

**London Borough of Islington**  
**DRAFT**  
**Licensing Sub-Committee 'D' – 1 May 2012**

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 1 May 2012 at 6:15 pm

Present: Councillors: Wally Burgess, Councillor Jean-Roger Kaseki and Tracy Ismail.

**COUNCILLOR JEAN-ROGER KASEKI IN THE CHAIR**

**92 INTRODUCTIONS (Item A1)**

Councillor Jean-Roger Kaseki welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

**93 APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillors Gallagher and Graves.

**94 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Wally Burgess substituted for Councillor Troy Gallagher and Councillor Tracy Ismail substituted for Councillor Arthur Graves.

**95 DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest. The Sub-Committee noted that Councillor Wally Burgess was not connected to the representation on Item B2 from Councillor Janet Burgess.

**96 ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda. The Sub-Committee noted that item B3 had been withdrawn from the agenda.

**97 CONFIRMATION OF THE MINUTES OF LICENSING SUB-COMMITTEE D HELD ON 20 FEBRUARY 2012 (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on the 20 February 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**98 SAINSBURYS, 301 ST JOHN STREET, EC1V 4PA - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The Licensing Officer reported that this item had been deferred from a previous Licensing Sub-Committee meeting so that the servicing plan for the site could be provided for information. The Sub-Committee noted that the plan had been submitted on 20 April and had not yet been approved so was a live document.

The noise officer requested that their proposed condition be applied to the licence.

Helena Berndl and Zoey Goto, raised objections regarding the increased noise in the area especially with regards to deliveries and also raised concerns regarding a potential increase in antisocial behaviour around the store, particularly from groups of young people who congregated locally.

The residents submitted aerial photographs in support of their case which were circulated to the Committee. The applicant stated they had seen the photos and were happy for them to be circulated.

The Sub-Committee noted the copy of the planning decision notice residents referenced in their statements had not been circulated in advance of the meeting and was a planning document.

The Sub-Committee noted that the proposals would be considered in the context of a licensing

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application and planning matters were not within the remit of the Sub-Committee.

Sabrina Cader, solicitor, supported by Phil Allen, the area manager, spoke in support of the application. She informed the Sub-Committee that alcohol was a small party of their business and would be included in the normal delivery of goods. If residents had complaints about the operation of the store Sainsbury's would encourage them to approach them directly. She did not consider that it was necessary and proportionate to impose an additional condition regarding delivery hours.

The Sub-Committee noted that the store was only proposing to open until 00:00 on a seasonal basis as required and would not be selling alcohol during that extra hour. The applicant indicated they would accept the imposition of a condition relating to lockable shutters on alcohol displays during that time.

The Sub-Committee noted that the police had not objected to the application or reported concerns regarding a possible rise in antisocial behaviour. The Sub-Committee further noted that each Sainsbury's store underwent a risk assessment to determine whether a security guard would be required on site and this would also be the case with this site.

The Sub-Committee further noted that there were ongoing conversations with officers regarding loading restrictions outside the store and there would need to be resolution of planning issues before the Highways Team were approached about any variation.

In summing up, the interested parties reiterated their concerns about anti-social behaviour and deliveries. The applicant advised the Sub-Committee that the flats above the site had been built with the purpose built retail unit underneath them and there was no evidence to suggest that deliveries would impact on noise levels. Ms Caber considered that it would be operationally impossible to open with the imposition of the noise condition and the Planning Team were considering delivery schedules.

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

### **RESOLVED:**

That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of **Sainsbury's, 301 St John Street, EC1V 4PA** be granted to allow the sale of alcohol from Monday to Sunday, between 7am and 11pm.

That the conditions as outlined in appendix three as detailed on page 47 of the agenda be applied to the licence with the following amendments/additions.

Additional condition 10:

10. At any time when the premises are open between 23:00 and 00:00 any alcohol on display will be secured behind lockable shutters.

Suggested conditions of approval recommended by Noise Team amended to read -

11. Deliveries of alcohol shall occur between the hours of 7am and 8pm, Mondays to Saturdays. No deliveries of alcohol shall take place on Sundays and public holidays.

### **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 noted the applicant's submission regarding the proposed conditions from the

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Noise Team regarding restrictions on deliveries and disposal of waste.

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 47 of the report subject to the amendments, the licensing objectives would be promoted.

### 99 **CO-OPERATIVE, 11-19 JUNCTION ROAD, N19 5QT– APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)**

The Licensing Officer advised the Sub-Committee that the representation from the Noise Team and appendix four of the report had been omitted in error. The applicant had been provided with copies of the papers in advance and they had been circulated to the Sub-Committee and would be interleaved with the agenda.

The Noise Officer reported that, following discussions with the applicant, the proposed conditions had been agreed subject to an amended wording to condition nine. In the light of this the Noise Team had now withdrawn their objection to the application.

There were no interested parties present.

Giles Atkinson, barrister, supported by Colin Minton, the store manager, spoke in support of the application. He informed the Sub-Committee that the Co-operative was aiming to standardise their opening hours and provision across their stores and this application was part of that process. He reported that there had been no history of problems with the store and noted that the police had not objected to the application.

The Sub-Committee noted that the Co-operative provided security staff on a case by case basis and where there was a particular problem with antisocial behaviour.

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

#### **RESOLVED:**

That the variation of the premises licence in respect of **Co-operative, 11-19 Junction Road, N19** be granted to permit the premises to supply alcohol, off sales only, Monday to Saturday from 06:00 until 23:00 and 10:00 until 22:30 on Sundays.

That the conditions as outlined in appendix 4 as circulated to the Sub-Committee and tabled at the meeting, subject to the deletion of condition 3 and the following amendments be applied to the licence.

#### **Suggested conditions of approval consistent with the operating schedule with the deletion of condition 3**

1. A CCTV system to be installed and maintained. Images shall be recorded and retained for at least 21 days and to be handed to the Police/Local Authority on request.
2. Signage to be displayed in-store stating that it is an offence for people aged under 18 to purchase alcohol.
3. No deliveries to take place between the hours of 23:00 and 06:00 the following day **(to be deleted)**
4. All staff are trained in relation to under age sales of alcohol.
5. "Challenge 25" scheme in place and notices of this shall be prominently displayed within

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the store.

6. Electronic till prompt when alcohol is scanned to remind staff to check the age of the purchaser.
7. "Age refusals register" refusals book kept to record where sales of alcohol are challenged or refused.

### **Suggested conditions of approval recommended by Noise Team**

8. No rubbish including bottles will be moved, removed or placed on the public highway on Sundays or Bank/Public Holidays and between the hours of 22:00 and 07:00 other days of the week.

### **Condition 9 as recommended by Noise Team be amended to read:**

9. One delivery per day is permitted on Sundays and Bank Holidays/Public Holidays between the hours of 09:00 and 17:00. No deliveries shall take place between the hours of 22:00 and 07:00 on other days of the week

### **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 noted that the applicant accepted the conditions put forward by the responsible authority.

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 policy 021 regarding flexibility in licensing hours.

The Sub-Committee considered that with the conditions detailed in the tabled appendix 4, subject to the amendments, the licensing objectives would be promoted.

### **100 MARATHON, 193A CALEDONIAN ROAD, N1 0SL – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B3)**

This item was withdrawn from the agenda.

The meeting ended at 8.45pm

**CHAIR**