

## Decisions of the Licensing Sub-Committee

6 April 2022

Members Present:-

Councillor John Marshall  
Councillor Zakia Zubairi

Councillor Nick Mearing-Smith

### 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor John 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 REPORT - THREE ACES ALCOHOL LTD

The Sub-Committee considered an application for a licence made under section 17 of the Licensing Act 2003.

### 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 a verbal summary of the decision of the Sub-Committee would be provided and a written decision would be provided 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 Committee has considered an application for a new premises licence under the section 17 of the Licensing Act 2003.

The Sub-Committee carefully considered all the relevant information including:

- Written and oral representations by all the parties;
- The Licensing Act 2003 and the steps that are appropriate to promote the licensing objectives;
- The Guidance issued under section 182 of the Licensing Act 2003;
- The Council's Licensing Policy; and
- Human Rights Act 1998.

The Sub-Committee hearing was held in person.

In making its decision, the Sub-Committee carefully considered the application and all written representations, as set out within the report and the verbal representations made at the hearing by the Applicant and one objector present.

The Sub-Committee heard from the Licensing Officer who presented his report. The Application was submitted on 9<sup>th</sup> February 2022 for a new premises licence. The licensable activity applied for is the retail sale of alcohol– off the premises. The licensable hours applied for were Monday to Sunday from 21:00 hours to 07:00 hours. The Premises are located in a warehouse, and only that unit will be licensed.

The Premises are currently unlicensed. Prior to the Sub-Committee hearing, the Applicant agreed licensing conditions with the Police on 23<sup>rd</sup> February 2022, namely a challenge 25 policy, if identification cannot be provided to prove that the customer is 18 years old then supply of alcohol will be refused. Further to this, deliveries to any person who appears to be under the influence of drugs and alcohol will also be refused. No members of the public shall enter the premises, there is no consumption of alcohol on the premises, and deliveries would be made only to the address indicated on the order.

The Licensing Team received two valid representations from two local ward councillors, the local ward councillor who was in attendance.

The Sub-Committee, asked the licensing officer regarding the Premises, considering it is a Big Yellow storage unit and whether trading can take place in a storage unit. The licensing officer advised that a storage unit can be used for the purpose of trading.

The Sub-Committee heard from the Applicant. The Applicant advised that the business which is she proposing to run is similar to her current business located in the London Borough of Ealing, where she advised that she recently applied for a licence which was granted. The business would be only selling alcohol and tobacco between 21:00 hours to 07:00 hours Monday to Sunday and will be a delivery service only. The orders will be received via Deliveroo and Uber Eats and as part of those platforms they are required to comply with the challenge 25 policy and must agree to their terms and conditions as required by these platforms.

The Applicant further advised that her business model is becoming more popular and given the current climate with Covid, with more people staying indoors and placing orders via app/internet. The Applicant believes that this method of shopping is safer as customers are not required to leave their homes particularly late at night. Further to this,

it would not contribute to street drinking as customers cannot attend the Premises to purchase alcohol from the Premises.

The Applicant advised that the Premises is in a storage unit, on a high street and not close to local residents therefore not causing noise nuisance to local residents. They will also have CCTV at the premises as agreed with the Police.

The Sub-Committee queried the products sold, as one of the licensing conditions was that no miniatures are to be sold. The Licensing Officer advised that it is one of the conditions which were agreed and if the licence is granted the Applicant cannot sell single units sales of beers, lagers or cider in cans.

The Sub-Committee asked the Applicant as to how many staff and drivers would be at the Premises. The Applicant advised that she would be there plus four delivery drivers depending on how busy they are. The Applicant also advised that there would be a van which would also store alcohol.

The Sub-Committee asked the Applicant as to how many deliveries they would have. The Applicant advised that they only have one delivery a day, and the products are kept on the van as well as the Premises.

The Sub-Committee heard from the objector. The objector advised the Sub-Committee that her concerns were the prevention of crime and disorder and public nuisance. The objector advised that the London Borough of Barnet has a Violence Against Women and Girls Strategy, where studies have linked domestic violence/physical abuse and alcohol abuse. During the pandemic, saw a raise in domestic violence and one of the causes was alcohol abuse. The objector advised that although the London Borough of Barnet have lower statistics of domestic violence compared to other London Boroughs. However, the accessibility of alcohol just in the evening and the early hours of the morning will have an adverse effect and not promote the licensing objective of the prevention of crime and disorder and public nuisance.

The objector further advised that Big Yellow is located at the end of the high street, close by is a residential area. Cars and other vehicles can access the service road and constant travelling back and forth can cause noise nuisance to local residents. Further to this, the CCTV at Big Yellow is not controlled by the Applicant but by Big Yellow.

In summary, the Sub-Committee considered all the representations made by the Applicant and the objectors, and after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives. The Sub-Committee determined that the application for is the sale of retail of alcohol – off the premises from Monday to Sunday between the hours 21:00 hours to 07:00 hours is granted under s.17 Licensing Act 2002.

This licence becomes operational with immediate effect and if in the event the Applicant (Licence holder) vacates the Premises, the Premises Licence will be surrendered. If problems are experienced, then an application for a review of the premises licence can be made.

*Right to Appeal*

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

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

None.

The meeting started at 11.15am and finished at 11.55am