

London Borough of Islington

Licensing Sub-Committee C – 22 October 2013

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 22 October 2013 at 6.45 pm.

Present: Councillors: George Allan, Gary Poole and David Wilson.

Councillor Gary Poole in the Chair

210. INTRODUCTIONS AND PROCEDURE (ITEM A1)

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

211. APOLOGIES FOR ABSENCE (ITEM A2)

Apologies were received from Councillor Spall and Councillor Doolan.

212. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Allan substituted for Councillor Spall and Councillor Wilson substituted for Councillor Doolan.

213. DECLARATIONS OF INTEREST (ITEM A4)

Councillor Allan stated that he would be unable to take part in Item B1 – Sydney Food Limited as he had a personal interest in the item.

214. ORDER OF BUSINESS (ITEM A5)

The order of business would be B5, B2, B3 and B4.

215. MINUTES (ITEM A6)

RESOLVED

That the minutes of the meetings held on the 17 June 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**216. SYDNEY FOOD LIMITED, 49 CLERKENWELL GREEN, LONDON, EC1
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B1)**

The Sub-Committee noted that, as this item was inquorate, the application would be heard at a future meeting to be arranged.

**217. NARSI FOOD CENTRE, 109-111 JUNCTION ROAD, N19 5PX
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT
2003 (Item B2)**

The noise officer reported that the representation from the noise team in objection to the application was on page 161 of the report. It was reported that nothing had been heard from the applicant to persuade the noise team to agree to the granting of the application.

The police and the licensing authority representations were noted.

Mr Aslan the applicant, supported by a translator, spoke in support of the application. It was reported that Mr Aslan did have two shops on Junction Road, one of which had a 24 hour licence. He stated that he had been advised that if he surrendered the 24 hour licence the Council would support a 2am application. He had surrendered his 24 hour

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licence and reported that this application was only until 02:00 hours.

In response to questions about the operating schedule it was noted that Mr Aslan would be practising Challenge 21, would be monitoring staff members and would keep training up to standard. Regarding the impact on a cumulative area he reported that one shop he had closed and the second shop licence was requested to 2am. He was training his staff regularly and ensuring they did not serve people who were drunk. He had been subjected to violence for refusing to sell alcohol. It was reported that all staff members did have enough English language to refuse sales.

Mr Aslan said that at a previous Sub-Committee someone had stated they would support the application for a 2am licence. Councillor Wilson stated that he had sat on the previous Sub-Committee and it was quite clear that this had not been the case. It had been stated by Mr Aslan that a 2am licence may in future be applied for. Mr Aslan agreed that this was accurate. It was noted that Mr Aslan did have the services of an interpreter at the previous meeting.

In response to questions regarding the after-hours sale and the suspension of the licence due to non-payment of his licence fee, Mr Aslan reported that the member of staff who had sold out of hours had been dismissed and he had now carried out further training with staff. The alcohol sold was to a regular customer and the shop was crowded which made it difficult to clear the shop. Mr Aslan was aware this was wrong and would not do this again.

In summary the interpreter reported that Mr Aslan had been helpful by closing the 24 hour shop.

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

RESOLVED:

That the premises licence in respect of Narsi Food Centre, 109-111 Junction Road 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 took into consideration Licensing Policy 002. The premises fall under the Archway cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for variations to 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 had surrendered a 24 hour licence in relation to neighbouring premises.

The Sub-Committee heard evidence that there was a sale outside of permitted hours on the 26 July 2013. The applicant stated that the member of staff who made the sale had been dismissed and that all staff had received training. The Sub-Committee heard evidence that the applicant had trained all staff members in relation to serving customers who are drunk and that the applicant had been subjected to violence because he had

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refused a sale and that this was reported to police. The Sub-Committee also heard evidence from the noise team and the police that the applicant had failed to contact them after receipt of their representations.

The Sub-Committee also noted the applicant was late in paying his licence fee for the premises and that he could not offer an explanation for this.

The Sub-Committee was concerned that the operating schedule did not set out sufficient details of how the licensing objectives would be upheld or how the applicant intended to ensure that the premises would not add to the cumulative impact. The Sub-Committee was concerned that the applicant had not shown the high standards of management required in accordance with licensing policy 9.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

The Sub-Committee concluded that the increased hours would add to the availability of alcohol in an area where there is already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. In accordance with licensing policy 002, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

218. ASJ NEWS, 508 HORNSEY ROAD, N19 3QW - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The licensing authority reported that although the premises was not in a cumulative impact area it was in an area which had a long standing problem with street drinking and it was considered that not enough information had been supplied in the operating schedule.

The trading standards officer reported that he considered that the operating schedule was not sufficiently detailed to prevent underage sales or involvement with illicit alcohol and since the representation had been made he not heard anything further from the applicant.

