

## Decisions of the Licensing Sub-Committee

18 July 2017

Members Present:-

Councillor Alison Cornelius  
Councillor John Hart  
Councillor Val Duschinsky

Also in attendance: -

Officers:

Mr Daniel Pattenden – Licensing Officer for the Responsible Authority  
Mr Andrew Lucas – HB Public Law  
Kirstin Lambert – Governance Services

Applicant:

Mr Charles Odunukwe - Applicant  
Ms Zahra Munshi - Applicant

### 1. APPOINTMENT OF CHAIRMAN

Councillor Alison Cornelius, seconded by Councillor Val Duschinsky, nominated Councillor John Hart to preside as Chairman for the evening.

**RESOLVED that the meeting be adjourned for half an hour to allow the Licensing Officer representing the Relevant Authority to be in attendance.**

### 2. ABSENCE OF MEMBERS (IF ANY)

The meeting reconvened at 1.15pm. There was no absence of members.

### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

### 4. LICENSING SUB-COMMITTEE HEARING PROCEDURE

The Chairman explained the procedure that would be followed for the meeting.

### 5. NEW PREMISES APPLICATION - CHARLIE KAANE, 11 KINLOSS GARDENS, LONDON

The Committee considered the application for a new premises licence for Charlie Kaane Enterprises, 11 Kincross Gardens, London, N3 3DU, together with submissions from the Licensing Officer, the Applicant and public residents objecting to the decision.

## **6. MOTION TO EXCLUDE THE PRESS AND PUBLIC**

**RESOLVED** that the parties be excluded from the meeting, together with the press and public, in accordance with regulation 14(2) of the Licensing Act 2003 (Hearings and Regulations) 2005.

## **7. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION**

The Sub-committee deliberated in private session, together with HB Public Law and the LBB Governance Service.

## **8. RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE**

The parties to the application were re-admitted to the meeting and the Chairman conveyed the decision of the Sub-Committee as follows:

“This is an application for a new Premises Licence made by Charlie Kaane Enterprises (hereinafter “the Applicant”) in respect of 11 Kinloss Gardens, London, N3 3DU (hereinafter “the Premises”).

The application is made pursuant to section 17 of the Licensing Act 2003. The Applicant applies for a licence to sell alcohol for consumption off the Premises only from 09.00hrs until 18.00hrs on Monday to Friday and from 09.00hrs to 00.00hrs on Saturday and Sunday. The Applicant also applies for the Premises to be open for these hours.

The Applicant has already agreed conditions to be inserted into the application with PC Wilcock of the Metropolitan Police. Those conditions are set out in the Licensing Officer’s report and for brevity are not repeated here.

There remains for consideration two outstanding representations from local residents. Those representations relate to the licensing objectives of public safety, the prevention of public nuisance and the protection of children from harm. The residents make, it is fair to say, identical representations which are:

1. The Premises is in a highly populated residential area with many children walking in the streets after school hours and particularly between 17.00hrs and 19.00hrs.
2. A number of security incidents have taken place at Finchley United Synagogue and any further threats should be reduced.
3. There are a kindergarten and a primary school within close vicinity of the Premises.

Unfortunately, the two objectors did not attend. The Sub-Committee would have liked the opportunity to ask them questions about their representations.

The Applicant made oral representations that the business would be making and selling alcoholic iced tea at 5% abv. The Applicant explained that they had not yet begun making and selling the drink as they were waiting on the outcome of this application. The Applicant intends to sell the drink using an online platform and confirmed that the web

page would require customers to confirm their age when first visiting and again when ordering.

The Applicant confirmed that he only sought to be licensed from Monday to Friday from 09.00hrs until 18.00hrs. References to wishing to be licensed on Saturday and Sunday were an error and a license was not sought for those days.

In response to questions the Applicant submitted that alcohol would not be consumed on the Premises by customers and that if a customer had got as far as attending the Premises to make an order they likely would have already tasted the drink.

The Applicant also confirmed that the Premises remained a family home and that no-one under the age of 18 years resided there. The Applicant confirmed that special occasions meant family events such as birthdays or anniversaries and that the only people that would consume alcohol at these events would be family and friends.

Having considered all of the written and oral representations of all the parties, the Sub-Committee discussed the matter and decided to grant the application as sought from Monday to Friday from 09.00hrs until 18.00hrs. As well as the additional conditions that had already been agreed with the Metropolitan Police, the Sub-Committee imposed the following additional conditions on the Licence:

1. No incoming deliveries except during the licensed hours
2. No outgoing deliveries except between 12.00hrs and 17.00hrs Monday to Friday
3. No alcohol to be consumed on the Premises except by the Applicant, his family and friends
4. Persons residing at the premises and their private guests' in the conditions agreed by the Police be amended to read 'the Applicant and friends and family of the Applicant only'.
5. No customers collecting from the Premises.

The Sub-Committee considered that these additional conditions were appropriate in order to support the promotion of the licensing objectives because it is likely that deliveries to the Premises could cause a public nuisance. The Sub-Committee were mindful that the Premises were located on a residential road and wanted to avoid nuisance to those that lived within the area either by deliveries or by customers of the business drinking at the Premises.

In respect of the specific representations made by the objectors the Sub-Committee concluded that:

1. Although the Premises is in a residential area the nature of the business meant that it was unlikely to lead to harm to those walking within the vicinity of the Premises. There was no evidence that could support a conclusion that it might.
2. Although Finchley United Synagogue is very close to the Premises, the Sub-Committee considered that the nature of the business to be carried on at the Premises was unlikely to result in further security incidents taking place at the

Synagogue. Again, there was no evidence that could support a conclusion that it might.

3. The proximity of schools or other childcare establishments was not sufficient to engage the licensing objective in respect of protecting children from harm, which is meant to protect children from coming to harm within the Premises. There was no evidence to suggest that children would come to be within the Premises and the Sub-Committee noted the display of think 25 notices at the Premises and the conditions agreed by the Applicant with the Police in respect of age verification.

### **Right of Appeal**

Any party aggrieved with the decision of the licensing Sub-Committee on one or more of the grounds set out in schedule 5 of the Licensing Act 2003 may appeal to the magistrates' court within 21 days of notification of this decision."

### **9. ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 2.46 pm