

## **Decisions of the Licensing Sub-Committee**

25 January 2022

Members Present:-

Councillor John Marshall (Chairman)

Councillor Claire Farrier

Councillor Zakia Zubairi

### **1. APPOINTMENT OF CHAIRMAN**

**RESOLVED** that Councillor J Marshall 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. REPORT OF TRADING STANDARDS & LICENSING MANAGER -14 CHURCH HILL ROAD, BARNET, EN4 8TB**

The Licensing Sub-Committee considered an application for a New Premises Licence, under section 17 of the Licensing Act 2003 for **14 Church Hill Road Barnet EN4 8TB**.

### **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 the 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**

## **THE SUMMARY DECISION OF THE LICENSING SUB-COMMITTEE (“Sub-Committee”) 25 JANUARY 2022**

### **14 Church Hill Road, Barnet, EN4 8TB (“the Premises”)**

The Sub-Committee has considered an application for the grant of a premises licence under section 17 of the Licensing Act 2003 (“the Act”).

The application for the supply of alcohol for consumption off the premises Monday to Thursday 07:00 hours to 24:00 hours, Friday to Saturday 07:00 to 02:00 and Sunday 07:00 to 24:00. The Premises are not currently licensed.

The Sub-Committee must consider whether the Applicant can positively promote the licensing objectives in the local area.

The Applicant is Mr Deniz Sonmez and is represented by Mr Inan Gokcek. Submissions were made by Mr Gokcek, the Applicant’s representative. Two objections were received from members of the public; the objectors were not in attendance. No other representations were received from any other responsible authorities. No objections were received from the Police due to the Applicants having agreed a number of conditions prior to the hearing.

The Sub-Committee has considered the committee papers and the submissions made by all the parties, both orally and in writing.

The Licensing Officer advised the Sub-Committee, that the application for a new premises licence was submitted on 30<sup>th</sup> November 2021 under the Act to supply alcohol off the premises. During the consultation period the Applicant was in communication with the police. The Licensing Officer further advised that two valid representations were received from local residents.

Mr Gokcek advised the Sub-Committee that he understood the concerns of the residents (objectors) as new business. They have been in communication with the police to agree a number of conditions, including reducing the hours substantially. On 8<sup>th</sup> December 2021, the original application sought to supply alcohol for consumption off the Premises Monday to Thursday 07:00 hours to 24:00 hours, Friday to Saturday 07:00 to 02:00 and Sunday 07:00 to 24:00. The Applicant agreed with the police to reduce the hours the Premises is opened to Sunday to Thursday 07:00 to 23:30 hours and Friday to Saturday 07:00 to 00:00 hours to be in-line with other premises in the area.

The challenge 25 policy will be applied, ID will be required for all those presenting as under 25 years will be subjected to checks. Mr Gokcek further advised the Sub-Committee that Children under the age of 14 will not be allowed to shop unless they are accompanied by an adult. They will not be selling any alcohol (beers, lager or cider) which exceeds the strength of 6.5% abv or higher.

The Sub-Committee queried whether the Applicant would reduce their hours to be in line with the other off-licences in the locality. Mr Gokcek advised that they would be amenable to reduce their trading times to be in line with the other premises in the locality.

The Sub-Committee made further enquiries whether it would just be alcohol sold at the Premises. Mr Gokcek advised that the premises will be a convenience store as well as selling alcohol hence the opening time from 07:00 hours. The Sub-Committee also raised

questions of how the Applicant intended on dealing with potential noise nuisance in respect of deliveries and potential waste/littering around the premises. Mr Gokcek advised the Sub-Committee, that deliveries would only take place during normal working hours and waste bins would not be emptied outside the premises in the late evening, night or early morning.

The Licensing Team received two valid representations from local residents. The two objectors were not in attendance, the Sub-Committee reviewed their objections. The Sub-Committee considered the representations made by the objectors. The first objector advised that Barnet East Village already has several premises that sell alcohol and there was already an issue with crime and public disorder. This has led to youth congregating, who appear to be intoxicated and causing nuisance in the locality.

The second objector has advised that the proposed sale, would lead to nuisance and cause harm to children as there are residential properties near the Premises. There are also premises which have already attracted noise nuisance to the area.

The Sub-Committee considered whether the proposed licensing conditions, namely the opening and closing times of the Premises should be amended to reflect the same opening/closing times as the other off-licences in the locality. The Sub-Committee also took into consideration the representations of the objectors namely noise nuisance in the locality. The Sub-Committee recognises that the proceedings set out in the Act for granting a new premises licences represent a key protection for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

In reaching its decision the Sub-Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") and Barnet's Licensing Policy. The Sub-Committee has decided, after taking into account all the circumstances of this case that it is necessary for the promotion of the four licensing objectives to grant the application for the provision of the supply of alcohol off the Premises. The Sub-Committee has amended the licence conditions namely the time for licensable activity being Monday to Sunday 07:00 hours to 23:00 hours.

### **Right to Appeal**

If any of the parties are unhappy with the decision, they are entitled to appeal to the magistrates' court within 21 days from the date of notification of this decision as set out in Schedule 5 of the Licensing Act 2003. This determination does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

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

None.

The meeting finished at 11.13 am