

London Borough of Islington

Licensing Sub Committee D - 26 February 2018

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 26 February 2018 at 6.30 pm.

Present: **Councillors:** Nick Wayne (Chair), Satnam Gill and Michelline Ngongo.

Councillor Nick Wayne in the Chair

217 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

218 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Marian Spall.

219 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Michelline Ngongo substituted for Councillor Marian Spall.

220 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

221 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

222 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 4 January 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

223 ALDI, GROUND FLOOR, 681-689 HOLLOWAY ROAD, N19 5SE - APPLICATION FOR NEW PREMISES LICENCE (Item B1)

The licensing officer reported that additional papers had been received and circulated. These would be interleaved with the agenda papers. The Sub-Committee noted that Councillor Kaya Comer-Schwartz had withdrawn her representation following conditions being agreed with the applicant.

The noise officer was concerned about the proposed deliveries at 5am in the morning. She was pleased that there would be no deliveries to the Windermere Road access before 8am but stated that deliveries on Holloway Road before 7am would not be desirable.

The Sub-Committee noted that Holloway Road was a red route and there was a loading bay in that area. Deliveries would have to be unloaded and wheeled to the premises.

The local resident raised concerns regarding the Archway saturation zone. There was already enough shops selling alcohol. There was a hospital nearby including a psychiatric ward. People would be buying alcohol up until 10pm. Although there was a condition

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regarding high strength beers she was concerned that Aldi would sell other alcohol at a cheap price.

The applicant's representative stated that Aldi was an expanding brand which used own brands with a limited range of stock. This gave buying power and so products could be cheaper. It was Which supermarket of the year, nominated as employer of the year, paid the London living wage and placed importance on its corporate and social responsibility. They were aware of the cumulative impact zone and met with the police which resulted in conditions, including limiting high strength beers and selling single cans. They were not seeking to sell until 11am. This was the only branch that would starting selling alcohol so late. Regarding the delivery time between 5am and 7am, she stated that the current premises can deliver 24 hours a day. Aldi sold fresh produce and this delivery window was crucial for their business. If they did not sell alcohol there would be no restrictions and this restriction would only be appropriate for licensable activities. Aldi had submitted a revised plan where alcohol would be stored away from the windows. Emails had been sent in support and there were residents present at the meeting also in support. Aldi offered a chance for local residents to shop at a fixed lower price and the Aldi store sold products for the same price across the country. There was no evidence to suggest there would be a noise nuisance.

In response to questions it was noted that the intention was to have only one delivery before 7am each day which would be a delivery of fresh produce. Aldi would seek to work with the Town Centre Group should the licence be granted. A local resident spoke in support of the application with the agreement of the objector. He stated that he liked that Aldi sold high quality alcohol at a reasonable price. It was noted that Aldi sold a different range to some of the other local shops.

In summary the interested party stated that there were enough shops in the area that sold alcohol and they did not need any others. Aldi would sell low alcohol beer but would sell cheap vodka and whisky. She would rather not see more drunk people on the street. The applicant's stated that this was a responsible application which reflected their style of operation, regarding deliveries they would ask for operational flexibility and in her view it would be disproportionate to limit the delivery time. There was no evidence that the premises would undermine the licensing objectives and she asked the Sub-Committee to grant the application as applied for.

RESOLVED

- 1) That the application for a new premises licence, in respect of Aldi, Ground Floor, 681 Holloway Road, London, N19 5SE be granted to allow:-
 - a) The sale of alcohol, off supplies only, Mondays to Saturdays from 11am until 10pm and Sundays from 11am until 5pm
 - b) The premises to be open to the public, Mondays to Sundays from 7am until 11pm.
- 2) That conditions outlined in appendix 3 and detailed on pages 46 and 47 of the agenda be applied to the licence with the following additional conditions or amendments.
 - All trolleys and cages used for deliveries to transfer goods shall be fitted with rubber wheels to minimise sound.
 - Amended condition 21. The delivery of goods/refuse in and to the Holloway Road access shall be restricted to 05:00 and 23:00 hours Monday to Saturday with no more than one delivery before 7am on Mondays to Saturdays. Deliveries on Sundays or Bank Holidays shall be restricted to 08:00 to 19:00 hours.

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- The delivery of goods/refuse in and to the Windermere Road access shall be restricted to 08:00 and 19:00 hours on Monday to Saturday. No deliveries shall be made on a Sunday or Bank Holiday.
- A weekly litter collection shall be undertaken along Windermere Road by an external company. A daily litter pick in the vicinity of the store to be undertaken by store staff.
- The premises Licence Holder will support the local Town Centre Management Group.

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, 3, 4 and 6 and Home Office guidance, chapter 14.

The premises fall within the Archway cumulative impact area. Licensing policy 3 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 also considered Licensing Policy 4 in relation to the cumulative impact of shops selling alcohol off the premises.

The Sub-Committee noted that the hours sought were within the framework hours set out in Licensing Policy 6 for Archway.

The cumulative impact policy is not absolute and every application is considered on its merits (licensing policy 4, paragraph 70). The Sub-Committee noted that unusually, a number of residents, as mentioned by the applicant's representative, supported the presence of Aldi and, with the agreement of the interested party opposed to the application, a resident at the meeting had spoken in support. The applicant had met with the Executive member for Community Development and as a result she had withdrawn her representation after conditions had been largely agreed. The applicant had proposed robust conditions in the operating schedule and had succeeded in rebutting the presumption that there would be a cumulative impact on one or more of the licensing objectives. The Sub-Committee took into account that it was impossible to distinguish between deliveries of alcohol and other deliveries, also the need for fresh food to be delivered each day on a busy main road with limited access and had clarified with the applicant that there would only be one delivery each day Monday to Saturday before 7am. It was appropriate and proportionate to the promotion of the licensing objective of public nuisance to add a condition that deliveries be restricted to one, Mondays to Saturdays, before 7am.

The Sub-Committee considered that it was justified in departing from the special policy in the light of the individual circumstances of this case. The Sub-Committee noted there were conditions limiting high strength beers, ales, lagers or ciders, alcohol would not be visible from the outside nor would there be advertisements for alcohol in the windows. The Sub-Committee noted that alcohol would not be sold until 11am.

The applicant's description of Aldi's operation suggested a distinctive style of supermarket with a low price good quality range of goods which many residents appeared to welcome.

The Sub-Committee concluded that granting the licence with the conditions as amended was proportionate and appropriate and in the public interest.

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The meeting ended at 7.35 pm

CHAIR