

Licensing Sub Committee C - 2 October 2014

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 2 October 2014 at 6.30 pm.

Present: **Councillors:** Osh Gantly, Satnam Gill and Flora Williamson.

Satnam Gill in the Chair

- 26** **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Satnam Gill welcomed everyone to the meeting and asked members and officers to introduce themselves. He outlined the procedures for the meeting.
- 27** **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Michelline Ngongo and Councillor Gary Poole.
- 28** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Williamson substituted for Councillor Poole and Councillor Gantly substituted for Councillor Ngongo.
- 29** **DECLARATIONS OF INTEREST (Item A4)**
None.
- 30** **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 31** **MINUTES OF PREVIOUS MEETINGS (Item A6)**
The minutes of the meetings held on the 17 July and the 22 July 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 32** **MILLY'S MINI MARKET, 49 UPPER STREET, LONDON, N1 0PN - APPLICATION FOR A NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that revised conditions had been tabled. These would be interleaved with the agenda papers.

The solicitor for the applicant reported that the hours for the sale of alcohol has been amended to 10:00 am to 23:00 hours. A number of conditions had been proposed to control anti-social behaviour, sales of underage children, street drinking and staff training.

A local resident raised objections on the application based on the cumulative impact policy and stated that however good the management was, there would still be an increase of alcohol on the streets of the area. The residents should be protected from the resulting anti-social behaviour.

The legal advisor informed residents that there was not a blanket ban on applications in the cumulative impact area but the policy created a rebuttable presumption.

The police spoke against the application and asked that it be refused. He reported that there had been just less than 3500 recorded crimes in the area between April 2013 and March 2014 and this area was the second busiest in the Borough for the police. The police were tasked each weekend to this area in attempts to deal with crime and disorder. The

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police had spoken to the applicant and was concerned that he had not demonstrated strong management skills. This was an area of high crime with a large number of licensed premises and he considered that an increase in alcohol on the streets would increase alcohol related crime.

Christopher Rees-Gay solicitor, supported by Mustafa Has, the applicant, informed the Sub-Committee that the applicant had seven years' experience and had operated at a licensed premises in Bethnal Green for the last four years with no problems. The applicant had given the local resident his email address should there be any issues. The shop had been licensed for the previous nine years and recently until 01:00 am.

The premises was a small mini market and alcohol sales were required. The applicant was a responsible operator, had met with the trading standards officer and had gone through the licensing policy and tailored the application in order that all licensing objectives were promoted.

He reported that the concerns raised in the licensing policy regarding the Angel area related to the late night economy and not for the hours that this application related to. The Holloway/ Finsbury Park area policy did mention street drinking but it had not been stated in relation to this area. The terminal hour had been moved from 08:00am to 10:00am due to concerns of residents. The hours applied for reflected those stated in the guidance and the premises would not be selling alcohol after midnight. All staff would be fully trained and would not serve people when drunk. He did not believe that off licences would encourage pre-loading. The representation from PS Walsh related to street drinking. The applicant had met with the officer from trading standards in the afternoon and he was satisfied with the conditions proposed. Residents were unable to pinpoint problems to this one specific premises.

He considered that, with the conditions proposed, the application would not undermine the licensing objectives. There was the review process that the police could use if there were issues relating to the premises.

In response to questions it was noted that the applicant had run two other businesses but these were not for licensed premises. His previous business was licensed. In his licensed business he had maintained a good relationship with the police, had passed underage test purchases and had removed strong alcohol from his shelves voluntarily. He stated that alcohol sales were expected to be about 30-40% of his business and alcohol was stored on shelves around the walls and not in the centre of the shop. The applicant's solicitor accepted that conditions were added at a late stage but stated that this was as his other premises had no issues and the licensing authority in Tower Hamlets were happy with those conditions.

In summary, the police considered that he did not consider that alcohol in the premises would be stored discretely as it would be located on all sides of the shop.

The local resident stated that yet another outlet selling alcohol must increase the cumulative impact of alcohol in the area and anti-social behaviour still occurred on the street even when alcohol was purchased prior to 11pm.

The applicant stated that the cumulative impact policy in the Angel area was not specific to this type of premises. Strict conditions were proposed which would prevent adverse impact on the licensing objectives. The licensing hours were to end at 11pm. The applicant had four years of previous licensing experience with no incident and had met with trading standards officers.

RESOLVED

That the application for a new premises licence in respect of Milly's Mini Market, 49 Upper Street, N1 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 Angel and Upper Street cumulative impact area. Licensing policy 002 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 carefully considered the representations made by the local residents, the applicant and the police.

