

London Borough of Islington

**Licensing Sub Committee B - 16 May 2023**

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 May 2023 at 6.30 pm.

**Present:**      **Councillors:**      Valerie Bossman-Quarshie, Phil Graham and Angelo Weekes (Chair)

**Councillor Angelo Weekes in the Chair**

**64      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.

**65      APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

**66      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**67      DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**68      ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**69      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 19 March 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**70      BUDGET SUPERMARKET, 18-20 CROUCH HILL, N4 4AU - PREMISES LICENCE VARIATION (Item B1)**

The licensing officer stated that there was no additional information to report.

The police reported that the applicant was seeking to vary condition 21. He was concerned that this condition had already been weakened and he considered that any further loosening of this condition would have a detrimental effect on the area. There were issues in the area such as street drinking and anti-social behaviour which made the area challenging.

In response to questions, it was noted that street drinking was commonplace in Elthorne Park. Holly Park estate also had hostels for vulnerable people and this area was one of the first areas to pilot Reducing the Strength drinking as it was

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known as a hot spot. He had sought to clarify the price point and stated that the applicant had said that the alcohol would be bought at a unit cost to them of 75 pence.

The licensing agent stated that this was a small convenience store and a small change to a condition was requested to allow a greater number of products to be sold. It was proposed that alcohol would be sold at a price of 75 pence per unit. The number of units in a product would be multiplied by 0.75 in order to be able to be sold. Many shops did not have this condition.

In response to questions, the applicant's agent stated that the applicant wished to sell a wider range of products. Alcohol could then be sold but at a higher price point eg a 2.5l bottle of Frosty Jacks contained 18.8 units and could therefore not be sold for less than £14. The unit referred to in the condition was one unit of alcohol. The police had been consulted but did not agree with the condition, so the applicant had made a full application to go to the Sub-Committee. There had been no issues with this premises. The premises was already selling high strength alcohol and other shops in the area were selling high strength alcohol.

The Sub-Committee raised concerns regarding the 3am licence and it was stated that local supermarkets were only open until 1am. The licensing agent stated that if the shop sold whisky the Sub-Committee would not have these same concerns. He advised that shops in the local area already sold alcohol. Customers could buy alcohol locally in the Finsbury Park area and the licensing agent advised that they could condition to not serve this alcohol after midnight.

In summary, the police stated that even though the price point had been clarified this had not dissuaded them from their objection.

The licensing agent stated that the licensing objectives would be promoted by the minimum unit price and the high price of strong alcohol would dissuade street drinkers.

### **RESOLVED**

That the application for a new premises licence, in respect of Budget Supermarket, 18-20 Crouch Hill, N4 4AU 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 application was for a variation of an existing premises licence. The existing licence permits off supplies sale of alcohol from Monday to Sunday from 7am to 3am the following day.

The Sub-Committee took into consideration the fact that the premises are situated in an area with a significant street drinking problem. Street drinkers and homeless people congregate in the area and there are street drinking shelters/homes in the area accommodating many vulnerable residents.

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The premises are not situated in a specifically designated cumulative impact area but as an off sales business the premises fall under the ambit of Licensing Policy 4.

Under 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. The policy 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.

The Sub-Committee noted the submissions of the Police representative who stated that in his opinion the adding of the additional condition would add to the risk of high strength alcohol being available for sale to vulnerable people in the area and by doing so would increase the prospects of crime and anti-social behaviour for the other residents.

The Sub Committee considered the fact that the applicant and/or his representative could not in their answers to specific questions from the Sub Committee, provide an explanation as to why the variation would benefit the business in any way. The applicant submitted that the variation as worded would provide stronger strength products at a far higher sale price than those of his competitors.

The existing conditions already provide for the sale of high strength beers, lagers and ciders provided they are sold in glass bottles. The reasoning behind this condition being to make the products unattractive to younger drinkers/front loaders and street drinkers. The proposed additional condition would be extremely difficult to enforce.

Licensing Policy 4 has been adopted specifically to control the ease of access to alcohol in street trading hotspots and in areas visited by vulnerable people.

There are possible exceptions to the cumulative impact policy for off sales of alcohol. Applicants need to demonstrate policies that restrict or prevent the sale of high strength beer, lager and cider, single cans and miniatures.

The Sub Committee was not satisfied that presumption in relation to Policy 4 had been rebutted in relation to the impact the granting of the variation would have.

Taking all factors into account the Sub Committee concluded that the proportionate and reasonable decision would be to refuse the application for the variation in order to promote the licensing objectives.

The meeting ended at 7.40 pm

**CHAIR**