

Licensing Sub Committee C - 29 April 2024

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 29 April 2024 at 6.30 pm.

Pr **Councillors:** Weekes, Jeapes, Staff

Councillor Angelo Weekes in the Chair

93 **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.

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

Apologies were received from Councillor Shaikh and Croft

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

Councillor Staff and Councillor Jeapes were substitute members.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

The minutes of the previous meeting would be taken at the next meeting.

99 **THE FLORENCE PUBLIC HOUSE, 50 FLORENCE STREET, N1 2DU - NEW PREMISES LICENCE (Item B1)**

The Licensing Officer updated the committee and explained that there had been an amendment to the application to remove late night refreshments from outdoor area and the removal of off sales. There had also been an amendment to condition 15 and no drinks were to be taken outside.

The Interested parties presented their case. They explained that when the venue had previously operated as a pub their lives suffered from the negative impacts of noisy smokers and patrons gathering outside. It only took 1 or 2 intoxicated people to wake them at night, and they felt it was clear that this new premises was not for the community's benefit. The community which had been a very quiet area over the last few years, didn't want such a large new licensed premises to be opened on their doorstep. They explained the area was unequipped to deal with noisy premises. They felt the applicant had not demonstrated they wouldn't exacerbate this issue,

Licensing Sub Committee C - 29 April 2024

especially considering the overcapacity of 80 people, not meeting Cumulative Impact Area standards.

They had further concerns that the applicant failed to engage meaningfully with residents, and the application had changed many times over the last couple of years. There was worry about the proposal's impact, emphasising the need for appropriate and proportionate conditions to be applied if the license was to be granted. The interested parties felt that the claim of no cumulative impact was untrue, as noise from the premises when open disrupted street-level peace. They reiterated that Residents should not have had to endure drunk and rude individuals, even patrons chatting in the smoking area caused a disturbance. Since the previous venue's closure, the street had experienced a better community feel, as residents felt unwelcome in the previous establishment. Residents explained that they witnessed their failure to adhere to conditions and their lack of understanding of licensing objectives. The fear of them applying for TENs to circumvent regulations was concerning, especially considering the past instances of drunk individuals causing damage, like wrecking cars on the street. They felt communication with residents was lacking from the applicant and did not feel it necessary to have such long opening hours if the premises was to operate as a restaurant.

In response to questions from the committee, the interested parties explained, The relationship with the applicant has been virtually non-existent. Despite them dropping off sales at the last possible minute, they were left uninformed, indicating a lack of communication. Engagement ceased entirely since December 2022, with the applicant failing to participate in the last meeting they had. While there was a meeting over a year ago, it quickly turned unpleasant for both sides. Even during a meeting in 2022, concerns about outside drinking were disregarded until the very last minute when they had now dropped off sales, causing frustration. Regarding ideal closing times, the residents explained 10 pm would be appropriate for a residential street like theirs or at most last orders for food at 10 pm, with closing by 11:30pm, would suffice, eliminating the need to extend operating hours to 12:30am. A critical concern had been who was responsible for managing and policing the venue. Given that all bedroom windows face onto the venue, noise and the potential for window opening pose serious concerns. Egress from the premises could also become problematic. Additionally, as a restaurant, they felt there was no necessity for a smoking area.

The applicant presented their case, they explained the pub had been a fixture in the area since its establishment in 1860. They hoped the application could be granted in some form, with careful consideration given to appropriate hours and conditions. They explained they had undertaken consultation efforts in line with expectations for an application of this nature, including meetings with residents. However, they explained worth noting that the current application had little resemblance to previous requests, focusing instead on a restaurant with modest operations within framework hours. The restaurant aspect of the proposal was subject to stricter conditions than those for non-alcohol-led establishments, and they had put forth comprehensive conditions, supported by an acoustic report. Notably, there had been no representations from Responsible Authorities, including the licensing authority. Their intention was to operate primarily as a restaurant, with no service offered to patrons outside the premises. While they understood concerns raised by residents who preferred not to see a pub in the area, they had tried to address these by opening the first floor to accommodate sufficient covers for a restaurant and not to operate

