

Licensing Sub Committee C - 9 January 2024

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 January 2024 at 6.30 pm.

Present: **Councillors:** Angelo Weekes, Asima Shaikh and Joseph Croft.

Councillor Angelo Weekes in the Chair

69 INTRODUCTIONS AND PROCEDURE (Item A1)

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

70 APOLOGIES FOR ABSENCE (Item A2)

None.

71 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

72 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

73 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda. The Sub-Committee noted that Item B2 - Baudelaire had been withdrawn from the agenda.

74 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meetings held on 31 October and 12 December 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

75 ST LUKES COMMUNITY CENTRE, ST LUKES CENTRE, 90 CENTRAL STREET, EC1V 8AJ - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that this application was a variation to extend into an unlicensed area. The police licensing team had submitted an objection, but this had been withdrawn following an additional condition agreed with the applicant. Three residents had objected but none were present at the meeting.

The applicant stated that this was a variation application for the same licensing activities and times for three further areas.

In response to questions, it was noted that this was a charity run centre aiming to enhance the community. The application was to extend licensable activities to other areas which included the Bunhill Room, which would be used as a pop-up cookery school and for

Licensing Sub Committee C - 9 January 2024

meetings and conferences. The car park area would be used for summer fetes. The well-being hub was also to be added to ensure that all areas in the centre were covered and the same rules applied for each. The Bunhill Room was situated next to the reception area. They had not had any noise complaints and had been running events for many years. They operated until 10pm at the latest and hired the venue out for evening bookings on very rare occasions. They did not have the staff capacity to allow for bookings of 100 people where alcohol was served. They were mirroring very small parts of the current licence with this variation.

RESOLVED

- 1) That the application for a new premises licence, in respect of St Lukes Community Centre, St Lukes Centre, 90 Central Street, EC1V 8AJ, be granted to allow all licensable activities and hours to be extended to the Ground Floor – Wellbeing Hub, Bunhill Room and the external car park area.
- 2) That conditions of the current licence shall be applied to the licence with the following additional condition.
 - The use of the external licenced area shall be limited to 9 dates per calendar year and between the hours of 9am and 8pm only. The Police and Local Authority Licensing Teams shall be notified of any such events not less than 7 days prior to the event.

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 Policies 2 & 3. The premises fall within the Bunhill Cumulative Impact Area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Three local resident objections had been received and their content was noted by the Sub-Committee. There had been no representations made by any Responsible Authorities. A police objection was withdrawn after a condition was agreed.

The Sub-Committee noted that the hours fell within framework hours detailed in Licensing Policy 6.

The Sub-Committee heard evidence that the variation sought, was to extend the existing licence to cover two further rooms and the outdoor car park area. The variation sought would enhance the offer to the local community and enhance the charity's income stream. The Bunhill room was used for a pop-up cookery school and meeting space which was hired out and the outdoor car park area was used for summer fairs and fetes. The premises had never had a complaint and did not tend to hire rooms out for late evening events where alcohol was served.

The Sub-Committee noted that a condition had been agreed that the outdoor space would only be used on up to 9 dates per calendar year and events would be limited to between 9am and 8pm.

The Sub-Committee concluded that the granting of the variation sought with the condition agreed was proportionate and appropriate to the promotion of the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the condition agreed, meant that the premises would not add to the cumulative impact.

76 **BAUDELAIRE N1, 60 KING HENRYS WALK, N1 4DJ - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that this item had been withdrawn from the agenda.

77 **ALTERNATIVE SUPERMARKET, 360 ESSEX ROAD, N1 3PD - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the variation application sought to remove or amend a number of conditions from the licence. A representation had been made by the police and this was still outstanding.

The police reported that the application was seeking to remove a number of safeguarding conditions. He stated that these conditions would normally be proposed for a new licence. They did not feel it was appropriate to agree to the removal of these conditions and this matter should be heard by a Sub-Committee. The reduction in hours would not negate the need for these safeguarding conditions. The police had not had any contact from the applicant prior to the submission of the application. He considered that the Licensing Authority intended to make a representation but did not do so for administrative reasons.

The applicant stated that this was an application to amend conditions and to vary the hours. The only objection had been from the Police team. The Licensing Authority had made no representation. There were premises both sides of this property which did not have such strict conditions and the conditions placed on the current licence was putting an unfair restriction on the business. Customers did not understand why single cans could not be sold and this caused problems. The premises had been trading for the past two years and there had been no problems. They proposed a condition that a list of beers sold over 6% abv could be agreed with the police. Retail had moved on over the past few years and there were many craft beers of over 6% which were popular amongst the community, particularly the young market. The Licensing Policy stated that Islington wanted an area that was vibrant. The price point for craft beers was too high for street drinkers. Customers currently had to buy more than one drink and would drink more alcohol than they wanted. Customers wanted to just buy just one can, but the current condition would make them spend more. Regarding miniatures, he would want to sell smaller bottles but the current condition meant that they would need to sell larger cans/bottles which also encouraged customers to drink more. All spirits were kept behind the counter. They proposed to amend the start hour from 7am to 8am. All cans were price marked and there had been no problems. The applicant was just asking for a fair chance to run the business.

