

LICENSING SUB-COMMITTEE MINUTES

**Thursday 18 March 2021 at 7.00 pm
Microsft Teams**

Present: Councillor Fred Cowell, Councillor Martin Tiedemann and Councillor Irfan Mohammed

Apologies:

1 ELECTION OF CHAIR

MOVED by Councillor Martin Tiedemann, SECONDED by Councillor Irfan Mohammed
RESOLVED: That Councillor Fred Cowell be elected as Chair for the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 MINUTES

The minutes of the meeting held on 2 February 2021 would be submitted to the next meeting of the Licensing Sub-Committee.

4 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4a CLAPHAM KEBAB, 17 CLAPHAM HIGH STREET, LONDON, SW4 7TS (LARKHALL)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new premises licence. The Sub-Committee's attention was drawn to Chapters 2, 3, 8, 9, and 10 of the Statutory Guidance, and to Sections, including Chapter 5 (Policies 1, 7 and 8) of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 20 and 21 of the agenda

papers.

The Licensing Officer confirmed:

- This was an application for a new premises licence located in a cumulative impact zone (CIZ) for the sale of alcohol by deliveries only for consumption off the premises.
- The hours for licensable activity sought was for the hours of 14:00 to 01:00 Sunday to Thursday and 14:00 to 03:00 Friday and Saturday.
- The applicants' agents had provided additional information including amended operating hours for Thursday and a Noise Management policy and had been circulated to all parties.

Presentation by the applicant

The applicant, Mr Izzet Sasmaz, Mr Gokhan Sasmaz and the applicant's agent, Mr Peter Mayhew informed the Sub-Committee that:

- This was an application for the sale of alcohol by retail for delivery. The application contained nothing that would attract people to the premises or the area. The sale of alcohol would simply be added to an existing operating business.
- The application was not seeking to add any hours to the business but to simply add alcohol to the already existing operating hours.
- The alcohol sold would be at a low 'abv' rate.
- The applicant had agreed to many additional conditions and although the premises was located inside a CIZ, it was on the edge of the zone.
- The alcohol sold would be delivered outside the CIZ in any case and therefore the application would likely attract people away from the High Street as patrons would not have to come into the High Street for alcohol or food.
- The business had existed for 40 years and the applicants had lived in the area for the last 30 years and had many years' experience of operating the premises and there had been no reported issues at the premises in the years that they had operated.
- The applicants lived next door to the premises and had a good understanding of the area and the issues in the area.
- The applicants had accepted the vast majority of the conditions that had been proposed by Licensing, but could not agree to one condition regarding the use of non-motorised bikes after 22:00 as it was not possible for the applicant to accept that condition as they did not operate the delivery vehicles themselves.
- The applicants had proposed a noise management policy.
- In relation to the operating hours, the applicant had agreed to reduce the operating hours on Thursday, by one hour.
- Although Licensing had proposed that the premises operated similar to an off-licence, the application was actually more similar to a hotel as alcohol would be delivered to residents in a permanent living space.

- Alcohol could only be bought ancillary to food.
- Alcohol would be delivered to residents who were already at home not causing any problems.
- No objections had been received from Public Protection or residents in the area.
- Alcohol could not be brought directly from the premises.
- The low abv rate of alcohol that would be sold would solve issues of residents 'pre-loading' on alcohol.
- As the business was a delivery business, the prices of the alcohol would be higher than that of supermarkets and local businesses in the area.

In response to questions from Members, Mr Sasmaz, Mr Gokhan Sasmaz and Mr Mayhew informed the Sub-Committee that:

- Alcohol could only be bought ancillary to food. This had been added as a condition on the licence.
- If an individual was unable to meet the standard requirements regarding identification on age-restricted products, then the driver would return the item to the business.
- If the applicant was to receive a report of a driver delivering alcohol to an underaged individual, then they would be removed as a driver for business.
- Policies were in place and a member of staff would reiterate the three key points to a driver on every occasion which was that alcohol was not to be sold to an intoxicated individual, an underaged individual or at a party.
- Drivers generally operated in very specific areas and there was an emphasis on the premises licence holder to do as much as they could to minimise risks for deliveries being made to inappropriate individuals. The Licensing policy regarding the delivery of alcohol recognised these issues and had made suggestions for solutions. All of the solutions which had been put forward as conditions had been accepted by the applicant.
- The applicant would be pleased if a driver had made a judgement call and had decided not to deliver the item to an inappropriate individual, then a record of this would be kept and the driver would still be paid. Drivers which did not follow the rules would be blocked from making deliveries on behalf of the premises.
- A sticker would be placed on age-restricted products to indicate that they were age restricted.
- There was a condition on the licence which stated that no deliveries would be made apart from to residential or business addresses. Deliveries could not be made to any other premises as it was against the conditions.
- It was very unlikely that people looking to become intoxicated by alcohol brought from the premises as cheaper and stronger alcohol was available in nearby shops.
- The applicant would accept a slight change to the wording of condition 8 which would be changed to read that alcohol deliveries "would only be made to a named individual inside business and/or private residences and not to public or open

spaces”.