Licensing Sub Committee C - 29 April 2024

as a pub. Off-sales had been removed from the license, and a comprehensive set of conditions had been proposed. Measures such as limiting entrances and exits, closing all doors and windows post-10 pm, and having a lobby system to contain noise breakout. Additionally, they felt the absence of evidence from the police regarding crime and disorder further supported our application. They had proposed conditions to prevent public nuisance, including ensuring that no noise emanating from the premises causes a disturbance. Moreover, an operational management plan had been included to address concerns about dispersal. Smokers would be restricted to designated areas, and there's no history of license revocation at their other premises. Their ultimate goal was to utilise the building on Florence Street in a manner that contributes positively to the community while operating within the bounds of responsible business practices.

In response to questions from the committee the applicant explained, in terms of the restaurant aspect, they planned to serve seasonal British cuisine, prioritising sustainability wherever possible. Regarding the need for 12:30am closing hours, they were simply adhering to framework hours for licensable activities. To further concerns over what a substantial meal was they explained as it was primarily a restaurant, patrons could only order a drink alongside a substantial meal, which would be a main course or 2 starters.

To manage patrons wishing to linger after their meal, they would have enforced a policy where they could not stay much longer after their meal was finished. The rate of covers varied, with tables of four or more typically given 2 hours, while smaller tables had about 1.75 hours, depending on their workload and service speed. If patrons overstayed they utilised the booking system, "resi," to monitor how long covers typically stay and would politely ask them to leave as needed. Typically, the busiest days were Saturdays and Sundays, common for a gastro pub. Additionally, they offered lager on tap not to emulate a pub atmosphere but because it was a preference among patrons.

Regarding the smoking area, they were open to guidance but didn't plan to rope off the area and they wanted to provide a designated area to prevent patrons from wandering the streets.

To engage more with residents, they had expressed willingness to have open dialogue and addressed concerns about noise by presenting an acoustic report, which showed that with windows and doors closed and open on the first floor, noise levels were within acceptable limits.

In summary, residents expressed concerns about the potential disruption of their quiet street by accommodating 80 patrons, citing conflicts between the audio report and real-world experiences. They emphasised the importance of sensible proportions in place and expressed a desire for shorter opening hours. The applicants understood residents' concerns, particularly regarding operating hours, and emphasised the efforts to operate within strict restaurant conditions, limiting alcohol-led activities.

DECISION

Licensing Sub Committee C - 29 April 2024

The Sub-Committee has decided to grant the application by Polygon Public House Limited, as amended, for a new premises licence in respect of The Florence Public House, 50 Florence Street, N1 2DU, to allow:

- 1) The sale by retail of alcohol, on supplies only, Sundays to Thursdays from 11:00 hours until 23:00 hours and Fridays & Saturdays from 11:00 hours until 23:30 hours;
- 2) The provision of late-night refreshment, Fridays & Saturdays from 23:00 hours until 23:30 hours; and
- 3) The premises to be open to the public, Sundays to Thursdays from 11:00 hours until 23:30 hours and Fridays & Saturdays from 11:00 hours until 00:00 hours the following day.

Conditions detailed on pages 212 to 215, Appendix 3 of the agenda shall be applied to the licence, with the addition of the following conditions:

- The capacity of the premises shall be limited to 80 covers.
- The premises licence holder shall host a quarterly residential meeting, with a member of the premises management team in attendance.
- The smoking area capacity shall be limited to a maximum of 5 guests at a time, to reflect the operational management plan.
- On Fridays and Saturdays, a member of staff to ensure all patrons disperse quietly and monitor the egress points.

and amendments to conditions in Appendix 3 shall be made as follows:

- Condition 33 to define a substantial meal as a main course or 2 starter courses per person, which shall be amended to read:
“The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal (a main course or 2 starter courses per person) there and for consumption by such a person as ancillary to their meal.”
- Condition 12 to remove ‘drinking and/or’, which shall be amended to read:
“The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.”
- Condition 18 to remove any wording after ‘outside’, which shall be amended to read:

Licensing Sub Committee C - 29 April 2024

“Notices shall be displayed within the premises advising customers to not take drinks outside.”

- Condition 16 shall be removed.

and further Condition 15, as amended by the applicant, shall read “There shall be no off-sales of alcohol”.