The local residents referred to anti-social behaviour in the area and high levels of crime.

The Police representative submitted that the area in question experienced 3499 recorded crimes between April 2013 and March 2014. The crimes included Assault, GBH, affray and sexual assaults. The Police submitted that the large number of licensed premises in the area impacted greatly on the resources of the Police and other emergency services.

The Police stated to the Sub-Committee that the conditions proposed by the applicant did not assist sufficiently to prevent a likely adverse effect on crime and disorder and public nuisance that the granting of the application would result in.

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 further availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour would have an adverse impact on the licensing objectives.

33 THE COFFEE WORKS PROJECT, 96-98 ISLINGTON HIGH STREET, LONDON, N1 8EG - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)

The applicant reported that planning permission for A3 use had been granted on the 22 January 2014. A letter sent from the applicant to residents was tabled and would be interleaved with the agenda papers.

The noise officer reported that the applicant had accepted the proposed noise conditions.

Three local residents spoke in objection to the application. They reported that the coffee shop was in the cumulative impact area. They considered that there was no reason to sell alcohol with coffee. There was regular anti-social behaviour in the area. Concerns were raised that the premises would not be as well managed by a future licensee. Police did not consider anti-social behaviour a priority. The residents gave an example of anti-social behaviour that took place after midnight on the 18 June 2014. It was considered that the Angel had reached saturation point and it was for the applicant to rebut the presumption of cumulative impact. The premises were close to a school and public transport links and asked members to refer to the Home Office guidance regarding this. They raised concerns regarding the off sales and how this would be managed. They stated that additional alcohol

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sold would be likely to add to further anti-social behaviour and also to the existing cumulative impact in the area. Residents welcomed a coffee shop in the area but did not consider that it was necessary for the shop to sell alcohol.

The applicant spoke in support of the application. He reported that the premises was a speciality coffee house serving the local community. He employed local staff and operated an in house training programme. He did not intend to become a bar or a club and would only serve alcohol until 8pm and this would be ancillary to food sales. Wine would only be served to seated customers. He did not consider that it would create further noise or impact on the local community. He had spoken to the local police, recognised his responsibility to local residents and was sensitive to issues regarding drinking, noise and protection of children. He reported that he would work in partnership with residents.

In response to a question from the legal adviser he reported that, as a compromise to residents, he would withdraw the off sales he had applied for.

In summary, the residents reported that they were unhappy with the addition to the number of licensed premises, which would increase the cumulative impact.

The applicant reported that he was a responsible manager and had withdrawn off sales as a compromise. He would continually review the business and liaise with residents.

RESOLVED

1) That the application for a new premises licence in respect of The Coffee Works Project, 96-98 Islington High Street, N1 be granted to permit the sale of alcohol for consumption on the premises only from 12:00 to 20:00 on Monday to Saturday and 12:00 to 17:30 on Sunday.

2) Conditions as outlined in appendix 3 as detailed on pages 100-103 of the agenda shall be applied to the licence as amended due to the removal of the application for off sales.

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 Angel and Upper Street cumulative impact area. Licensing policy 002 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 noted that the police did not object to the application and the Noise Team had no objections.

The Sub-Committee also considered the representations made by the local representatives.

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.

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The policy was not absolute. The circumstances of each application must be considered on its merits. The business in question was a coffee shop and the hours requested for the licence were 12:00 to 20:00 Monday to Saturday and 12:00 to 17:30 on Sunday.

During the application the applicant withdrew his request for an off sales licence. The Sub-Committee therefore only had to consider whether the applicant should receive an on sales licence for the times referred to above.

The Council's licensing policy refers to examples where application should be considered as exceptional to any cumulative impact policy.

The examples referred to are:-

- Small premises with a capacity of 50 persons or less who only intend to operate during hours specified in Policy 8.
- Premises which are not alcohol led and operate only within the hours specified in Licensing Policy 8 such as coffee shops.

Licensing Policy 8 states that when dealing with new applications the Licensing Authority will give more favourable consideration to applications with certain closing hours and times. With regard to restaurants and cafes, the closing times referred to are 11pm (Sunday to Thursday) and midnight (Friday and Saturday).

The premises in question was a coffee shop, it was not alcohol led and the operating hours are within the hours referred to in Policy 8.

In light of the above and the lack of submissions by the police, the Sub-Committee concluded that the granting of the application subject to the conditions attached was proportionate and reasonable.

The meeting ended at 8.30 pm

CHAIR