

## Decisions of the Licensing Sub-Committee

12 October 2020

Members Present:-

Councillor John Hart  
Councillor Zakia Zubairi  
Councillor Linda Freedman

### 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor John Hart be appointed Chairman for this Licensing Sub-Committee meeting.

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

None.

### 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 at the meeting.

### 5. KING STREET FOOD WINE, 42 CHURCH LANE, LONDON, N2 8DT - NEW PREMISE LICENSE

The Sub-Committee considered an application for a new premises licence for **King Street Food and Wine, 42 Church Lane, London N2 8DT** (the "Premises").

### 6. ADDITIONAL INFORMATION SUBMITTED (IF ANY)

### 7. 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).

### 8. DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION

The Sub-Committee deliberated in private session, accompanied by the Officer from HB Public Law and the Governance Officer.

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

This is an application for a licence made under section 17 of the Licensing Act 2003 in relation to **King Street Food and Wine, 42 Church Lane, London N2 8DT** (the "Premises").

The application is for the supply of alcohol for consumption off the premises during the hours of 08:00 to 23:00 hours, Monday to Sunday and for the Premises to be open to the public between 07:00 to 23:00 Monday to Sunday.

The Premises are not currently licensed and the Sub-Committee notes that the licence application includes a plan of the Premises, shown at page 36 of the Report. This shows that the Premises and the licenced area of the same only includes the internal area and not any outside area.

Following discussions between the Applicant and the Metropolitan Police the Applicant has agreed to include additional conditions in his application, which are set out in Annex 2 to the Report.

No representations were received from any of the responsible authorities, but four objections have been received from people living within close proximity to the Premises. The objections raised legitimate concerns regarding all four of the licensing objectives.

Given the current COVID 19 pandemic, the licensing Sub-Committee was held by way of a virtual Teams Meeting. Representations were made by the Applicant, his representative Mr Ziya Maton, the Licensing Officer and two objectors. At the outset of the hearing, the Licensing Officer highlighted an error in his report, namely the proposed operating hours. Mr Cudjoe confirmed the correct operating hours are as stated above and not as per his report.

Common concerns for the objectors were namely the need for another off-licence, the opening hours, deliveries to the Premises from large vehicles which will cause issues with traffic and the impact on the local community.

In response to the concern regarding deliveries, the Applicant stated that delivery times will take place at convenient times for the residents, i.e. during a quiet time such as between 12-1pm when traffic is generally quiet on the road. He stated that deliveries will not take place before the shop opens or after it is closed and will take place a maximum of two to three times per week. Furthermore, he advised that deliveries will be via a van or car and not large lorries.

Concerns were raised regarding the impact on the local community. The Applicant stated that patrons from the pub, who appear drunk, will not be able to come into the Premises and purchase alcohol. He advised that the safety of his customers and local residents is his utmost priority. In recognition of this there will be appropriate signage informing customers to leave quietly and respect local residents and CCTV cameras are located in front of the shop.

It is noted that there was an issue regarding the email address printed on the blue public notice. This was identified and rectified. Consequently, a further 28-day consultation period was granted to ensure that members of the public were given the opportunity to make written representations if they so wished.

Furthermore, Mr Maton requested that Mrs Ramesh should be treated as a vexatious objector due to her being a local business owner and because she had obtained representations from her customers. The Sub-Committee in accordance with paragraph 9.5 of the 'Revised guidance issued under section 182 of the Licensing Act 2003' does not accept that the representations were vexatious. They do not appear to cause

aggravation or annoyance and were not without reasonable excuse and justification. Her representations raised legitimate concerns regarding the licensing objectives of public safety and prevention of crime and disorder and were considered proportionate. However, the petition submitted by Mrs Ramesh in support of her objection was deemed invalid by the Licensing Authority on the basis that it did not satisfy the criteria set out in the Licensing Act 2003 and was not therefore included in the papers.

In respect of the specific representations made by the objectors, the Sub-Committee concluded that although the Premises is in a residential and highly populated area, given the steps taken by the Applicant to promote the licensing objectives, it is unlikely to:

- a. lead to harm to those walking within the vicinity of the Premises;
- b. increase crime;
- c. increase traffic congestion from deliveries by vans or larger vehicles thereby endangering the safety of pedestrians and increasing road traffic congestion.

There was no evidence that could support a conclusion that it might.

With regard to the concerns raised in respect of the need for another off-licence, necessity is not a consideration that the Sub-Committee can take into account. It is an issue for the Planning Committee, not licensing. The Sub-Committee must consider whether or not the Applicant can effectively promote the licensing objectives in the local area. If issues arise regarding noise and anti-social behaviour, recourse is available by way of a review of the premises licence.

The Sub-Committee has considered all written and oral representations, as well as the relevant statutory legislation, statutory guidance, licensing objectives and Barnet's Licensing Policy.

Taking all things into account, the panel has decided to grant this application together with the conditions agreed with the Metropolitan Police, set out in annex 2 and not repeated herein, and with the following additional conditions:

1. There are to be no deliveries before or after the operating hours; and
2. Deliveries are to take place at a reasonable time during the operating hours.

The Sub-Committee considered that these additional conditions were appropriate in order to support the promotion of the licensing objectives and prevent deliveries to the Premises causing 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 by deliveries to the Premises.

### **Right to Appeal**

Any party aggrieved with the decision of the Licensing Panel on one or more grounds set out in schedule 5 of Licensing Act 2003 may appeal to the Magistrate's Court within 21 days of notification of this decision.

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

None.

The meeting finished at 12.15pm