REASON FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having considered the Licensing Act 2003, as amended, and its regulations, the Home Office revised guidance issued under section 182 of the Licensing Act 2003 and the Council’s Statement of Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Angel and Upper Street 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.

Eighteen local resident objections had been received. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the hours sought were within the guideline opening and closing times specified in Licensing Policy 6.

The Licensing Officer updated the committee and explained that there had been an amendment to the application to remove late night refreshments from outdoor area and the removal of off sales. The applicant made amendments to the application as follows:

- i. Late Night Refreshment outdoors is removed entirely from the application.
- ii. Off-Sales of alcohol is removed entirely from the application.
- iii. To amend Condition 15 to read “There shall be no off-sales of alcohol”
- iv. To add the following condition “No drinks to be taken outside”

The Interested parties presented their case. They explained that when the venue had previously operated as a pub their lives suffered from the negative impacts of noisy smokers and patrons gathering outside. It only took 1 or 2 intoxicated people to wake them at night, and they felt it was clear that this new premises was not for the community's benefit. The community which had been a very quiet area over the last few years, didn't want such a large new licensed premises to be opened on their doorstep. They explained the area was unequipped to deal with noisy premises. They felt the applicant had not demonstrated they wouldn't exacerbate this issue,

especially considering the overcapacity of 80 people, not meeting Cumulative Impact Area standards.

They had further concerns that the applicant failed to engage meaningfully with residents, and the application had changed many times over the last couple of years. There was worry about the proposal's impact, emphasising the need for appropriate and proportionate conditions to be applied if the license was to be granted. The interested parties felt that the claim of no cumulative impact was untrue, as noise from the premises when open disrupted street-level peace. They reiterated that Residents should not have had to endure drunk and rude individuals, even patrons chatting in the smoking area caused a disturbance. Since the previous venue's closure, the street had experienced a better community feel, as residents felt unwelcome in the previous establishment. Residents explained that they witnessed their failure to adhere to conditions and their lack of understanding of licensing objectives. The fear of them applying for TENs to circumvent regulations was concerning, especially considering the past instances of drunk individuals causing damage, like wrecking cars on the street. They felt communication with residents was lacking from the applicant and did not feel it necessary to have such long opening hours if the premises was to operate as a restaurant.

In response to questions from the committee, the interested parties explained, a relationship with the applicant has been virtually non-existent. Despite them dropping off sales at the last possible minute, they were left uninformed, indicating a lack of communication. Engagement ceased entirely since December 2022, with the applicant failing to participate in the last meeting they had. While there was a meeting over a year ago, it quickly turned unpleasant for both sides. Even during a meeting in 2022, concerns about outside drinking were disregarded until the very last minute when they had now dropped off sales, causing frustration. Regarding ideal closing times, the residents explained 10 pm would be appropriate for a residential street like theirs or at most last orders for food at 10 pm, with closing by 11:30pm, would suffice, eliminating the need to extend operating hours to 12:30am. A critical concern had been who was responsible for managing and policing the venue. Given that all bedroom windows face onto the venue, noise and the potential for window opening pose serious concerns. Egress from the premises could also become problematic. Additionally, as a restaurant, they felt there was no necessity for a smoking area.

The applicant presented their case, they explained the pub had been a fixture in the area since its establishment in 1860. They hoped the application could be granted in some form, with careful consideration given to appropriate hours and conditions. They explained they had undertaken consultation efforts in line with expectations for an application of this nature, including meetings with residents. However, they explained that the current application had little resemblance to previous requests, focusing instead on a restaurant with modest operations within framework hours. The restaurant aspect of the proposal was subject to stricter conditions than those for non-alcohol-led establishments, and they had put forth comprehensive conditions, supported by an acoustic report.

