

Decisions of the Licensing Sub-Committee

17 February 2021

Members Present: -

Councillor John Marshall
Councillor Claire Farrier
Councillor John Hart

1. APPOINTMENT OF CHAIRMAN

RESOLVED – that Councillor John Marshall be appointed Chairman for this Licensing Sub-Committee

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 for the meeting.

5. REPORT OF THE TRADING STANDARDS & LICENSING MANAGER - TFC 104 BURNT OAK BROADWAY, EDGWARE HA8 0BE

The sub-committee considered a new Premises Licence for TFC Burnt Oak Broadway, 104 Burnt Oak Broadway, Edgware, HA8 0BE.

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, accompanied by officers from HB Public Law and the London Borough of Barnet Governance Service.

8. 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 **TFC Burnt Oak Broadway, 104 Burnt Oak Broadway, Edgware, HA8 0BE** (the "Premises").

The application is for the supply of alcohol off the premises Monday to Saturday 07:00 hours to 22:00 hours and Sunday 10:00 hours to 17:00 hours.

The Premises are situated within the Cumulative Impact Zone (“CIZ”) for Burnt Oak. In accordance with its “Statement of Licensing Policy”, there is the presumption that the application will be refused. A ‘rebuttal presumption’ is applied to all new premises licence applications within the CIZ unless the Applicant can demonstrate that the Premises will not have a negative impact on the licensing objectives. The Sub-Committee can only supersede the CIZ in genuinely exceptional circumstances.

Given the current COVID 19 pandemic, the licensing Sub-Committee was held by way of a virtual Teams Meeting. Submissions were made by Mr Toby Lewin-Lloyd, of Ucar Properties representatives for the Applicant, Ms Ercan Ucar, client representative for the Applicant, and Zekiel Cudjoe for the Licensing Authority.

Representations were received from the Licensing Authority acting as a responsible authority and a Ward Councillor. No other representations were received from any other responsible authorities or members of the public. No objections were received from the Police due to the Applicant having agreed a number of conditions prior to the hearing.

Both the Licensing Authority and Cllr Conway made representations in respect of Burnt Oak being subject to a Cumulative Impact Zone and the local concerns specific to Burnt Oak. Burnt Oak is also subject to a Public Spaces Protection Order which aims to prevent alcohol related ASB in public places. The CIZ was introduced in January 2020 due to concerns regarding substance misuse (including alcohol), ASB and littering caused by street drinkers. It is considered to be an effective way of preventing alcohol related problems in the area.

The Sub-Committee must consider whether or not the Applicant can positively promote the licensing objectives in the local area. Mr Toby Lewin-Lloyd, representative for the Applicant, advised the Panel that the Premises will be a family focused food store with specialised alcohol sales. It is envisaged that the Premises will attract families carrying out their weekly grocery shop and not individuals for ad hoc alcohol purchases.

In terms of demonstrating reasons why the Premises meets the exceptional circumstances threshold, Mr Lewin-Lloyd advised that the store will be of high quality and will help to regenerate the area, as their stores in Waltham Cross and Leytonstone have done. He advised that the Applicant would work closely with the local authority and Police in order to make it work. Unfortunately, Mr Lewin-Lloyd could not advise the Panel of what the proportion of sales amounted to alcohol.

Mr Lewin-Lloyd explained that the Applicant had worked closely with other local authorities to reduce the negative impact on the licensing objectives, this is conduct expected of all licensed premises. Furthermore, the conditions agreed with the Police do not make this an exceptional case, these are conditions that are common to most supermarkets.

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.

Having had sight of the Applicant’s letter dated 12th February 2021 and heard from Mr Lewin-Lloyd, the Sub-Committee recognises that the Premises are a family focused food store specialising in international products and specialised alcohol sales. Notwithstanding, the serious alcohol related issues within the Burnt Oak CIZ are not

unfounded. Subsequently, the Sub-Committee is not satisfied that the exceptional circumstances threshold has been met and that the Premises will not have a negative impact on the CIZ.

Therefore taking all things in to account, the panel is of the view that the Applicant has not demonstrated that there are exceptional circumstances to grant the premises licence contrary to the CIZ.

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.

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

None.

The meeting finished at 11.20am