committee, it was noted:

- The Licensing Officer clarified that Haringey had 16 alcohol controlled zones. These were defined areas in a ward where if you were consuming alcohol and causing a nuisance, the police could request you to stop consuming alcohol. It operated differently to a PSPO.
- The Licensing Officer informed that the Metropolitan Police were informed of the application but did not make any representations. Cllr Blake noted the Safer Neighbourhood Team had been made aware of the situation but due to ongoing issues with the group not being complete, this had yet to be addressed.

Following questions from the Applicant's lawyer, it was noted:

- Mr Joseph estimated that there was one other premises like Seven Brothers within a 500 metre radius.
- Cllr Blake agreed with the Applicant's lawyer that an alcohol controlled zone would be welcomed in the area in order to help residents feel safer.
- Mr Joseph claimed that this particular premises was the root of issues related to street drinking in the immediate area.

#### Applicant, represented by Mr Duncan Craig

The Committee next heard from the Applicant via their lawyer, Mr Duncan Craig.

Mr Craig clarified that the license in existence meant the premises could remain open and supply alcohol 24 hours a day, 7 days a week. The application had originally intended to mirror the current premises license but the supply of alcohol had been revised to cover 06:00 to 01:00 only. Mr Craig noted the conditions on the existing premises license were inadequate by the current standards expected. Recent guidelines stipulated that conditions must be precise and enforceable, which the previous conditions were not. Mr Craig took the Committee through the conditions proposed by the Applicant at pages 28 and 29.

Mr Craig highlighted that the proposed conditions by the Applicant were more stringent, resulted in fewer hours for the supply of alcohol, and resulted in less shelf space available for alcohol products. The purpose of the application was to extend the store so that it could supply more groceries, not to increase alcohol sales.

Mr Craig stated that the application could not be judged without considering the premises and its current operations. The premises had never had a licensing review

and the provisional statement, if granted, would place further restrictions on the premises which would help promote the licensing objectives.

Mr Craig accepted there were significant issues around street drinking in the Seven Sisters ward but that the application must be dealt with on its merits. Despite the wider issues of street drinking, this did not mean that the application should be refused because of wider issues in the community. There were limits to what a premises was able to do to deter such activity.

Mr Craig claimed there was little to no reference in the representations made on the direct impact the premises was having on street drinking, but rather discussed street drinking in a wider context. The Metropolitan Police and Haringey Council had to take responsibility for the wider issues and it was not fair or proportionate for the premises, which had operated lawfully for 14 years without a review, to be penalised, especially given the provisional statement was for a reduction in the sale of alcohol hours and placed more conditions on the premises.

Regarding the AVB, Mr Craig stated the current premises license did not have any restrictions on the sale of high strength alcohol and did not want any restrictions on AVB on the provisional license. The premises had been operating in a responsible manner and similar establishments in the area did not have such a condition. Therefore, this premises should not be disproportionately penalised by the imposition of a condition to restrict the sale of high strength alcohol.

Mr Craig claimed that most of the representations by residents misapprehended the nature of the application by thinking the application was for an extension in operating hours and did not discuss the licensing objectives. Mr Craig invited the Committee to pay little regard to the petition submitted which he questioned the narrative of for not giving enough detail on what it was about and no discussion on how it related to the licensing objectives.

Mr Craig disputed the significant of the photographs submitted by the local residents and stated they were not taken within close proximity to the premises.

Mr Craig informed that the Applicant only wanted to develop the business and invited the Committee to grant the application.

Following questions from the Committee, it was noted:

- Regarding condition 1) on page 28, Mr Craig informed there was no legal requirement for the license holder to be present at the premises at all times. The condition would require a personal license holder to be present at all times.
- Regarding condition 6), Mr Craig informed there would be a phone number for the premises, should the police, any responsible authority or local resident seek to express concerns caused by the operation of the premises.
- Regarding condition 4) f), Mr Craig informed this was a standard condition included on most applications.
- Regarding condition 4) h), Mr Craig informed the Applicant was experienced at recognising when an individual was drunk and would decline to serve them. Where the premises refused to sell an individual alcohol, that would be recorded and available for officers to inspect, when requested.

- Mr Craig informed the Applicant would ask anyone seen drinking and loitering around outside the premises to move on, however, there was difficulty when they were out of the view of the premises which made it difficult for the premises to act. The Applicant noted they had informed the police of disruptive people loitering outside the premises when they have refused to move on. The premises had also placed a light on the side of the shop to help make residents feel safer.
- Regarding the composition of the proposed premises layout, Mr Craig informed 80% would be for groceries and 20% would be for alcohol products.

Following questions from Cllr Blake to the Applicant, it was noted:

- Cllr Blake challenged the Applicant over who was responsible for street drinking. Mr Craig claimed everyone who held a personal license shared responsibility for the impact of alcohol on the wider community. Mr Craig stated it was not right to claim that the Applicant neglected their responsibilities.
- The Applicant tried their best to ensure that no individual loitered around the premises drinking but stated they did not have the resources to routinely check whether there was drinking taking place down the street, out of sight of the premises.

#### Closing submissions

Cllr Blake invited the Committee to consider the impact the premise was having on local residents lives, such as not being able to sleep and concern about family safety from drinkers loitering on the streets. The residents sought for the Committee to seriously consider application and for the sale of alcohol to be further reduced.