Further, there had been no representations from Responsible Authorities, including the licensing authority. Their intention was to operate primarily as a restaurant, with no service offered to patrons outside the premises. Whilst they understood concerns raised by residents, who preferred not to see a pub in the area, they had tried to

Licensing Sub Committee C - 29 April 2024

address these by opening the first floor to accommodate sufficient covers for a restaurant and not to operate as a pub. Off-sales had been removed from the licence application, and a comprehensive set of conditions had been proposed. Measures such as limiting entrances and exits, closing all doors and windows post-10 pm, and having a lobby system to contain noise breakout. Additionally, they felt the absence of evidence from the police regarding crime and disorder further supported the application. They had proposed conditions to prevent public nuisance, including ensuring that no noise emanating from the premises causes a disturbance. Moreover, an operational management plan had been included to address concerns about dispersal. Smokers would be restricted to designated areas, and there's no history of license revocation at their other premises. Their ultimate goal was to utilise the building on Florence Street in a manner that contributes positively to the community while operating within the bounds of responsible business practices.

In response to questions from the committee the applicant explained, in terms of the restaurant aspect, they planned to serve seasonal British cuisine, prioritising sustainability wherever possible. Regarding the need for 12:30am closing hours, they were simply adhering to framework hours for licensable activities. To further concerns over what a substantial meal was they explained as it was primarily a restaurant, patrons could only order a drink alongside a substantial meal, which would be a main course or 2 starters.

To manage patrons, who may wish to linger after their meal, they would have enforced a policy where they could not stay much longer after their meal was finished. The rate of covers varied, with tables of four or more typically given 2 hours, while smaller tables had about 1.75 hours, depending on their workload and service speed. If patrons overstayed they utilised the booking system, "resi," to monitor how long covers typically stay and would politely ask them to leave as needed. Typically, the busiest days were Saturdays and Sundays, common for a gastro pub. Additionally, they offered lager on tap not to emulate a pub atmosphere but because it was a preference among patrons.

Regarding the smoking area, they were open to guidance but didn't plan to rope off the area and they wanted to provide a designated area to prevent patrons from wandering the streets.

To engage more with residents, they had expressed willingness to have open dialogue and addressed concerns about noise by presenting an acoustic report, which showed that with windows and doors closed and open on the first floor, noise levels were within acceptable limits.

In summary, residents expressed concerns about the potential disruption of their quiet street by accommodating 80 patrons, citing conflicts between the audio report and real-world experiences. They emphasised the importance of sensible proportions in place and expressed a desire for shorter opening hours. The applicants understood residents' concerns, particularly regarding operating hours, and emphasised the efforts to operate within strict restaurant conditions, limiting alcohol-led activities.

The Sub-Committee was satisfied that the amendments to the application are appropriate. It is not appropriate for drinks to be taken outside at all by patrons, as public nuisance could occur on Florence Street. The representations against the application were strongly against outside drinking and their concerns are

Licensing Sub Committee C - 29 April 2024

reasonably held by them and shared by the Sub-Committee. It was noted that condition 32 requires an External Management Policy to be in place. The Operational Management Plan, presented by the applicant, deals with guests smoking outside and the Sub-Committee agreed that the limit of 5 guests smoking in this area at any one time should be added as a condition. This was also proportionate to the needs of the applicant as the premises are to be operated as a restaurant only and is not alcohol-led.

The Sub-Committee noted that the applicant is seeking a premises licence to serve alcohol and late-night refreshment at the weekends (on Friday and Saturday night) until midnight. The Sub-Committee had regard to the nature of the business (being a restaurant only and alcohol only being served with a substantial meal) and the concerns of the residents. Patrons would not be allowed to carry on ordering more drinks at their table, once they have finished their meal and so the terminal hour for the licensable activities should cease at 23:30 hours, with 30 minutes allowed for closing and drinking-up time.

The Sub-Committee considered that as the premises fall within the Angel and Upper Street Cumulative Impact Area, the effect that a new premises licence could have on this area. The Sub-Committee considered the Council's Statement of Licensing Policy (paragraph 48) which gives the following as possible exceptions to the Cumulative Impact Policy:

- a. small premises with a capacity of no more than fifty persons with hours of operation consistent with the framework hours and
- b. premises which are mixed use or not alcohol-led with hours of operation consistent with the framework hours.

Residents argue that it is necessary for the premises to meet both (a) and (b) in order to be an exception to the Cumulative Impact Policy. The legal advisor advised the Sub-Committee that a strict interpretation of the policy should not be applied. The Licensing Policy is intended as a guide for applicants and residents. The overriding principle of the policy is that a decision will be made on the merits of the application whilst having regard to the Licensing Policy and the duty to promote the licensing objectives. The legal advisor advised the Sub-Committee the fact that the premises will have a capacity of 80 does not mean that an exception to the Cumulative Impact Policy Cumulative Impact Policy cannot be made.

