

London Borough of Islington

Licensing Sub-Committee C – 13 August 2012

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 13 August 2012 at 10.20am.

**Present: Councillors:** Raphael Andrews, Marian Spall and Claudia Webbe

**Councillor Marian Spall in the Chair**

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

Councillor Spall welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting.

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

None.

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

None.

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

None.

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

The order of business would be as on the agenda.

**141. MINUTES (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 14 June 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**142. SPORTS BAR AND GRILL, UNIT E, COWCROSS PLACE, COWCROSS STREET, EC1M 5DH  
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003  
(Item B1)**

The licensing officer reported that, in the light of the representations received, the applicant had withdrawn the variation application. He informed the Sub-Committee that the applicant had indicated that local residents would be consulted if a variation was submitted in the future.

**143. SAINSBURY'S, 465 HOLLOWAY ROAD, LONDON N7 6LE - APPLICATION FOR A NEW  
PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)**

Robert Botkai, solicitor, supported by Phil Allen, Area Manager, spoke in support of the application. He informed the Sub-Committee that there had been no representations from the responsible authorities. He advised that very little weight could be placed on the petition as the lead petitioner was unknown and the nature of the petition had not been stated. Discussions would be held with the residents who had made representation and who live above the premises. The premises were not in a cumulative impact zone

In response to questions from the Sub-Committee it was noted that no noise complaints had been received. There was already a 24 hour licensed premises in the location. Sainsbury's were a responsible retailer and would be selling a different range of alcohol products to other premises in the area and would ensure staff were fully trained. The Sub-Committee noted that the store would possibly operate from 07:00 hours until 23:00 hours but an additional hour was requested to allow for greater flexibility.

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

### **RESOLVED:**

- a) That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's licensing policy, the Premises Licence in respect of **Sainsbury's, 465 Holloway Road, N7 6LE** be granted to allow the sale by retail, off supplies only, Mondays to Sundays from 06:00 until 00:00.
- b) That conditions as outlined in appendix 3 as detailed on page 114 be applied to the licence.

### **REASONS FOR DECISION**

The Sub-Committee considered the submissions put forward by the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation and Licensing Policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 114 of the report the licensing objectives would be promoted.

#### **144 TESCO STORES LTD, UNIT 8-9 CENTRAL STREET, EC1V 8DT - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)**

The licensing officer reported that the health and safety condition had been complied with and had been withdrawn. The noise officer had agreed with the applicant that noise conditions 10, 12, 13 and 14 be withdrawn.

The Sub-Committee noted the papers tabled by the Trading Standards officer that would be interleaved with the agenda.

The trading standards officer informed the Sub-Committee that Tesco had sold to underage volunteers on five occasions in the Borough over a four week period in February/March 2012. One of these sales was from a self-service till. He had attended Tesco training sessions subsequently which had not identified a clear deficiency that may have caused the failures. He asked that additional conditions be placed on the licence to promote the licensing objective, the protection of children from harm.

Craig Baylis, solicitor, supported by Greg Bartley, licensing manager, spoke in support of the application. He reported that it had been difficult to understand the failures that had led to the underage sales but recently the applicant had passed five test purchases, two of which had been made from self-service tills. They had concerns regarding the third condition proposed by trading standards and considered that it was not proportionate, as only one in five of the failed purchases had been at a self-service till and an additional member of staff would need to be employed to comply with the proposed condition. The self-service tills would be supervised by a member of staff operating a staffed check-out immediately adjacent to the self-service tills.

In response to questions it was noted that the profit from alcohol in stores was relatively low. Alcohol made up 8% of all transactions and was not include in the majority of baskets. The applicant considered that since the underage sales had taken place the issue had received a greater focus in their stores and this had prevented further sales to underage test purchasers.

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

### **RESOLVED:**

a) That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's licensing policy, the Premises Licence in respect of **Tesco Stores Ltd, Unit 8-9 Central Street, EC1V 8DT** be granted to allow the sale of alcohol, off supplies only, Mondays to Sundays from 06:00 until 23:00 hours.

b) That, conditions as outlined on appendix 3 as detailed on page 149 of the agenda be applied to the licence with the following amendments:-

- i) Conditions 9, 10, 12, 13 and 14 be deleted.
- ii) That the following conditions be added to the licence.
  - The role of the store DPS should include explicit responsibility for promoting the licensing objectives amongst branch staff, particularly the objective of protecting children from harm.
  - All staff should receive their routine training on age-restricted goods and other licensing matters from the DPS or, in their absence, another personal licence holder.

### **REASONS FOR DECISION**

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee considered the suggested conditions put forward by Trading Standards noting that the third condition proposed was disputed. On hearing evidence from the applicant's representative and the trading standards officer the Sub-Committee concluded that it was disproportionate to impose the condition 'sales of alcohol at self-service checkouts should not be authorised by a member of staff who is also operating a staffed check out'.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation and Licensing Policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises. The Sub-Committee also considered Licensing Policies 28 and 32 relating to the sale of alcohol to underage children and imposed conditions accordingly.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 149 of the report subject to the amendments, the licensing objectives would be promoted.

### **145 CHIPOTLE MEXICAN GRILL, 334 UPPER STREET, N1 0PB - APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B4)**

The licensing officer reported that the representation detailed on page 176-178 of the agenda had now been withdrawn. The majority of the issues regarding Health and Safety had been addressed.

The Sub-Committee noted that the restaurant would be playing background music only.

Andrew Woods, solicitor, supported by Jacob Sumner, Director, spoke in support of the application for the variation and informed the Sub-Committee that the application related only to the amended layout and there was no other change sought to the licence. Existing extractor fans were to be replaced.

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### **RESOLVED:**

That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's licensing policy, the Premises Licence variation in respect of **Chipotle Mexican Grill, 334 Upper Street, N1 0PB** be granted to allow the variation to the existing layout of the premises.

### **REASONS FOR DECISION**

The Sub-Committee considered the submissions put forward by the responsible authority, the interested party and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, the character of the area, views of the interested parties and the proposed hours of operation.

The Sub-Committee considered that with the conditions of the current licence the licensing objectives would be promoted.

The meeting finished at 12:05.

**CHAIR**