

**London Borough of Islington**  
**DRAFT**  
**Licensing Sub-Committee B – 15 October 2013**

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 15 October 2013 at 6.30 pm.

**Present: Councillors:** George Allan, Gary Poole and Claudia Webbe.

**COUNCILLOR CLAUDIA WEBBE IN THE CHAIR**

**169. INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedures were on page 4 of the agenda papers.

**170. APOLOGIES FOR ABSENCE (ITEM A2)**

None.

**171. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

**172. DECLARATIONS OF INTEREST (ITEM A4)**

None.

**173. ORDER OF BUSINESS (ITEM A5)**

The order of business would be as the agenda.

**174. MINUTES (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 13 August 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**175. BARBURRITO, 22 CLERKENWELL GREEN, N1 1RU - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing officer reported that the application had been amended to bring the hours in line with the planning consent and the application for late night refreshment had been removed. The licensing hours requested were within the framework hours suggested in the licensing policy. There were to be no off sales of alcohol.

The conditions proposed by the police had been agreed by the applicant.

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The licensing authority confirmed that a condition regarding litter patrols and the noise conditions as detailed on page 39 of the report had been agreed and incorporated in the revised operating schedule as circulated separately. This would be interleaved with the agenda papers.

Thomas Day, representing the applicant, Gulfam Mohammed, formally amended the application for the sale of alcohol on the premises from 11:00 hours to 23:00 hours. He reported that the responsible authorities had withdrawn their representations. He understood that the premises were in a cumulative impact area. The business was a Mexican restaurant with a focus on food with alcohol being a small component. There was a 15 minute dwell time in the restaurant. Vertical drinking was prohibited and alcohol was only to be sold with food. It was considered that as the alcohol consumption was minimal the premises would not be likely to add to the cumulative impact. It was not a restaurant where drink was eaten with a meal over an hour and a half period. This was a premise with a number of branches and a track record of compliance. The designated premises supervisor currently worked at the Paddington branch. This was a small premises with a 39 customer capacity. Non-alcoholic drinks would be cheaper than alcohol. All but two of the representations were concerned with noise after 11pm and noise conditions had been satisfied. This was not a bar but a business selling high quality food with a licence to sell alcohol. It was noted that there had been a concern that rubbish could not be collected after 7am but speaking to the refuse service this was not the case.

Members expressed concern regarding the queue that built up outside Fabric from 9pm onwards and that clients of the nightclub would drink alcohol on sale from Barburitto. It was noted that alcohol would be served with a meal and vertical drinking was not allowed. Customers may wish to buy further alcohol but as it would need to be sold with food, it was unlikely that they would wish to buy another meal. It was in the interests of the business for people to move on and not remain in the premises. Concern was expressed that customers would remain around the tables and chairs outside the premises creating public nuisance and this would undermine the fact that external doors would be closed after 9pm. In response to this concern the applicant offered that the tables and chairs be cleared by 21:00 hours. It was noted that a tables and chairs licence would only be given after a premises licence was granted. Alcohol would not be sold on the basis of 6 beers to one burrito and members of staff were trained to deal with such issues. There was always to be a manager in the shop and staff would respectfully let customers know that alcohol was to be served with food only. The applicant advised that pre-loading tended to take place in pubs with cheap prices and not in a restaurant where bottles were served, ancillary to food and were of a small size. The premises served customers looking for a quick bite to eat and the trade was usually lunch time/ early evening.

The licensing officer informed the Sub-Committee that the representations on pages 46, 48 and 49 of the report had been withdrawn.

In summing up, the applicant informed the Sub-Committee that this was not a late night drinking premises but a restaurant where alcohol was sold ancillary to food. He considered that the application fell within the exception to the cumulative impact policy. Conditions proposed met the concerns raised.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

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### RESOLVED:

a) That the amended application for a new premises licence in respect of Barburrito, 5a Cowcross Street, EC1 be granted to permit the premises to sell alcohol, on supplies which include an outside seating area, seven days a week between 11:00 hours and 23:00 hours.