The Sub-Committee noted there had been no representations from Responsible Authorities and had regard to their expertise and knowledge.

The Sub-Committee was concerned regarding the apparent lack of engagement with residents in making the application. It would be appropriate for the premises licence holder to host a quarterly residential meeting. The management team should make themselves available to meet with residents.

The Sub-Committee concluded that the granting of the licence with the agreed conditions, the amended conditions and the additional imposed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6. The Sub-Committee was

satisfied that the operating schedule, together with the Operational Management Plan demonstrated high standards of management and that the proposed restaurant use, with the extensive conditions, 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.

100 320 CALLY OFF LICENCE, 320 CALEDONIAN ROAD, N1 1BB - NEW PREMISES LICENCE (Item B2)

The licensing officer noted there was a typo in the report and the off sales of alcohol should be 10:00am until 22:00 hours Monday to Saturdays.

The interested party presented their case explaining that, as a long-term resident of the area, they had serious concerns about the proposed operating hours for the establishment. The extended hours, from 10am to 10 pm, were simply too much, especially considering that there were already nine or more other places selling alcohol in the vicinity. The community, particularly the younger and more vulnerable members, were already faced with an excess of alcohol availability. The resident had experienced instances of drunk individuals causing disturbances, even to the point of kicking their door. The frequency of such incidents had led to a sense of resignation, where residents had become desensitised and often refrain from contacting the authorities. Moreover, the proliferation of off-licenses and gambling premises in the area had further exacerbated the situation. They strongly believed that the proposed establishment should maintain its original function as a post office, operating within regular business hours from 9am to 5:30pm. Transforming it into an establishment that operates from 10am to 10pm, selling alcohol, would only contribute to the oversaturation of alcohol-related premises, ultimately degrading the character of the neighbourhood. Additionally, the presence of so many alcohol-focused businesses posed a genuine concern for the safety of elderly residents who may feel apprehensive about venturing out late in the area with drunk people around.

In response to questions from the committee the interested party explained adding alcohol to the establishment would not dramatically worsen the situation, but it would contribute to the abundance of places selling alcohol in the area. Regarding the incident they had experienced, they could discern that it was alcohol-related because they could smell alcohol on the individual, and they did report it to the police accordingly. As for how the conditions agreed upon with the police alleviated their concerns, unfortunately, they did not. For them the reality was that the police don't actively monitor the area, and many businesses in the vicinity already fail to adhere to their conditions and licenses. Therefore, the agreed-upon conditions offer little reassurance in terms of mitigating potential issues related to alcohol consumption and nuisance in the neighbourhood.

The applicant presented their case, they were driven by the decline in post office usage, necessitating the pursuit of alternative revenue streams to sustain operations, cover expenses, and retain staff and rent payments. Despite the proposed changes, the post office's functionality remained unchanged, with all three counters retained, and space formerly occupied by dead stock would be

Licensing Sub Committee C - 29 April 2024

repurposed. In terms of off-license offerings, they were committed to limiting sales of cheap alcohol and meticulously reviewed the Cumulative Impact policy to ensure compliance. Alcohol sales constituted only 15% of the operations, emphasising that the premises were not alcohol-led.

To mitigate potential risks, the majority of alcohol products were stored behind counters, making them less accessible and prone to theft. The selection also leaned towards a more premium range of alcohol options. The only objection coming from the Responsible Authorities of the Police, with whom conditions were reached.

The addition of another venue was unlikely to significantly alter the behaviour of individuals already consuming alcohol in the area, given that such behaviour was already prevalent. Their aim was not to encourage excessive alcohol consumption but rather to compete for business viability. The post office's rigorous application process underscored their commitment to responsible operation.

As the Designated Premises Supervisor (DPS) at another establishment without incidents, they remained dedicated to upholding high standards and having positive community relationships. The primary concern remained ensuring the business's viability, given that the post office's survival was contingent on revenue generation.

