

**MINUTES OF THE LICENSING SUB COMMITTEE A
TUESDAY, 11 SEPTEMBER 2012**

Councillors: Councillor Ali Demirci (Chair). Councillor Joseph Ejiofor, Councillor Nigel Scott.

Officers Present: Xanthe Barker Principle Committee Coordinator, Daliah Barrett Licensing Officer, Martin Davis Lawyer, Karen Tillett Trading Standards Manager.

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCA25.	APOLOGIES FOR ABSENCE Apologies for absence were received from Councillor Sheila Peacock and Councillor Ali Demirci substituted for her.	
LSCA26.	URGENT BUSINESS There were no items of Urgent Business.	
LSCA27.	DECLARATIONS OF INTEREST There were no declarations of interest.	
LSCA28.	MINUTES RESOLVED: That the minutes of the meeting held on 17 July 2012 be confirmed as a correct record.	
LSCA29.	SUMMARY OF PROCEDURE The summary of procedure was noted.	
LSCA30.	GRILL KEBAB HOUSE, 270 MUSWELL HILL (FORTIS GREEN WARD) The Licensing Officer presented the report in relation to the application for an extension of the hours for the provision of Late Night Refreshment and to remove the condition that SIA staff were employed at the premises. It was noted that the Enforcement Officer wished to play CCTV footage that It was noted that Councillor Martin Newton, Ward Member for Fortis Green, had requested that his email dated 5 August 2012, which was included within the report, was read to the Committee. This outlined his objections to the application on the basis that an extension of the operating hours would contribute further disturbance caused by people leaving night clubs and using take-away food outlets in the area. Councillor Newton also requested that the requirement for SIA door staff to be employed was not removed.	

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The Committee noted the Licensing Officer's report and it was clarified that the employment of SIA door staff had been a condition that was requested by the Police when the license was reviewed in 2010. It was also confirmed that none of the other take-away food outlets in the vicinity had licenses that ran beyond 3am.

An officer from the Council's Enforcement Team presented its response to the application and noted that having met with a local Police officers they did not consider that the premises contributed towards levels crime. It was the Enforcement Team's view that the existing hours were sufficient and that any extension of these would result in additional late night disturbance to residents and would also set a precedent for other outlets.

The Committee was shown CCTV footage of the area at 2.30am on a Sunday morning in order to illustrate the level of activity in the area at that time. It was contended that SIA door staff were required in order to ensure that people using the outlet moved on once they had been served. The Committee was advised that there had been three recorded instances during August when the license by staying open beyond the permitted operating hours.

In response to a query it was confirmed that although there had been general complaints from residents with respect to noise levels in the area there had been no specific complaints about The Grill Kebab House.

The applicant's representative put forward their case and began by contending that the extension of the operating hours requested would not cause any additional disturbance and that The Grill Kebab House was not the cause of any crime. It was noted that the business made the majority of its income from people leaving clubs late at night at weekends and that the extension of the operating hours requested was essential to the viability of the business.

In response to a question from the Committee the applicant advised that the business was struggling to make sufficient profits and that had led the applicants to remain open beyond their current operating hours. He reiterated that the applicant the an extension to the current operating hours was essential in order for the business to be viable. It was confirmed that the applicant and all of the staff working at The Grill Kebab House were aware of the permitted operating hours.

In conclusion the Chair asked each party if they wished to sum up; the Licensing Officer advised that she had nothing further to add and the Enforcement Officer reiterated that the operating hours should not be extended for the reasons outlined earlier and that he considered that the use of SIA door staff should also continue to be a condition of the license in order to limit congestion in the area.

The applicant's representative concluded by contending that the extension of the operating hours was essential to the continued viability of

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	<p>the business and that the use of SIA door staff was unnecessary.</p> <p>The Committee adjourned to deliberate.</p> <p>RESOLVED</p> <p>The Committee carefully considered the application, all representations, the Council’s Statement of Licensing Policy and the Section 182 guidance. It was noted that the Prevention of public nuisance was the only licensing objective that was of particular concern in this application.</p> <p>The Committee decided that it was appropriate and proportionate to refuse the application as it was persuaded by the evidence of the Licensing Officer that to allow the extension of operating hours, requested by the applicant, would contribute to the increase of public nuisance in the area.</p> <p>However, it was accepted that there was no longer a need for SIA door staff to be employed at the premises.</p> <p>Finally, the Committee was concerned that the applicant was knowingly operating outside the terms of his existing licence, as advised by the Enforcement Officer and as conceded by the applicant, and would like to make it clear that this breach must not reoccur in the future.</p>	
<p>LSCA31.</p>	<p>SUMMARY OF PROCEDURE</p> <p>The summary of procedure was noted.</p>	
<p>LSCA32.</p>	<p>GUNES SUPERMARKET, 176 PARK LANE, TOTTENHAM, LONDON N17 0JN (NORTHUMBERLAND PARK WARD)</p> <p>The Licensing Officer presented the report and it was noted that the review had been requested by Trading Standards on the grounds that the licensee had broken two of the four licensing objectives; namely the prevention of crime and disorder and public safety.</p> <p>The Trading Standards Officer advised that unlawful alcohol (counterfeit alcohol) and alcohol an cigarettes where duty had been paid had been found for sale at the premises by Trading Standards officers on 14 November 2011. Previously to this the licensee had also been found to have counterfeit alcohol and condoms for sale on 30 July 2008. It was noted that the licensee had failed to attend a Police and Criminal Evidence (PACE) interview on the 19 January 2012 and that he had also failed to attend a second PACE interview, with a Turkish translator present, arranged for 31 January 2012.</p> <p>The licensee’s representative contended that he had only received the first letter regarding the PACE interview that was due to be held on 19 January and that he had informed Trading Standards that he was not able to attend on that date. He also noted that prior to the meeting he had contacted Trading Standards to advised the that letters sent to the licensee regarding further dates for PACE interviews had not been</p>	

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received.

Following the licensee's representative's statement the Committee put a series of questions to the licensee via his representative. It was confirmed that the licensee was aware of the requirements of his license and that it was illegal to sell counterfeit alcohol and other goods. The licensee also acknowledged that it was a mistake to purchase alcohol from unauthorised sources without paying import duty.

Concern was raised with regard to the processes used by the licensee for purchasing stock and the way in which the business was run. The licensee advised that he did purchase stock from a reputable cash and carry and that this had been an isolated incident.

In conclusion the Chair asked each party sum up; the Trading Standards Officer recommended, as set out in the report, that the license should be suspended.

The licensee's representative noted that the licensee accepted responsibility for purchasing counterfeit goods and recognised that this was illegal and unacceptable.

RESOLVED:

The Committee carefully considered the application for review by Trading Standards and heard from the licensee and took into account Haringey's licensing policy and amended guidance under Section 182 of the Licensing Act 2003 and in order to promote the licensing objectives, in particular the prevention of crime and disorder and public safety.

It was the Committee's decision that it was appropriate and proportionate to revoke the license for the following reasons:

The Committee was concerned that the licensee had shown persistent disregard for two of the licensing objectives, namely the prevention of crime and disorder and public safety, through continuing to purchase alcohol wholesale for retail sale through illicit or unauthorised sources.

This is not an exhaustive list, a complete list can be found at pages 40-42 of the Committee report.

In addition, the Committee was concerned that the license holder appeared to have no clear understanding of his obligations, as either a licensee or a designated premises supervisor.

Please note that this decision is stayed from coming into effect for 21 days after the date of this decision, pending any appeal that might be made and the determination of that appeal.

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	There were not items of Urgent Business.	
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COUNCILLOR ALI DEMIRCI

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CHAIR