b) That the following conditions shall be applied to the licence:-

- Alcohol will be sold for consumption on the premises only. There will be no sales of alcohol for consumption off the premises.
- The sale of alcohol at the business shall be ancillary to the sale of food.
- The licensee will attempt to ensure that it does not add to the cumulative impact of crime, disorder and public nuisance in the area.
- The licensee will use a competent and experienced management team to ensure that the business is well-managed.
- The licensee will not operate as either a bar or a pub. However, the management of the business would, if encouraged, consider undertaking the Licensee's Charter and would participate in any relevant watch scheme.
- There will be no irresponsible drinks promotions at the premises. Any person who is drinking an excessive amount of alcohol will not be served any further alcoholic drinks.
- Water will be available at the premises at all times until closing.
- Background music will cease 15 minutes prior to closing time.
- Non-alcoholic options will be available at a cheaper price than alcoholic drinks.
- No alcohol will be sold to patrons before 11am on any Match day.
- The licensee shall ensure that staff are aware of the impact of alcohol related crime and anti-social behaviour and the problems that these issues cause in the local community.
- The premises shall include seating for customers and vertical drinking will be prohibited.
- All staff will be informed that serving alcohol to drunken persons will be considered seriously. Staff members shown to be serving alcoholic drinks to drunken patrons will be disciplined.
- All instances of crime and disorder shall be reported to the police.
- An incident book shall be used to record all instances of public disorder.
- The holder of the premises licence shall subscribe to and participate fully in any relevant watch scheme.

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- CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open licensable activities. The recordings shall be kept available for a minimum of 28 days. Recordings shall be made available to an Authorised Officer or Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
- No customers carrying open or sealed bottles shall be allowed to enter at any time the premises are open to the public.
- Alcoholic drinks may only be consumed within the premises (including the outside seating area).
- Toughened glass and polycarbonates will be used wherever practicable.
- Contact details of three local taxi hire companies will be available at all times.
- All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Internal gangways shall be kept clear wherever possible.
- All exit doors shall be maintained and easily operable without the use of a key, card, code or similar means.
- Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be maintained.
- All edges, steps and stairways must be conspicuous and kept in good condition.
- In the absence of daylight, the lighting in any area accessible to the public shall be fully in operation when they area present.
- Emergency lighting batteries must be charged before the admission of the public.
- Adequate and appropriate supply of first aid equipment will be available at the premises at all times.
- All reasonable efforts will be utilised to ensure that patrons leave the premises quietly. Relevant signage will be displayed.
- Patrons will also be informed, if required, that they are not to congregate in the area outside of the premises.
- The licensee will ensure that no noise can be considered a nuisance in nearby residential housing areas.
- Extensive supervision of the outside area will be undertaken by staff in order to ensure that noise is kept to a minimum.

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- Staff will supervise the outside seating area in order to ensure that the outside seating area does not present a pavement obstruction.
- Any patron who is considered to be causing a nuisance outside of the premises will immediately be asked to leave. Repeated offenders will be banned from entering the premises.
- The music played at the premises will be background only, and will not be played loudly.
- The licensee shall operate a 'Challenge 25' and relevant signage will be displayed.
- Staff will receive adequate training on the sale of alcohol to persons under the age of 18.
- Premises management shall regularly monitor staff to ensure that they are dealing with sales to young people appropriately.
- The licensee will keep a refusal log in order to note any refusals to sell alcohol to young people. This will be signed monthly by the DPS and management.
- Any signs of drug use at the premises will be reported to the police immediately.
- No deliveries of licensable goods will take place on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.
- No rubbish will be moved, removed or placed, in bins outside the premises on Sundays or Bank Holidays, nor between the hours of 23:00 and 07:00 on any other days of the week.
- The premises external doors shall be kept closed as far as practicable after 21:00.
- The outside tables and chairs shall be cleared of patrons and rendered unusable by 21:00. Adequate notices shall be displayed to inform patrons of this requirement.
- Litter patrols shall be carried out throughout the hours of operation.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the hours of operation for Fridays and Saturdays had been amended to 23:00 hours in line with the planning consent, provision for late night refreshment was no longer being sought. These amendments to the hours of operation were within the

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Council's policies. The Sub-Committee noted that the applicant had agreed to the conditions proposed by all the responsible authorities who had made representations to this application. The agreement was confirmed by the responsible authorities.

The Sub-Committee was satisfied that with the proposed conditions and the framework hours sought, that the application would not add to the availability of alcohol in the area and there was no likelihood that the premises would add to the cumulative impact on the licensing objectives.

The Sub-Committee took into account licensing policies 1, 2, 7, 8, 9, 10, 19 and 20 when reaching their decision.

### 176. **HIGHBURY FINE FOOD AND WINE, 249 UPPER STREET, N1 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)**

The licensing officer reported that the noise and the health and safety conditions had still not been agreed. The noise officer reported that the applicant would need to undertake work regarding the noise disturbance to neighbours.