In response to questions from the committee the applicant explained, Despite the presence of numerous other establishments selling alcohol in the area, they had received inquiries from customers expressing interest in purchasing alcohol from the premises. They had explored various avenues to grow the business and had found that there is indeed demand for alcohol sales among our customer base.

Concerns had been raised regarding the potential impact, particularly in vulnerable areas, such as individuals collecting pensions at the post office. To address these concerns, alcohol would not be prominently displayed upon entry; instead, it would be positioned behind an area, constituting less than 15% of the sales area. Furthermore, they were willing to forego the sale of single cans, mitigating the risk of facilitating street drinking.

While the proposed opening hours may appear late they were selected to cater to changing trends in post office usage, which have been evolving over time. Additionally, they were open to extending post office services to later hours if they were open later, not solely for alcohol sales but to accommodate individuals who may require access to facilities outside of regular business hours.

Regarding the offering of beer and ciders, while specific branding has yet to be determined, they were committed to providing premium options rather than cheaper varieties. They also intend to offer non-alcoholic beers to cater to a wider range of preferences within the community.

In summary, the interested party opposed the proposed opening hours extending until 10pm, especially considering that other premises in the area already sell similar products. They feared that such extended hours would not only increase the risk of theft but also put staff members at greater risk, as they may become targets for potential incidents.

Licensing Sub Committee C - 29 April 2024

In response, the applicant assured adherence to all security processes and was willing to employ additional staff if necessary to mitigate risks. Furthermore, they were open to reducing the proposed hours to either 8 or 9pm, demonstrating a willingness to compromise in addressing community concerns.

DECISION

The Sub-Committee has decided to grant/ the application for a new premises licence in respect of 320 Cally Off Licence, 320 Caledonian Road, N1 1BB

- 1) To allow the Off Sales of Alcohol from 10:00 until 20:00 Monday to Saturday and 10:00 until 16:00 Sundays
- 2) Opening hours of the premises from 08:00 to 20:00 Monday to Saturday and from 10:00 until 16:00 on Sundays

Conditions detailed on pages 235 to 240 of the agenda shall be applied to the licence. With the following additional condition

- No sale of single cans or bottles of beer, lager or cider.

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 considered the Licensing Act 2003, as amended, and its regulations, the Home Office revised guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Kings Cross 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.

For all shops and other premises applying for off sales.

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.

Some applications/premises will be covered by both of the above.

One local resident objection has been received. There had been no representations made by the responsible authorities. One Ward Councillor made a representation against the application.

Licensing Sub Committee C - 29 April 2024

The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The licensing officer noted there was a typo in the report and the off sales of alcohol should be 10:00am until 22:00 hours Monday to Saturdays.

The interested party presented their case explaining that, as a long-term resident of the area, they had serious concerns about the proposed operating hours for the establishment. The extended hours, from 10am to 10 pm, were simply too much, especially considering that there were already nine or more other places selling alcohol in the vicinity. The community, particularly the younger and more vulnerable members, were already faced with an excess of alcohol availability. The resident had experienced instances of drunk individuals causing disturbances, even to the point of kicking their door. The frequency of such incidents had led to a sense of resignation, where residents had become desensitised and often refrain from contacting the authorities. Moreover, the proliferation of off-licenses and gambling premises in the area had further exacerbated the situation. They strongly believed that the proposed establishment should maintain its original function as a post office, operating within regular business hours from 9am to 5:30pm. Transforming it into an establishment that operates from 10am to 10pm, selling alcohol, would only contribute to the oversaturation of alcohol-related premises, ultimately degrading the character of the neighbourhood. Additionally, the presence of so many alcohol-focused businesses posed a genuine concern for the safety of elderly residents who may feel apprehensive about venturing out late in the area with drunk people around.

In response to questions from the committee the interested party explained adding alcohol to the establishment would not dramatically worsen the situation, but it would contribute to the abundance of places selling alcohol in the area. Regarding the incident they had experienced, they could discern that it was alcohol-related because they could smell alcohol on the individual, and they did report it to the police accordingly. As for how the conditions agreed upon with the police alleviated their concerns, unfortunately, they did not. For them the reality was that the police don't actively monitor the area, and many businesses in the vicinity already fail to adhere to their conditions and licenses. Therefore, the agreed-upon conditions offer little reassurance in terms of mitigating potential issues related to alcohol consumption and nuisance in the neighbourhood.