In response to questions, the applicant stated that he had a lot of customers asking for craft beers, which were sold at a higher strength, but were not interested in ciders and special brews. Customers were generally from the local area and were in their 20s and 30s. There was a price point of £3.50 - £4 per can. There were off licences nearby who could sell all alcohol. They wished to sell local craft beers from Tottenham, and beers such as Beavertown and BrewDog. Where customers wanted single cans of drink they could just go next door to buy these cans. Craft beer was quite expensive and customers wanted to buy just one beer only. He considered that Licensing Policy 73 worked against licensees who did not want to sell drinks of harm. They applicant did not wish to sell high strength drinks of

Licensing Sub Committee C - 9 January 2024

harm. The condition was written before craft beers became popular and the condition did not offer flexibility. He requested that they could have a condition that said craft beer only, or a condition that stated what drinks could not be sold. The applicant was advised that the licensing policy had been written to safeguard vulnerable people. The applicant advised that they were able to control their customers and did not believe they would have an issue with street drinkers. The applicant advised that they did not sell much alcohol before 8am. The applicant's representative advised that the Sub-Committee consider each option individually and not as a whole. He advised the applicant worked in a Londis which was a 24-hour premises and had no problems. The family was always at the premises, and they could say no to customers if necessary.

In summary, the police stated that did not think they could be in a position to agree or disagree different brands of beer. They did advise that beers of over 6% should not be sold in plastic containers. He was not sure how spirit miniatures or single cans played their part in street drinking and he did not think he would impose this condition. Beers would need to be placed behind the shutters for an hour before being sold and a large number of off-sales premises did not have a large set of conditions. All cases should be considered on their merits.

The applicant's representative advised that all requests should be considered individually. The applicant was trying to maximise his business in difficult times.

RESOLVED

- 3) That the application for a new premises licence, in respect of Alternative Supermarket, 360 Essex Road, N1 3PD, be granted to allow the sale of alcohol for off sales only, Monday to Sunday from 8am to 11pm.

That conditions on the current premises licence shall be applied to the licence with the following additional condition:-

- No beers, lagers and ciders of above 6% may be sold, unless they are craft beers, lager or ciders in cans or glass bottles (not plastic).

The following conditions remain on the current premises licence:-

- No spirit miniatures or other bottles at or below 33cl shall be sold from the premises at any time.
- Single cans of beer shall not be sold.

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 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

No local resident objections had been received. A representation had been received by the police team.

Licensing Sub Committee C - 9 January 2024

The Sub-Committee heard evidence from the police that the applicant was seeking to remove safeguarding conditions that had been added to the licence by a previous Sub-Committee. The police did not think it appropriate for them to agree to the removal of conditions that had been added by the Sub-Committee. The reduction in hours sought by the applicant would not negate the need for safeguarding conditions. The police had not had any contact from the applicant before the application was made. Should the Sub-Committee be minded to allow the sale of craft beers over 6% in strength, a condition could include a requirement that such products not be sold in plastic containers.

The Sub-Committee heard evidence from the applicant that the three conditions were harming his business. There were premises on either side of the applicant's premises that were not subject to these conditions. Customers did not understand why the applicant was unable to sell craft beers in single cans. The premises had not caused any problems since the applicant had been operating it. The drinks market had moved on from the days of high strength cheap lager or cider that would appeal to street drinkers. Younger people in the local area wanted craft beers and ciders and often wanted just one can. Forcing people to buy a minimum of two cans or a larger bottle of spirits, was making them drink more. The premises had never had a visit from the police asking whether they had sold to street drinkers. The applicant was very experienced and had run similar businesses for fifteen years. The applicant was of the view that the Authority's Licensing Policy was targeting the type of alcohol product that the premises did not want to sell. The applicant knew the local community well and knew who to say yes or no to. In response to questions the applicant's representative made clear that the Sub-Committee was being asked to consider each aspect of the variation application individually.

The Sub-Committee concluded that the removal of conditions in respect of the sale of single cans and spirit miniatures would not promote the licensing objectives. Paragraph 73 of the Authority's Licensing Policy makes clear that applicants seeking off sales are expected to demonstrate high standards of management including details of policies restricting or preventing the sale of high strength beer, lager and cider, single cans and miniatures. While the Sub-Committee was satisfied that the sale of higher strength craft beer, lager or cider could be conditioned, the Sub-Committee was concerned that allowing the sale of single cans or miniatures was not safeguarding vulnerable people and would be contrary to the Authority's policy in respect of street drinking.

The Sub-Committee concluded that the granting of the variation application in respect of the hours of operation and the sale of higher strength craft beer with the modified condition would promote the licensing objectives and meant that the premises would not add to the cumulative impact. The Sub-Committee concluded that the variation application in respect of the sale of single cans and spirit miniatures, should be refused and that this was proportionate and appropriate to the promotion of the licensing objectives.

The meeting ended at 8.00 pm

CHAIR