The police officer reported that the area was historically a high crime area with problems migrating particularly to the Highbury Corner end. There were many street drinkers in the area and in the last 6 months, 541 crimes had been committed in the area. Resources were already stretched and additional hours added to the premises licence could only add to the cumulative impact.

The licensing authority raised concerns about the application. The premises were in a cumulative impact area. A licence was already held until midnight and it was not considered that the operating schedule answered concerns about the cumulative impact. She asked that the Sub-Committee consider refusing the application.

The health authority supported the police concerns. There was a high level of ambulance call outs in the area, three times as many as would normally be expected. There was strong evidence to suggest that the higher density of licensed premises would lead to more alcohol related harm.

Anthony O'Connell, agent, supported by Ali Imran, manager and A Naqvi, the owner, spoke in support of the application. It was reported that all the representations had been taken seriously. A licence was already held until midnight so it was only the issue of the additional hours requested. Mr O'Connell reported that amended hours to 2am or 4am would be acceptable. The Health and Safety and noise conditions had been accepted. The health and safety works had been carried out. An acoustic consultant had been instructed to conduct a survey and liaise with the noise team. There was concern regarding crime and the cumulative impact and Mr Naqvi had worked hard to ensure compliance with the conditions. Crime was not specifically related to the premises and the current management had acted responsibly to ensure proper training of staff and had no issues or problems.

In response to questions it was noted that as a result of the review in May 2012 a trainer had been introduced and had worked with the authorities. Mr Singh had let them down previously and Mr Naqvi had worked very hard to ensure that all conditions were complied with. It was noted that the premises would like to have a 24 hour licence to have an equal footing with neighbouring premises but appreciated the representations and had taken these on board. They did not feel they would add to the cumulative impact but be supportive to the community.

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He considered that the fear of adding to the cumulative impact was not borne out in reality. Crime did occur in areas but this premise should not be held to account on the basis of this. Mr O'Connell felt that hours sought beyond midnight was to benefit residents and seek to provide a service to residents. Alcohol was not a primary function of the premises which was predominantly food and newspapers. He also considered that the applicant understood the cumulative impact, was able to mitigate against it and be an exceptional case.

In response to questions from the police it was reported that the shop closed 60 or 70% of the time after midnight. Often customers would pick up groceries but when alcohol was refused would leave everything behind. The shop had to pay for overheads and cooperation from the authorities would help. It was reported that 50% customers came after midnight and 25% of customers wanted alcohol

In summing up the licensing authority reported that there was a particular problem in the area with alcohol related crime and street drinking. This had not been answered in the operating schedule. The cumulative impact policy allowed the authority to take proactive action rather than reactive, when calling for a review. She reported that the Sub-Committee should consider refusal of the application.

The applicant asked that the Sub-Committee consider granting the licence with limited hours to 2am or 4am. He assured the authorities that the applicant would work with them.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED:**

That the new premises licence for Highbury Fine Food and Wine, 249 Upper Street, N1 be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

In making their decision the Sub-Committee considered the applicant's submission that the application be considered with a terminal hour of between 02:00 hours and 04:00 hours.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee heard evidence from the responsible authorities and from the applicant noting that the applicant had taken on board all representations received and had agreed conditions proposed by health and public safety and the noise team. However, the representations from the police, supported by the public health and the licensing authorities were persuasive and the Sub-Committee felt that there were no conditions that could have been placed on the licence for the hours sought.

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The Sub-Committee concluded that the applicant had failed to rebut the presumption that the application, if granted, would not add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application. The Sub-Committee considered licensing policies 1, 2, 9 and 10 when making their decision.

### 177. **KENNEDYS, 169 WHITECROSS STREET, EC1 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)**

The licensing officer reported that there had been five resident objections. The police, noise and health and safety conditions had been agreed. It was noted that a plan of the premises outlining the extent of the licensed area had not yet been submitted. The applicant had a tables and chairs licence but planning permission had not yet been obtained for the rear terrace.

The local resident reported that the area was primarily residential. Planning permission had not been granted for the rear terrace but building work had already started. Her bedroom window was one metre away from the rear terrace.

Graham Hopkins, representing the applicants, Richard Pickering and Alan Richardson, reported that there were 28 covers on the ground floor, including external seating and 40 covers on the first floor. The rear terrace would give an additional 12 covers. The premises required a licence until 23:00 hours. Mr Hopkins reminded the Sub-Committee that the planning application was a separate regime and should not be taken into account. There would be background music only and this was strictly a restaurant with a condition agreed that alcohol would only be served with a table meal.

