

Licensing Sub Committee B - 10 October 2017

Minutes of the meeting of the Licensing Sub Committee B held in Committee Room 4, Town Hall, Upper Street, N1 2UD on 10 October 2017 at 6.30 pm.

Present: **Councillors:** Diner (Chair) and Ward and Wayne.

Councillor Alex Diner in the Chair

173 INTRODUCTIONS AND PROCEDURE (Item A1)

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

174 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Aysegul Erdogan.

175 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Nick Wayne substituted for Councillor Aysegul Erdogan.

176 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

177 ORDER OF BUSINESS (Item A5)

No changes were proposed to the order of business.

178 MINUTES OF PREVIOUS MEETING, INCLUDING A PROPOSED AMENDMENT TO THE CHANGES MADE TO THE MINUTES OF THE MEETING HELD ON 19 JUNE 2017 (Item A6)

RESOLVED:

That the minutes of the meeting held on 15 August 2017 be confirmed as an accurate record of proceedings, subject to the following amendment, and the Chair be authorised to sign them:

Page 11, paragraph 1 –

Deletion of the words ‘Gareth Hughes stated that this was his fault and not that of the applicant’.

Insertion of the words 'The words 'cumulative impact policy' had not been specifically referred to in the application and the applicant's representative stated that no blame should be attached to Ms Gibson for that'.

179

GUNAY SUPERMARKET, 231 SEVEN SISTERS ROAD, N4 2DA - PREMISES LICENCE VARIATION (Item B1)

A letter of support from the applicant's licensing consultant was circulated to the Sub-Committee.

The Chair asked the Licensing Officer to provide any updates to the Sub-Committee, who deferred to the applicant's representative. The applicant's representative advised that, following consultation with his client, the application for a premises licence variation had been amended to request an extension to the permitted hours from 23:00 to midnight seven days a week. The effect of this would be that the premises' would be licensed for the sale of alcohol until its closing time. The applicant's representative offered two further conditions to the licence; that the premises would not sell beer and cider above 6.5% ABV, and that no alcohol would be sold in glass containers to attendees of events at the Emirates Stadium for 4 hours before the event, and for 1 hour afterwards. It was also stated that two personal licence holders would be present after 10pm until the premises closed at midnight.

The Licensing Officer informed the Sub-Committee that the Licensing Authority was currently consulting on a new Licensing Policy which would seek to restrict the sale of alcohol in glass containers for 4 hours before and 1 hour after major events in Finsbury Park.

The Licensing Authority reported that the premises was within the Holloway and Finsbury Park cumulative impact area and problematic street drinking was a common issue in the area. The Licensing Authority welcomed the amendment to the application and the new conditions offered, commenting that the revised application was more amenable.

The Police officer welcomed the amendment to the application and the new conditions offered, however advised that a condition to restrict the sale of alcohol in glass containers before and after major events at Finsbury Park would also help to reduce alcohol-related crime and disorder in the area. The Police officer commented that some premises in the area were open and licensed to sell alcohol until later hours, however such licences were granted prior to the establishment of the cumulative impact area.

In response to a question, the Police officer confirmed that the Police was supportive of the proposed policy to limit the sale of alcohol in glass containers before and after major events at Finsbury Park, commenting that many of the same crime and disorder risks associated with football matches at the Emirates Stadium also applied to major events at Finsbury Park.

The applicant's representative stated that it was frustrating for his client and his customers that the premises was open until midnight however was only licensed to sell alcohol until 23:00. It was advised that the licensee was mindful of his legal obligations and took them seriously, and that as the current disparity between the opening hours and licensed hours were a source of frustration and irritation to the public, it was sensible to look to extend the licence hours. It was advised that the licence holder was willing to include the requirement for two personal licence holders to be present after 10am on the operating schedule.

RESOLVED

- (i) That the premises licence, in respect of Gunay Supermarket, 231 Seven Sisters Road, London, N4 2DA, be varied to extend the permitted times for the sale of alcohol, for consumption off the premises, from 23:00 until midnight seven nights a week;
- (ii) That the conditions detailed on pages 25 and 26 of the agenda be applied to the licence, with the exception of conditions 4, 5 and 9 (the sale of alcohol hours are reduced to 0800 – 2300 daily) at Annex 2 which are to be deleted; and with an amendment to condition 8 of Annex 2 to read as follows: 'Customers of the premises shall be encouraged by signs within the premises prominently displayed at the exit to leave the premises quietly';
- (iii) That the following additional conditions be applied to the licence:
 - Two personal licence holders to be on site after 22:00 hours
 - No high strength beer, lager or cider of 6.5% ABV or above shall be sold
 - On the day of any Arsenal Football Club Home Match or major ticketed event held at the Emirates Stadium and/or Finsbury Park, no sales of alcohol in glass containers to be undertaken during the period 4 hours before the advertised start of the match or event, and until 1 hour after the game or event finishes.

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 1 and 2, 4, 7, and 8. The premises falls within the Holloway and Finsbury Park cumulative impact area. Licensing Policy 2 creates a rebuttable presumption that variation applications for premises licences are likely to add to the existing cumulative impact and 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 the two representations made by the responsible authorities, and noted that no local resident objections had been received.

The Sub-Committee noted that the variation application had been amended to extend the permitted hours from 23:00 to midnight seven days a week, consistent with the premises opening hours. The Sub-Committee noted that the applicant's representative had spoken to the responsible authorities prior to the meeting, and as a result was able to offer two further conditions to be attached to the licence: that the premises would not sell beer and cider above 6.5% ABV, and that no alcohol would be sold in glass containers to attendees of events at the Stadium for 4 hours before the event, and for 1 hour afterwards. The Sub-Committee also noted that the applicant proposed that two personal licence holders would be present at the premises after 10pm.

The Sub-Committee noted that the responsible authorities were amenable to the revised hours and additional conditions proposed on behalf of the applicant. The Sub-Committee was satisfied that with the revised hours and additional conditions the licensing objectives would be promoted, and granting the variation would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee took the opportunity to delete and amend some of the existing conditions on the premises licence, which were considered obsolete or duplicitous.

180 LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION (Item D1)

The Sub-Committee considered an application for a personal licence. The applicant was not present and the hearing was conducted in his absence.

The Police officer explained the objections made by the Metropolitan Police. The applicant had been convicted of relevant offences, and the Police considered that granting the licence application would undermine the Licensing Objectives.

The Sub-Committee's legal adviser provided advice on relevant offences. The Sub-Committee noted that the applicant had also been convicted of offences which were not relevant offences, and disregarded those offences from their consideration.

RESOLVED

That the application for a personal licence be refused.

REASONS FOR DECISION

The full reasons for decision are set out in the decision notice. The decision notice is exempt from publication under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

The meeting ended at 7.45 pm

CHAIR