

MINUTES OF THE MEETING OF THE SPECIAL LICENSING SUB COMMITTEE HELD ON MONDAY, 15TH APRIL, 2019, 10.00 - 10.30 am

PRESENT: Councillors Reg Rice (Chair), Dhiren Basu and Luke Cawley-Harrison

13. FILMING AT MEETINGS

Noted.

14. APOLOGIES FOR ABSENCE

None.

15. URGENT BUSINESS

N/A.

16. DECLARATIONS OF INTEREST

None.

17. SUMMARY OF PROCEDURE

Noted.

18. MRH WELLINGTON, 513 ARCHWAY ROAD, N6

Licensing Officer

Daliah Barrett, Licensing Officer, introduced the application for a variation of a premises licence by MRH Wellington at 513 Archway Road, London, N6 4HX, to supply alcohol Monday to Friday from 08:00 until 00:00. The Licensing Officer outlined the report prepared for the Committee as set out at pages 1-4.

The Licensing Officer noted that the Applicant had previously requested the supply of alcohol to be between 00:00 until 00:00 but had since revised the application to request the supply of alcohol between 08:00 to 00:00 hours. Due to the reduction in proposed hours for the supply of alcohol and successful mediation (which resulted in the proposed conditions to be added to the premises license, found at page 25, 26 and 53), representations by the Metropolitan Police and Public Health had been withdrawn.

The Licensing Officer noted the application was brought before the Committee as there were representations outstanding from members of the public. There was concern that, if the application were to be approved, the supply of alcohol could see an increase in noise and anti-social behaviour at or around the premises.

The Chair next invited the Applicant to address the Committee.

Applicant

Robert Botkai, Counsel for the Applicant, highlighted the following to the Committee:

- The premises was a petrol station that had never held an alcohol license.
- The Applicant had submitted a 24 hour alcohol license but, following dialogue with the Metropolitan Police and Public Health, this was reduced to address concerns raised.
- The variation of the layout of the premises was a reflection of the plan being updated.
- Government guidance allowed for shops to match their open hours with the sale of alcohol.
- MRH Wellington was broadly in line with existing Haringey Council policies.
- All the Responsible Authorities had seen the application and only the Metropolitan Police and Public Health had raised concerns. The Applicant had since successfully mediated with the those two opposing Responsible Authorities and they had withdrawn their objections, following the proposal of new conditions.
- Public Health had requested a condition which forbade the promotion of super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above. The Applicant had gone further than this and proposed a condition that forbade the promotion of super-strength beer, lagers or ciders of 5.5% ABV or above.
- One of the proposed conditions was for the entrance door to the shop be closed to customers between the hours of 2400 and 0600, and for any sales between those hours to be made through the night pay window.
- Residents had raised concerns surrounding the 24 hours alcohol license. However, those concerns were now mitigated as the Applicant had reduced the request to supply alcohol to between 08:00 and 00:00.
- There had been concern over staff smoking in the forecourt however, this had been checked and it was found that no staff member was doing this, nor would it be permitted.
- Another concern raised by a resident stated the petrol station employed vulnerable young men from Sri Lanka. Mr Botkai confirmed that no staff member was below the age of 55.
- A resident raised concern that there had been violent incidents at the premises. Mr Botkai submitted that, were this the case, then the Police would have brought this to the Committee's attention yet they had raised no such concern.

Following questions by the Committee, it was noted that:

- The amended application had not been sent to all of the individuals who had signed a petition regarding concerns over the proposed variations.
- One resident had replied to the amended application but had only made further complaints that related to process and was therefore not matters for the Committee to consider.
- Haringey Council guidance stipulated that the sale of alcohol be until 23:30 Sunday to Thursday. However, Mr Botkai submitted that this was only in cases where there was evidence of street drinking issues and there was no such issue in this case.
- The Applicant confirmed that no crime had taken place at the premises.

RESOLVED

The Committee carefully considered an application to vary the premises licence of MRH Wellington, 513 Archway Road, London N6, 4HX. 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 Report pack including the written representations made by residents objecting to the application for a variation of the premises licence and representations made by and/or on behalf of the applicants via their legal representative.

Having heard from all the parties, the Committee decided to agree the application and approved the variation of the premises licence to allow for the following:

- supply of alcohol Monday to Sunday 08:00 to 12:00;
- hours open to the public Monday to Sunday 00:00 to 00:00;
- varied layout of the premises;
- removal of all conditions under Annex 2 of the premises licence; and
- add new Annex 2 conditions in boxes b to e of Section 16 of the application.

The Committee also adopted the conditions as set out on pages 25, 26, and 53 of the report pack (as listed below).

Reasons

The Committee noted the concerns raised by the residents about an application to supply for 24 hours every day but noted that the Applicant had since revised their application. The revised application sought permission for the supply of alcohol between 0800 to 0000 hours. The Committee was satisfied as a result that the applicant had made appropriate revisions to the application so as to address the concerns raised by residents.

Further, the Committee was satisfied that the Applicant had engaged with the process and adopted conditions (as set out below) which addressed the initial concerns raised by the Metropolitan Police and Public Health. The result of this engagement by the applicant was that the responsible authorities withdrew their objections to the application.

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

Supply of Alcohol

Monday to Sunday – 0800 to 0000 hours

Supply of alcohol **OFF** the premises

Hours open to the public

Monday to Sunday – 0000 to 0000 hours

Additional conditions applied to the premises license.

1. There shall be no sale of single cans of beer, lager or cider from the premises.
2. There will be no sales/supplies of beers, ales, lagers or ciders with an (Alcohol by Volume) ABV over 5.5%.
3. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose such system to be to the reasonable satisfaction of the police.
4. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium. Images shall be provided to the police or to an authorised officer of the licensing authority within 24 hours of request.
5. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
6. The entrance will be covered by CCTV capable of enabling frontal identification persons entering the premises. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
7. The system will display, on any recording, the correct time and date of the recording.
8. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

9. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.
10. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
11. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
12. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
13. The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to S.176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be maintained on a 6 monthly basis and will be available on request to the police and the licensing authority. This condition will fall away in the event that S.176 is repealed.
14. An incident book/register shall be maintained to record:
 - all incidents of crime and disorder occurring at the premises
 - details of occasions when the police are called to the premisesThis book/register shall be available for inspection by a police officer or other authorised officer on request.
15. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.
 - Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

16. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request

The book/register shall be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

17. The entrance door to the shop will be closed to customers between the hours of 2400 and 0600. Any sales between these hours will be made through the night pay window.

CHAIR: Councillor Reg Rice

Signed by Chair

Date