The applicant presented their case, they were driven by the decline in post office usage, necessitating the pursuit of alternative revenue streams to sustain operations, cover expenses, and retain staff and rent payments. Despite the proposed changes, the post office's functionality remained unchanged, with all three counters retained, and space formerly occupied by dead stock would be repurposed. In terms of off-license offerings, they were committed to limiting sales of cheap alcohol and meticulously reviewed the Cumulative Impact Policy to ensure compliance. Alcohol sales constituted only 15% of the operations, emphasising that the premises were not alcohol-led.

To mitigate potential risks, the majority of alcohol products were stored behind counters, making them less accessible and prone to theft. The selection also leaned towards a more premium range of alcohol options. The only objection coming from

the Responsible Authorities was made by the Police, with whom conditions were reached.

The addition of another venue was unlikely to significantly alter the behaviour of individuals already consuming alcohol in the area, given that such behaviour was already prevalent. Their aim was not to encourage excessive alcohol consumption but rather to compete for business viability. The post office's rigorous application process underscored their commitment to responsible operation.

As the Designated Premises Supervisor (DPS) at another establishment without incidents, they remained dedicated to upholding high standards and having positive community relationships. The primary concern remained ensuring the business's viability, given that the post office's survival was contingent on revenue generation.

In response to questions from the committee the applicant explained, Despite the presence of numerous other establishments selling alcohol in the area, they had received inquiries from customers expressing interest in purchasing alcohol from the premises. They had explored various avenues to grow the business and had found that there is indeed demand for alcohol sales among our customer base.

Concerns had been raised regarding the potential impact, particularly in vulnerable areas, such as individuals collecting pensions at the post office. To address these concerns, alcohol would not be prominently displayed upon entry; instead, it would be positioned behind an area, constituting less than 15% of the sales area. Furthermore, they were willing to forego the sale of single cans, mitigating the risk of facilitating street drinking.

While the proposed opening hours may appear late, they were selected to cater to changing trends in post office usage, which have been evolving over time. Additionally, they were open to extending post office services to later hours if they were open later, not solely for alcohol sales but to accommodate individuals who may require access to facilities outside of regular business hours.

Regarding the offering of beer and ciders, while specific branding has yet to be determined, they were committed to providing premium options rather than cheaper varieties. They also intend to offer non-alcoholic beers to cater to a wider range of preferences within the community.

In summary, the interested party opposed the proposed opening hours extending until 10pm, especially considering that other premises in the area already sell similar products. They feared that such extended hours would not only increase the risk of theft but also put staff members at greater risk, as they may become targets for potential incidents.

In response, the applicant assured adherence to all security processes and was willing to employ additional staff if necessary to mitigate risks. Furthermore, they were open to reducing the proposed hours to either 8 or 9pm, demonstrating a willingness to compromise in addressing community concerns.

The Sub-Committee noted the Police had not made a representation, having agreed conditions with applicant. The Sub-Committee had regard to their expertise and knowledge.

Licensing Sub Committee C - 29 April 2024

The Sub-Committee noted that the business was predominantly to be run as a Post Office and that the sale of alcohol was ancillary to the main business. It is not alcohol-led.

The Sub-Committee also welcomed the concession offered by the applicant at the hearing to close at 8pm Monday to Saturday. This was more compatible with the premises being run as a Post Office which did not need to be open until 10:00 pm. The additional condition to be imposed that there be no sale of single cans of bottles of beer, lager or cider would minimise the risk of public nuisance and crime an disorder, associated with street drinkers.

The Sub-Committee considered the Council's Statement of Licensing Policy (paragraph 40) which gives the following as possible exceptions to the Kings Cross Cumulative Impact Policy:

- Premises that are not alcohol-led
- Premises with hours of operation consistent with the framework hours.

The Sub-Committee considered that these two exceptions, having regard to the nature and merits of this application, applied as the applicant had demonstrated that there will be not be a negative cumulative impact on the licensing objectives.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote 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 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 9.00 pm

CHAIR