Members noted that this was not a late night venue. The premises were fitted with CCTV and conditions regarding Challenge 25 would be applied to the licence. The responsible authorities had withdrawn their representations and the concerns of the residents would be addressed with the withdrawal of music. The venue would not add to the cumulative impact by the nature of its operation and the Sub-Committee were reminded that the cumulative impact policy should not be applied rigidly, citing the case of Leeds v Brewdog.

In response to questions, the applicant considered that planning permission had been granted for the flue. The applicant was unaware that putting decking on a flat roof was a breach of planning permission. It was reported that as soon as it was realised that planning permission was required work was stopped. The applicant reported that they had premises in Goswell Road and there had been no problems with these premises. After concerns were raised by members regarding the close proximity of the terrace to neighbours, the rear terrace was withdrawn from the application. It was noted that people would not be allowed to sit at the outside tables unless eating from their own restaurant. There would be staff at the front door and there was also a barrier demarcation around the area to help manage this.

In summary, the resident voiced concern that a fish and chip shop serving alcohol would attract a different clientele to a usual fish and chip premises.

The applicant reported that recorded music and the application for the rear terrace had been withdrawn from the application. People would not be sitting on their outside tables and chairs as they would be taking space that a paying customer would use. There was no bar in the premises and to serve alcohol without a table meal would be a breach of licence conditions.



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Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED**

That the amended application for a new premises licence in respect of Kennedys, 169 Whitecross Steet, EC1 be granted to supply alcohol for consumption on the premises, not including the rear terrace, 11:00 to 23:00 Monday to Sunday.

Conditions as outlined in appendix 3 as detailed on page 143 of the agenda shall be applied to the licence subject to the deletion of those referring to the rear terrace.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Bunhill cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the applicant held a tables and chairs licence for the outside seating area. The Sub-Committee heard the concerns of a local resident who lived in close proximity to the rear of the premises and would be directly affected if the application was granted to include the rear terrace. The Sub-Committee welcomed the applicant's willingness to withdraw the rear terrace from the plan.

The Sub-Committee noted that the hours of operation were within the Council's framework hours and that the applicant had agreed to the conditions proposed by the responsible authorities.

The Sub-Committee concluded that there was no likelihood that the premises would add to the cumulative impact.

#### 178. **TESCO, 272-280 CITY ROAD, N1 8SY - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)**

The Sub-Committee noted that this application had been adjourned to the next Licensing Sub-Committee meeting.

#### 179. **69-73 ST JOHN STREET, EC1 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B5)**

The Sub-Committee noted that this application had been withdrawn as the police had withdrawn their representation following agreed conditions.

180. **FOOD LAB, 56-58 ESSEX ROAD, N1 8LR - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B6)**

The licensing officer reported that planning permission had been granted for a period of two years. Letters of support from residents were circulated and would be interleaved with the agenda papers.

John Askew, attending on behalf of the applicant, reported that this was a small café/restaurant that had been taken over in 2007. The ducting had been inspected. There was no deep fat fryer in the premises. There was no greater seating capacity but combining the premises enabled the seating to create more space for buggies. There had been many letters of support.

The Sub-Committee noted that the planning hours were different to the hours applied for. Mr Askew agreed that the hours applied for could match those in the planning consent. He also confirmed that, should the licence be granted, the licence for 56 Essex Road would be surrendered.

In summary, the licensing officer reported that it would be helpful for the licence to be surrendered and that the hours for both regimes to match.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

**RESOLVED**

1) That the amended application for a new premises licence in respect of Food Lab, 56-58 Essex Road, N1 8LR be granted to supply alcohol for consumption on the premises, Monday to Saturday from 08:00 to 23:00 and on Sundays from 08:00 to 22:00 hours.

2) That conditions as outlined in appendix 3 as detailed on page 234 of the agenda shall be applied to the licence with the following addition.

- That the licence will not be used until licence no LN 11870-181109 is surrendered.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted the late representations from residents that were received for and against the application.

The Sub-Committee heard from the applicant's representative who confirmed that the application was amended to reflect the hours permitted by the planning consent granted on the 15 July 2013 and the current licence for No. 56 would be surrendered if the application was granted.

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The Sub-Committee was satisfied that the amended application together with the conditions set out on the operating schedule would promote the licensing objectives.

The Sub-Committee took into consideration licensing policies 7, 9, and 10 when making their decision.

181. **ANYTHING AND EVERYTHING, 24 BRECKNOCK ROAD, N7 ODD - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B7)**

The licensing officer reported that the noise and the health and safety conditions had been accepted by the applicant. The premises did not fall in a cumulative impact area.