In support of the police representation, the Community Safety Team reported that the premise was close to Elthorne Park, which had suffered a huge increase in street drinking. Other local shops were continuing to sell to people already drunk and they were not confident that another licensed premises would help the situation.

The applicant Alamgir Khan, supported by Jehan Khan, reported that they had asked for the shortest hours in the area. They were not looking to influence drinking habits but just wished to give customers a choice. CCTV was in place. The health and safety works had been carried out but had not yet been signed off. They had applied for this licence as the store was struggling financially but they were not looking for new custom.

In response to questions regarding the operating schedule they reported that CCTV was in place and they would liaise with the local PCSOs regarding problems. They had tried to contact officers but had been unsuccessful. Since cigarettes had been sold to an underage child, a shutter had now been installed, photograph ID was only accepted and more precautions were being taken. The applicant reported that they would refuse sales if customers were not in the right state of mind. It was noted that the applicant did not yet

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have his personal licence. He would get a personal licence if he was granted a premises licence.

In summing up, the police reported that they would not wish to give street drinkers more of a choice or to make alcohol more accessible. This was very close to Elthorne Park where street drinkers congregated. There had been no communication from the applicant to the responsible authorities.

The applicant said they would be happy to work with the authorities and would not sell alcohol to people that the police did not wish to have access to alcohol.

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

RESOLVED:

That the premises licence in respect of ASJ News, 508 Hornsey Road 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 that the applicant had made no contact with the responsible authorities other than submitting three draft conditions and sample notices that had been put up in the premises. The Sub-Committee also noted that the applicant had not yet obtained a personal licence, applied for a personal licence or completed the necessary training.

The Sub-Committee heard evidence from the Community Safety MAGPI team that the premises was located opposite Elthorne Park, which is a hotspot for anti-social behaviour and street drinking. Work had been carried out to make environmental improvements to the park and offer support to the street drinkers to try to minimise the problem. The community safety team expressed concerns that another outlet selling alcohol would undermine their work. The Sub-Committee also heard evidence that on 19 February 2013 the applicant's wife and business partner sold cigarettes to a 16 year old boy and that trading standards have offered advice to the applicants but heard nothing from them.

The Sub-Committee heard evidence from the applicant that he had requested the shortest hours in the area, that the applicant would implement Challenge 25, would refuse to serve drunk and disorderly customers and had already installed a CCTV system. The Sub-Committee noted the police concerns regarding the applicant's comments that he was not looking to influence drinking habits, just to give choice. The police were clear that the street drinkers should not be given choice. They should not have alcohol at all.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. The Sub-Committee was also concerned that the applicant had failed to demonstrate that he was taking the issue of street drinking seriously. The Sub-Committee was concerned about the lack of training and the applicant's failure to communicate with the responsible authorities. The Sub-Committee was not satisfied that the applicant had demonstrated the high standards of management in accordance with licensing policy 9.

The Sub-Committee concluded that the operating schedule did not give sufficient detail as to how the applicant intended to promote the licensing objectives, particularly in relation to

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the street drinkers and associated problems of crime and disorder.

The Sub-Committee considered licensing policies 4, 9 and 10 when making their decision.

219. **COFFEE TO GO, 20 CALEDONIAN ROAD, N1 1BB - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)**

The licensing officer informed the Sub-Committee that the planning situation had now been resolved and noise conditions had been accepted.

The licensing authority reported that the application for late night refreshment had been withdrawn. The premises operated as a coffee shop. Alcohol would be a minimal part of the operation.

The Director of Coffee to Go and his representative spoke in support of the application. It was reported that this was a small business that seated about 22 people and it was expected that alcohol would be approximately 1 or 2 % of the sale. As it was a small premises, alcohol sales were a negligible part of the business and also the hours requested were within the framework hours suggested in the licensing policy.

In response to questions it was reported that the granting of the licence would offer the opportunity for customers to have a glass of wine with their meal. It was not the intention to have heavy strength wines and beers. The main concept was for coffee. Late night refreshment had been withdrawn following resident's concerns. There was no reason to believe that the concept of the coffee shop would change. The licence was to increase revenue from existing customers. Members asked for comments regarding an 8pm licence and it was stated that whatever was given would be acceptable. It was noted that the premises currently closed at 8pm.

In summary the applicant reported that this was an exceptional case that should be granted.

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

RESOLVED:

1) That the application for a new premises licence in respect of Coffee To Go, 20 Caledonian road, N1 1BB be granted to supply alcohol for consumption on the premises from 12:00 to 20:00 hours.

2) That conditions as outlined in appendix 3 as detailed on page 226 of the agenda shall be applied to the licence with the following addition.

- There shall be no vertical drinking.

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 2. The premises fall under the Kings Cross cumulative impact area. Licensing policy 2 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

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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 planning issue had been resolved. They also noted that the applicant had amended the hours sought in his application to have a terminal of 23:00 hours.

