

MINUTES OF MEETING SPECIAL LICENSING SUB COMMITTEE HELD ON FRIDAY 29TH OCTOBER 2021, 2:00PM – 2:55PM

PRESENT:

Councillors: Gina Adamou (Chair), Viv Ross and Sarah Williams

ALSO ATTENDING:

1. FILMING AT MEETINGS

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

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

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 VARIATION OF AN EXISTING PREMISES LICENCE AT OZ TOTTENHAM SUPERMARKET, 467-469 HIGH ROAD, LONDON, N17

Ms Daliah Barrett, Licensing Team Leader, informed the meeting that:

- The applicant for the application was Mr Mehmet Temur, who was requesting a removal of condition 17 on the premises licence which stated that the premises would not stock any alcohol 6.5% abv or above and that single cans of alcohol would not be sold at the premises.
- Representations had been made against the application by the Licensing Authority.

- The premises was a large supermarket situated on the High Road. The area suffered from antisocial behaviour and had street drinkers who congregated in the location.
- The application was not a minor variation.
- Page 28 of the agenda papers demonstrated that the licence had been subject to a review application, which was subsequently appealed by the premises licence holder. However, the magistrates' court upheld the Sub-Committee's decision on the matter and had also imposed condition 17 relating to the sale of high strength alcohol and the restriction of selling single cans of alcohol.
- There had been issues with the premises with regard to stocking illicit tobacco and alcohol. These were goods which had been smuggled into the UK and put on sale at the premises. This was subsequently discovered by HMRC and Trading Standards officers at the time.
- The applicant may say that he was not a part of part of the past issues relating to the premises, but his name and other names all containing the name 'Temur' had always been officially associated with the premises.
- The licence was currently registered as 'OZ Supermarket Tottenham' and Mr Mehmet Temur was registered as the director.
- The area had issues with street drinking and this was visible in during the day and night. Within the particular part of Haringey in which the premises was located, there was a Safer Tottenham Partnership, which was partly trying to tackle the issues in the area and the organisation was attempting to sign various businesses to the partnership. It was hoped that businesses would feel more engaged and would report crime and other issues.

The Legal advisor to the meeting informed the Sub-Committee that the conditions imposed by the magistrates' court were to be considered as be conditions on the premises licence. The premises licence holder was within his rights to submit a variation application and it was under the Sub-Committee's discretion to consider the application with the various options available to a Licensing Sub-Committee.

In response to questions from the Sub-Committee, Ms Barrett informed the meeting that:

- The DPS had been varied as part of a variation application on 14 August 2021.
- Part of the area in which the premises was located was part of a Public Spaces Protection Order (PSPO). This was a tool used to help Police and officers to carry out enforcement for street drinking issues causing particular distress to residents.

Ms Noshaba Shah, Licensing Officer, objecting to the application on behalf of the Licensing Authority, informed the meeting that:

- There had been several complaints regarding the premises selling to street drinkers. One of the enforcement officers had spoken to a premises staff member and the officer had been told that the premises 'wished to do business' and sell alcohol and would continue to sell to street drinkers. The individual was working on behalf of Mr Temur.
- It was because of the above reason and the antisocial behaviour issues in the area that she was unable to support the application.

In response to questions from the Sub-Committee, Ms Barrett informed the meeting that:

- The problem with existing street drinkers in the area had not been reported by the Police as the Council did not have a dedicated Police Licensing Officer. Discussions were underway way with the borough commander regarding this issue.
- The issues relating to the premises existed in the area generally. However, the issues appeared to be spreading in the area. There was often a congregation of individuals in the churchyard and alleyway being used by street drinkers.

In response to questions from the Sub-Committee, Ms Shah informed the meeting that:

- The continuing issues in the area had been witnessed at the Tottenham Hotspur Stadium at the time of a high-profile boxing match. Street drinking, antisocial behaviour and begging had been observed outside the premises.
- At the time of the event, there were people outside the venue and on the opposite side of the road, but these people were suspected drug dealing and it was an issue being dealt with by the Police.

Mr David Tuitt, representing the applicant, informed the meeting that:

- The application only sought to remove one condition on the licence and one representation had been made as a result of the application which was from the Licensing Authority.
- The premises was a local independent convenience store which sold a range of products, fresh fruit, vegetables and age restricted products.