The trading standards officer reported that his representation was as detailed on page 22 of the second despatch papers. He reported that two knives had been sold to underage volunteers since 2011 although he considered that this may not be a problem in relation to alcohol sales. He reported that the applicant would need to persuade the Sub-Committee of his competence in understanding the conditions proposed for the licence and not just his representative.

Local resident, Ms A Plaza, lived near to the premises and reported that there were 8 off-licences within 200 metres of the premises. She expressed her concerns with the premises in relation to the consumption of alcohol, drugs and anti-social behaviour and submitted that the number of premises needed to be restricted.

Graham Hopkins, representing the applicant, Ali Erturk reported that this was a general store which wished to sell a range of alcohol to meet the request of customers. This would be ancillary to other products and would be 15% of the display. Spirits would remain behind the counter. Conditions had been agreed with building control and noise. Mr Erturk had a personal licence from Haringey and employed two staff. There had been no representation from the police and additional conditions had been agreed with trading standards, which had been circulated separately. These would be interleaved with the agenda papers. Mr Erturk would be operating Challenge 25, would offer training, refresher training and was aware of the problems regarding illicit alcohol. He conceded that there had been two knife sales but as they were only sold on an occasional basis it was not always easy for managers to follow best practice.

With regard to the objections, it was reported that the premises was not in a cumulative impact area, no representation had been made by the police and litter outside the premises would be more attributable to fast food outlets. A murder mentioned in the representations was not attributable to the premises. The premise was a legitimate wholesalers and was not selling at cheap prices, had not sought an early or late licence but had considered the area and had proposed robust conditions.

Members considered that although the premises was not in a cumulative impact area they could consider the application in the light of licensing policy 4 which referred to the adverse impact on the licensing objectives arising from the increasing number of shops selling alcohol. In response, Mr Hopkins, stated that there were not eight premises in the area but only three locally. Late hours were not being requested. Problems in the area could not be related to the premises. He stated that two conditions could be applied to the licence in relation to the strength of alcoholic drinks and also restricting the minimum number of cans sold to individual customers. He repeated that the police had not objected to the application.

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Members noted from the representations that there were a larger number of licensed premises in the area than stated by the applicant. In response to questions it was noted that the shop was a discount store which sold knives and hardware but now wished to sell alcohol for customers. It was noted that supermarkets could sell both alcohol and knives. Public health was not a consideration. There was a national discount chain that sold alcohol in most of its shops. Regarding the licensing objectives Mr Hopkins reported that the premises was not a public nuisance, the floor of the shop was safe and alcohol would not be sold to those underage. Mr Hopkins offered a number of conditions to respond to concerns which included a 15% maximum display, a minimum number of three staff after 7pm, Challenge 25 and a minimum alcohol strength for beers. It was reported that Mr Erturk wished to be a good neighbour, would not serve vulnerable adults and all alcohol would be purchased from a cash and carry and invoices obtained.

In summary Mr Hopkins reported that Mr Erturk had learnt responsibility the hard way and was aware that if he did serve alcohol to underage children there would be a review of the licence.

### **RESOLVED**

That the application for a new premises licence in respect of Anything and Everything, 24 Brecknock Road, N7 be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted from the representations received from residents that, although this premises did not fall within a cumulative impact area, there was a proliferation of licensed premises in the immediate vicinity of the premises. This was confirmed by the local resident who attended. The Sub-Committee noted that the business had been visited twice by Trading Standards during test purchasing operations. On both occasions knives had been sold to underage volunteers. The Sub-Committee also noted that the trading standards officer had reported that it was important for the applicant to show the Licensing Sub-Committee that he understood the conditions on his licence.

The Sub-Committee noted that the premises was currently operating as a general store providing discounted goods and household products and the application to sell alcohol was driven by economic imperative. The applicant wished to add a range of alcohol to the goods sold. The alcohol would cover 15% of the display area of the store and that spirits would be kept behind the counter while other alcohol would be adjacent to the counter so that it was clearly visible. The applicant proposed conditions in this regard. The Sub-Committee noted that the applicant had agreed conditions proposed by trading standards and the noise team.

The Sub-Committee concluded that the risk assessment the applicant had carried out in relation to this very unusual business model was inadequate. Although additional conditions were offered by the applicant the Sub-Committee concluded that these in themselves would not eliminate the risk of underage sales and promote the licensing objectives. In making their decision the Sub-Committee considered licensing policy 4 which provided for the restriction of the number of premises and licensing hours in locations where representations were received and the standards of management considerations set out in licensing policy 9.

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The meeting ended at 11.10 pm

**CHAIR**