

London Borough of Islington

Licensing Sub Committee B - 5 January 2023

Minutes of the meeting of the Licensing Sub Committee B held in Committee Room 4, Town Hall, Upper Street, N1 2UD on 5 January 2023 at 6.30 pm.

Present: **Councillors:** Valerie Bossman-Quarshie (Chair), Matt Nathan
(Vice-Chair) and Ben Mackmurdie

Councillor Valerie Bossman-Quarshie in the Chair

47 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Valerie Bossman-Quarshie welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

48 APOLOGIES FOR ABSENCE (Item A2)

None.

49 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

None.

50 DECLARATIONS OF INTEREST (Item A4)

Councillor Bossman- Quarshie declared an interest in agenda item B3 – Bavo Market, 203 Green Lanes, N16 - premises licence new application – as she lived locally and visited the premises to shop.

51 ORDER OF BUSINESS (Item A5)

The Sub-Committee were informed that agenda items B1 (M'Nuchah, 392 Camden Road, N7) and B2 (Islington Blend, 489 Liverpool Road, N7) had been postponed, as the applicants could not travel to attend the meeting due to the transport strike.

52 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meetings held on 3 and 17 November 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

53 M'NUCHAH, 392 CAMDEN ROAD, N7 0SJ - NEW PREMISES LICENCE (Item B1)

Postponed.

54 ISLINGTON BLEND, 489 LIVERPOOL ROAD, N7 8NS - PREMISES LICENCE VARIATION (Item B2)

Postponed.

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BAVO MARKET, 203 GREEN LANES, N16 9DJ - NEW PREMISES LICENCE (Item B3)

The Licensing Officer apologised that the letter to residents from the applicant's representative, and dated 14 December 2022, had not been circulated with the agenda pack, but had been circulated separately to members of the Sub-Committee. The letter had been sent to the residents who had objected three weeks previously, but no response had been received from them to date. He noted that both resident objectors lived at the same address.

The applicant's representative stated that his representation to the Sub-Committee had been largely covered in the letter of 14 December 2022 to residents. In response to the concern raised by one of the residents about the existing number of shop premises in the vicinity of Bavo Market and the applicant's link to stores in Blackstock Road, he stated that this was not an expansion of existing businesses, but a separate business. Referring to the resident's reference to the close proximity of national chain stores, such as Sainsbury's, in the area, he stated that there were similar micro-stores in many towns. However, many local residents would prefer to support local independent businesses. The concerns of the local residents were understood by the applicant and, in order to allay some of those concerns, the operating schedule had been amended to take account of them.

The applicant detailed his and his family's history of their lives in the local area. He stated that he and his business partner were well known in the area and hoped that they would be seen as part of the local community. The running of the premises would be a main project for the applicant, who would run the premises with assistance from his wife.

The applicant's partner said that he had previous experience of running a shop and that this would be a good opportunity for him. He had a personal licence and understood his responsibilities. Both he and the applicant also held SIA licences and therefore had had training in dealing with people and noise control.

A member of the Sub-Committee stated that the letter of 14 December 2022 to residents was comprehensive and was pleased to note that the applicant had accepted the further conditions suggested by the Police and Licensing Authority. He stressed the importance of Condition 1, relating to the maintenance of an incident log, and asked the applicant to detail how he intended to comply. The applicant said that he had been in trade all of his life and was well used to maintaining an incident log and had rejected sales on occasion. His business partner stated that he had refused not only alcohol sales, but sales of tobacco too.

A member of the Sub-Committee asked the applicant how he proposed to build a rapport with the community. The applicant stated that, during the run up to Christmas, he had made use of the space at the front of his premises to sell Christmas trees. He said that local people seemed pleased to know of their plans for the shop premises. He knew local residents very well and hoped to sell the goods they wished to buy. He thought that local residents were happy with their plans.

In summary, the applicant's representative stated that it was only when local residents saw and spoke to the applicants, whilst they were selling Christmas trees, that they became aware that they could submit representations in support of the application. They had managed to garner considerable support from the local community just during the week or so when they were selling trees.

The applicant added that it was one of their customers who had started up a petition in support of the application, when they heard that objections had been received from other local residents.

RESOLVED:

That the application for a new premises licence in respect of Bavo Market, to be known as "River and Green", 203 Green Lanes, N16 9DJ, be granted to allow the sale of alcohol, off the premises only, between 9am and 11pm on Monday to Sunday and that the conditions detailed on pages 112 to 116 of the agenda pack be applied to the licence.

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 2023-2027.

Two local resident objections had been received and, although a response had been sent to the residents from the applicant's representative to respond to the points raised in their letters, no further communication had been received from the residents, who did not attend. The applicant's representative had addressed the issues raised by the residents through the agreement of additional conditions suggested by the Police and the Licensing Authority applied to the operating schedule. Representations made by the Police and the Licensing Authority had been withdrawn when it was agreed to reduce the licensing hours to 11 pm.

The Licensing Policy relating to Cumulative Impact in relation to shops

This special Policy creates a rebuttable presumption that the grant of a premises licence which is likely to add to the existing cumulative impact will normally be refused, or subject to certain limitations, following receipt of the representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on any of the licensing objectives.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The applicant was questioned about his understanding of condition 1 concerning the use of the Refusals Book. He explained that he was experienced in using a Refusals Book and used it not just for refused sales of alcohol, but also tobacco. The Sub-Committee were satisfied, in accordance with Licensing Policy 8, that the applicant was committed to high standards of management, had sought advice and

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implemented advice from the responsible authorities and then demonstrated comprehensive knowledge of best practice.

The Sub-Committee heard evidence that the applicants wished to support the local community through their business. Both the premises supervisor and his colleague had experience of working in shop premises and held SIA licences.

The Sub-Committee noted also that the applicant had taken steps to foster support within the local community, as witnessed by the petition from local residents expressing support for the proposed premises.

The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact. The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

The meeting ended at 6.55 pm

CHAIR