

Decisions of the Licensing Sub-Committee

13 April 2021

Members Present:-

Councillor John Hart
Councillor Alison Cornelius
Councillor Zakia Zubairi

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 for the meeting.

5. REPORT OF TRADING STANDARDS & LICENSING MANAGER: WAY 2 SAVE, 254 - 258 WEST HENDON BROADWAY, LONDON, NW9 6AG

The sub-committee considered an application for a New Premises Licence for Way 2 Save, 254 - 258 West Hendon Broadway, London, NW9 6AG ("the premises").

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).

Prior to exclusion, parties were notified that the decision of the Sub-Committee would be announced within 5 working days.

7. 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.

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 **Way 2 Save, 254-258 West Hendon Broadway, NW9 6AG** (the "Premises").

The application is for the supply of alcohol for consumption off the premises Monday to Sunday 00:00 hours to 00:00 hours. The Premises are not currently licensed.

Given the current COVID 19 pandemic, the Licensing Sub-Committee was held by way of a virtual Teams Meeting. Submissions were made by Mr Christopher Montanez, representative for the Applicant, Mr Haydar Tunc. One objection was received from a member of the public, however, they did not attend the hearing. 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.

The Sub-Committee must consider whether or not the Applicant can positively promote the licensing objectives in the local area. Both Mr Montanez and Mr Tunc advised the Panel that the Premises will be a family focused grocery store. It is envisaged that the nightly alcohol sales will amount to 10%. It is envisaged that the Premises will attract families carrying out their weekly grocery shop and not individuals for ad hoc alcohol purchases, the purpose of the store is not an off-licence. The store will have a delicatessen, bakery, butchers and stock worldwide foods from a number of different countries and cultures.

The Panel heard from both Mr Montanez and the applicant Mr Tunc regarding his other business in the London Borough of Brent, a similar 24 hour grocery store. Mr Montanez advised that the Applicant has a very good working relationship with the Police and Brent Licensing Authority, and he wants the same with Barnet. He understands the licensing objectives and submitted that this was reflective in the conditions he proposed in his application and those agreed with the Police. He feels that the conditions strengthen the operation of his business.

With regard to staff, Mr Tunc advised that they are very experienced, with two of his managers holding personal licences. Mr Montanez advised that there will be 6 members of staff present at the Premises at night. One will solely monitor the CCTV system and sufficient training will be provided to all new staff members. They advised that the new managers will have necessary experience.

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 representative letter dated 10th April 2021 and heard from Mr Montanez and the Applicant, the Sub-Committee accepts that the Premises are a family focused food store specialising in international products.

Taking all things in to account, the panel has decided to grant the licence for the provision of the supply of alcohol off the Premises Monday to Sunday 00:00 hours to 00:00 hours. Furthermore, in order to ensure the promotion of the licensing objectives in particular the prevention of public nuisance, public safety, crime and disorder the following conditions are to be included on the licence:

1. A minimum of 6 members of staff to be present at the Premises at all times;

2. At least 1 member of staff to be fully conversant with the CCTV system and present at the Premises at all times;
3. A DPS to be present at the Premises at all times;

These conditions are deemed appropriate and proportionate for the promotion of the licensing objectives.

It is noted that the conditions agreed with the Police are in addition to those proposed by the Applicant in his application. There is duplication of conditions 2 and 4 of the Applicants proposed conditions, page 32 of the report pack. Condition 4 to be deleted entirely. It is also noted that condition 1 (f) of the agreed Police Conditions should read "*Images must be retained for a minimum of 31 days before overwriting*" as opposed to 30 days.

If issues arise regarding any of the licensing objectives, in particular in relation to noise, and anti-social behaviour, recourse is available by way of a review of the Premises licence.

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 12.15pm