- The premises was very much a family run business and although he did not wish to be dismissive of the concerns, the issues raised regarding the application were generic.
- The representation did not provide any reason as to why the licensing objectives would be undermined if the condition was removed from the premises in particular.
- The premises was not operating in a cumulative impact zone and had it operated in a cumulative impact zone then the responsibility would be on the applicant to demonstrate why there would not be a negative impact in the area as a result of the application being granted.
- The applicant was only applying for one variation so that he would be able to compete with other licensed premises in the area.
- The applicant was aware of other premises in the vicinity of the area which sold alcohol for consumption off the premises. This included 488, 490, 422, 445 and 400 High Road.
- It was not right that the applicant be bound by restrictions which did not apply to other licensed premises in the area.
- The Sub-Committee was encouraged to grant the licence.

In response to questions from the Sub-Committee, Mr Tuitt informed the meeting that:

- He was not aware of the details relating to the imposition of conditions on the licence imposed by the magistrates' court. However, a number of conditions had been imposed by the magistrates' court and the applicant was seeking to remove only one of the conditions, not any of the other ones.
- If the area had issues with street drinkers, he could understand condition 17 being attached to the licence, but not all licensed premises in the area were bound by the condition the applicant was being asked to uphold.
- If the premises was allowed to sell high-strength alcohol, then this would simply put the premises in the same situation as other licensed premises in the area. However, if the applicant was restricted in selling high-strength alcohol in order to promote licensing objectives, then all licensed premises in the area should be restricted from selling high-strength alcohol.
- The premises was a convenience store and the applicant wish to sell a wide range of products similar to other licensed premises in the area.
- In examining the licensed premises in the immediate vicinity of the premises, there were five licensed premises located in walking distance which were not being asked to adhere to the conditions imposed upon the applicant.

At this point in the proceedings, Ms Barrett stated that each case was considered on its merits and the nearest shop to the premises had been subject to a review application, had undergone a three-month suspension and operated differently to other premises in the area. There were also other premises in the area that operated 24 hours a day.

To summarise, Ms Shah stated that her representation still stood as the location of the premises was an area where there were problems. Furthermore, there had been problems in the past from the premises and she did not support the variation application.

To summarise, Mr Tuitt stated that the promotion of the licensing objectives would not be undermined as a result of the proposed removal of condition 17 as there were a number of other licensed premises in the area that were not bound by a similar condition. Therefore, the Sub-Committee were asked to grant the application.

At 2:40pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee carefully considered the application for a variation of the premises licence for Oz Tottenham Supermarket, 467- 469 High Road, London N17. In considering the application, the 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 licence holder's and objector's written and oral representations.

Having considered the application and heard from all the parties, the Committee resolved to refuse the application to vary the premises licence by removing Condition 17 which reads "The Premises shall not stock high strength beers in excess of 6.5%ABV and no single cans of alcohol are to be sold at the premises".

Reasons

The Committee gave serious consideration to the submissions by the licence holder and to the concerns raised by the Licensing Authority, who have objected to the variation.

The Committee noted that the premises are situated in an area with ongoing problems with antisocial behaviour from street drinkers and that they congregate outside these particular premises. The Council has an alcohol Public Space Protection Order in the area to address the street drinking problem.

It was also noted that the location of the premises is a point of focus for partnership working between the Regeneration Town Centre Manager, the Tottenham Safer Partnership and the Police to combat the problems associated with the street drinking and antisocial behaviour. The licence holder is participating in an initiative to tackle the problems by agreeing to complete an ASB audit for the Borough Crime Reduction Partnership

The licence for these premises was reviewed following the discovery of illicit tobacco and alcohol being sold. Condition 17 was imposed on the licence on review and was subsequently approved by the Magistrates Court on Appeal, in October 2020.

The Committee considered the applicant's representation that other local licensed premises are not subject to Condition 17 and that he should be allowed to sell the same range of products as his competitors, however the Committee has to consider each case on its merits.

These premises appear to be a focal point for the congregation of street drinkers and their associated anti social behaviour. This was witnessed by enforcement officers recently on the night of the boxing match at the Tottenham Hotspur Football Ground on 25th September. The premises also open 24 hours which makes them particularly attractive to street drinkers throughout the night. Given the issues associated with the premises,

Condition 17 is an appropriate and proportionate condition to have on the licence to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. The Magistrates have confirmed this.

The street drinking problems in the area have not significantly improved since Condition 17 was imposed and would only be made worse if the licence holder was able to sell high strength beers and single cans. In the Committee's view it would therefore undermine the licensing objectives and the ongoing initiatives to address the issues, if Condition 17 was to be removed. For these reasons the application for a variation was rejected.

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 appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Date: 4 November 2021