Mr Craig, on behalf of the Applicant, robustly denied that his client did not take their responsibilities seriously. The premise had never had a review hearing and had offered to abide by new conditions in the provisional statement to take on further responsibilities to those already on the premises license. The premise had offered to reduce the amount of shelf space for alcoholic products. The premise, having listened to the concerns of the Responsible Authority's and local residents, tailored their application accordingly by seeking a reduction in the supply of alcohol time from 24 hours to 06:00 until 01:00. The premise wished to have good relations with the local community and was investing a significant sum of money to develop the business into a better shopping facility for local residents.

#### **RESOLVED**

The Committee carefully considered an application for a provisional statement that was brought pursuant to section 29 of the Licensing Act 2003. The application was in respect of premises known as Seven Brothers, which is situated at 72 – 76 High Road, Tottenham, London, N15 6JU.

In considering the application, the Committee took into account the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the contents of the Report pack, the representations made by Cllr Blake and residents objecting to the application, representations made

by the responsible authorities, and representations made by and/or on behalf of the applicant in person and via his legal representative.

Having heard from all the parties, the Committee decided to grant the provisional statement, with conditions as set out below.

The Committee accepted the revised conditions proposed by the Applicant in their application, but imposed the modifications suggested by the Licensing authority with respect to operating hours for alcohol sales, stopping the sale of beer, lager and ciders above 6.5% ABV, and stopping the sale of single cans of beer, lager of cider.

The Committee were mindful that the Applicant had voluntarily sought to reduce the hours for the supply of alcohol from 24 hours (6 am to 6 am) to a 1 am cut off point. However, the Committee considered it proportionate for the supply of alcohol to be from 6am to midnight, which would be in line with other established businesses in the area.

### **Reasons**

The Committee was satisfied that alcohol related nuisance had occurred in the near vicinity of the premises and that street drinkers locally had engaged in anti-social behaviour in full view of local residents including children. It was accepted that not all such nuisance would have been caused by the applicant's customers, but the committee was satisfied that the applicant had some responsibility, and was obliged to ensure that the licensing objectives were being upheld.

The Committee accepted the concerns of Public Health regarding the sale of high strength alcohol in the area and the impact it was having on the community including the welfare of children.

The Committee recognised the applicants readiness to reduce their operating hours for the supply of alcohol and was pleased that the applicant wished to operate as a supermarket, but was not satisfied that the conditions proposed by the applicant were a sufficient response to the matters that were put before the committee.

The Committee approached its deliberations with an open mind and only made its decision after hearing all the parties' representations. The Committee considered its decision to be appropriate and proportionate.

### **Modified Provisional Application**

#### **Supply of Alcohol**

*Monday to Sunday 06:00 to 00:00*

#### **Opening hours of the premises**

*According to Planning conditions*

**The following additional conditions are to be added to the premises licence –**

## **General –four licensing objectives**

1. That the operating hours for alcohol sales be 6am – midnight each day.
2. That there be no stock or supply beer/lager or ciders above 6.5% ABV at the premises.
3. That there be no sale of single cans or bottles of beers/lager or cider from the premises.
4. That the total floor space taken up for the display of alcohol is limited to under 20% of the overall floor space.

## **The prevention of crime and disorder**

5. There shall be a Designated Premises Supervisor (DPS), personal licence holder or trained member of staff nominated in writing by the DPS, on duty at all times the premises are open to the public.
6. A CCTV system, that will be installed to the current Metropolitan police /Home Office standards, shall be in operation to cover internal and external areas of the premises at all times the premises are open to the public.
  - a. CCTV shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
  - b. All staff who may work front of house shall be trained to operate the CCTV system and download images.
  - c. At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on USB disk, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.
7. A challenge 25 policy shall be operated as the proof of age policy.
8. An incident book shall be kept at the premises, and made available to the police or authorised Council officers, which will record the following:
  - a. All crimes reported
  - b. Lost property
  - c. Any complaints received
  - d. Any incidents of disorder
  - e. Any seizure of drugs or offensive weapons
  - f. Any faults in the CCTV
  - g. Any refusal in the sale of alcohol
  - h. Any visit by a relevant authority or emergency service
9. Notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate) advising customers:
  - a. That the CCTV and challenge 25 policy are in operation
  - b. Advising customers of the provisions of the Licensing Act regarding underage and proxy sales
  - c. Of the permitted hours for licensable activities and the opening times of the premises



- d. Not to drink in the street
- e. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally

### **Public safety**

- 10. A fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training and refresher training.

### **The prevention of public nuisance**

- 11. The front of the premises shall be kept tidy at all times and be swept at close.
- 12. Relevant notices shall be prominently displayed by the entry / exit door and point of sale (as appropriate).
- 13. No deliveries shall be received or rubbish removed from the premises between 22.00 and 07.00.
- 14. Any music played shall only be played at background level.
- 15. An incident book shall be kept at the premises and made available to the police or authorised Council officers to record information of any of the details outlined in section 8 (a) – (h).
- 16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome shall be recorded in the incident book.

### **The protection of children from harm**

- 17. A challenge 25 policy shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM Forces photographic ID or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 18. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police and authorised Council officers on request.
- 19. Relevant notices shall be prominently displayed by the entry /exit door and point of sale as appropriate.
- 20. All staff who work front of house shall be trained for their role on induction and be given refresher training every six months. Written training records shall be kept for each staff member and be produced to police and authorised Council officers on request. Training shall include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

*Planning conditions will set in place the permitted opening and closing times of the premises.*

**16. ITEMS OF URGENT BUSINESS**

N/A.

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....