- The applicant would also agree to an edit to condition 4 to state that records of any deliveries made would be kept on file for a period of two months after the delivery had been made.

Presentation by interested parties

PC Mike Constable informed the Sub-Committee that:

- He appreciated the submissions from the applicants.
- There were a lot of licensed premises and alcohol sold in the Clapham CIZ area.
- Due to the amount of alcohol that was sold in the Clapham CIZ area, it was possible for the Sub-Committee to refuse the application based on this alone.
- Conditions had been proposed to prevent antisocial behaviour and crime in the local area.
- There was concern regarding the continuation of alcohol consumption in the late hours of the night.
- It was possible that people may order food and drink before going out drinking in Clapham.
- Looking at the crime statistics, there was only a difference of 17 offences between 2019 and 2020.
- More alcohol consumption led to vulnerability.
- In relation to Deliveroo and Uber Eats drivers, he was sceptical of the delivery drivers as there had been complaints made regarding other licensed operators.
- It was difficult to discern how a complaint could be registered if a driver was to deliver alcohol to an underaged individual.
- It was more likely that the delivery drivers would simply make the deliveries, collect their fee and move onto the next delivery.

In response to questions from Members, PC Constable informed the Sub-Committee that:

- Although the CIZ had to evolve, the surge in deliveries of alcoholic drinks had not been fully considered and would have the potential to impact noise complaints.
- There could be an increase in domestic violence as alcohol consumption in the home led to people being assaulted.
- It would be hard to for the applicants to be able to manage issues caused by consumption of alcohol in people’s homes.
- Then may be parties held in residential areas which may become a bit too boisterous.
- The general area had specific issues with violent disorder. This had been recorded in 2019. There had been issues with individuals who had possessions of weapons

such as tasers and baseball bats. There was also a residential estate nearby where the premises was located.

Ms Pam Riley, Licensing Officer, informed the Sub-Committee that:

- Whilst the application was delivery only and there would be no direct sales from the premises, drivers could cause a nuisance in the area.
- Following discussions with the applicant, the conditions had been revised and 16 of the 17 conditions proposed had been accepted by the applicants.
- Licensing were content that the one remaining condition (regarding the use of non-motorised vehicles) not be added onto the licence.
- The applicant had submitted a further four additional conditions and licensing are happy to accept those conditions with the exception of conditions 1 and 2, which would be accepted with alternative wording.
- Condition 1 should be changed to read that “all sales of alcohol for consumption off the premises must be in sealed containers only and shall not be consumed on the premises. (Sealed containers meaning manufacturers sealing of the vessel)”.
- Condition 2 should be changed to state “alcohol shall only be sold for consumption off the premises as ancillary to a food order for delivery only”.
- There was concern regarding the proposed operating hours as they were outside the hours of the Licensing policy.

In response to questions from Members, Ms Riley, informed the Sub-Committee that:

- The suggested terminal hour for the sale of alcohol would be 00:00 Sunday to Thursday and 01:00 Friday to Saturday.
- The use of motorised vehicles could negatively impact on residents living in the area.
- Due to the number of licensed premises in the area, more licensable activity was not likely to be helpful.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Sasmaz, Mr Gokhan Sasmaz and Mr Mayhew informed the Sub-Committee that:

- There were no issues with the proposed conditions.
- It made sense for the hours of licensable activity to match the hours of late-night refreshment.
- It was important to emphasise that the delivery business would not bring people into the area and that the proposed licensable activity was closer to a licence operated by a hotel.

- There were very few businesses that had operated in the area with few problems, but the applicant had operated in the area with no problems.
- Licensing had stated that if the conditions proposed were met, then it was likely that there would not be an increase in street drinking and he agreed with this position.
- The applicant had received an email from Clapham BID who were happy to support the application.

Adjournment and Decision

At 8:02pm, the Sub-Committee withdrew from the meeting together with the Legal Advisor and Clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application subject to conditions.

RESOLVED: To grant the application subject to conditions.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application subject to conditions.

The Sub-Committee thanked all parties and after reviewing all the evidence, decided to grant the licence subject to all the agreed and revised conditions settled during the meeting except Condition 15 (regarding the use of non-motorised vehicles).

There would be a revision to condition 8 stating that alcohol deliveries “would only be made to a named individual inside business and/or private residences and not to public or open spaces” and that condition 4 would be changed to state that records of any deliveries made would be kept on file for a period of two months after the sale. The applicants’ proposed additional four conditions would be accepted with the revised wording as proposed by Licensing. In relation to the issue regarding the operating hours in relation to the Licensing policy, the Sub-Committee considered that granting the application would not pose any additional pressures on the Cumulative Impact Zone and could be managed appropriately between all parties via the conditions. The Sub-Committee also noted that the law and primary legislation did not deal with issues such as Deliveroo drivers and the issue was currently beyond the scope of the Licensing Sub-Committee. The Sub-Committee felt that it had reached the most appropriate solution.

The meeting ended at 8:14pm.

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 30 March 2021

Date of Despatch: Friday 26 March 2021
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