The Sub-Committee heard evidence that the premises are a small coffee shop with seating for only 22 people. The applicant confirmed that he does not intend to change his business model to be alcohol led and that the premises would remain primarily a coffee shop. The applicant stated that alcohol would be only 1 to 2% of sales.

The Sub-Committee noted the licensing authority's recommendation that should a licence be granted the terminal hour should be 8pm in line with the current opening hours. The Sub-Committee noted that, when asked to comment on an 8pm licence, the applicant stated that whatever decision was given he would accept as he just wanted the opportunity.

The Sub-Committee was satisfied that the grant of a licence to 8pm would not add to the cumulative impact in light of the size of the premises and their main use as a coffee shop. The Sub-Committee noted that there was no application for an off-licence and that the applicant maintained that the premises were a coffee shop. The Sub-Committee was satisfied that the addition of a condition in relation to vertical drinking would be in line with this business use and so would uphold the licensing objectives.

The Sub-Committee considered licensing policy 2, particularly paragraphs 5 and 6, and licensing policy 8 regarding the framework hours.

220. TESCO, 272-280 NEW NORTH ROAD, N1 8SY – APPLICATION FOR A NEW PREMISES UNDER THE LICENSING ACT 2003 (ITEM B5)

The licensing officer reported that the conditions had been agreed.

Jeremy Bark representing Tesco, spoke in support of the application. He reported that representations from the statutory authorities had been withdrawn. There would be an application to the planning authority to resolve the mismatch in hours and it was advised that planning and licensing were separate regimes. He reported that there were 1750 Tesco stores that were run in this format with alcohol being 7 to 9 % of sales. He outlined the training programme that was followed by the stores which included training on the Challenge 25 policy, the use of till prompts, refresher training twice yearly, role specific training on the shop floor, a designated premises supervisor quarterly checklist and the use of mystery shoppers to ensure that there were no underage sales. Alcohol was kept close to the tills and spirits behind the counter. One objector remained to the application, whose objection was mainly on the basis of need.

In response to questions the Sub-Committee noted that the store was not due to open until February/March 2014. Tesco would restrict the hours of opening to those detailed in the planning consent unless longer hours were granted. A risk assessment had been carried out and a further one would be carried out prior to opening and additional security provided if considered necessary.

In summary, Mr Bark, asked that the Sub-Committee grant the application subject to the proposed conditions. Tesco was an excellent operator and there was only one resident objection.

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

RESOLVED:

1) That the new premises licence in respect of Tesco, 272-280 New North Road, N1 be granted to permit the sale of alcohol, off supplies, from 06:00 until 23:00 Monday to Sunday.

2) The following conditions shall be applied to the licence.

1. This licence shall not be effective until Islington Building Control has approved the fire safety arrangements as indicated on layout drawings.
2. All deliveries of alcohol shall be incorporated into deliveries of other goods to the store. There shall be no separate deliveries to the premises.
3. No rubbish relating to the licensing activities shall be placed outside the store between the hours of 2300 and 0700.
4. A notice shall be displayed at all public accesses requesting customer to avoid causing noise and disturbance to local residents.
5. The premises shall have a digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine. Images shall be retained for a minimum of 31 days and made available on enforcement request.
6. There shall be a member of staff on the premises performing the duty manager role and who shall take responsibility for the premises whilst they are open.
7. There shall be a minimum of 3 Personal Licence holders employed at the store.
8. Any person acting as a 'Duty Manager' will have an explicit responsibility for promoting the licensing objectives amongst branch staff, particularly the objective of protecting children from harm.
9. The Manager/Designated Premises Supervisor shall actively participate in and support the local pubwatch scheme.
10. All staff shall be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff shall be trained to look at the customers and 'Think 25' when selling alcohol.
11. All staff should receive their routine training on age-restricted goods and other licensing matters from the DPS or, in his absence, another personal licence holder.
12. A till prompt shall appear on the initial sale of alcohol that shall remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
13. Signage will be displayed informing staff and customers of the 'Think 25' policy.
14. All members of the management team shall be trained to support the running of the premises and the public safety of the customers and staff.
15. Any person acting as Duty Manager will have an explicit responsibility for promoting the licensing objectives amongst branch staff, particularly the objective

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of protecting children from harm.

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 that the responsible authorities had withdrawn their representations following agreement reached with the applicant as to conditions.

The Sub-Committee also noted the rigorous training programme implemented by the applicant and the internal auditing system including mystery shoppers and a quarterly designated premises supervisor check list.

The Sub-Committee heard evidence in relation to the applicant's security measures and also noted the applicant's assurance that he would observe the opening hours as agreed by the planning consent.

The Sub-Committee was satisfied that the applicant had demonstrated high standards of management and that in granting the licence the licensing objectives would be promoted.

The Sub-Committee took into consideration licensing policies 4, 6 and 9 when making their decision.

The meeting finished at 8:45 pm.

CHAIR