

Licensing Sub Committee A - 1 September 2016

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 1 September 2016 at 6.30 pm.

Present: **Councillors:** Aysegul Erdogan, Michelline Safi Ngongo and Gary Poole

**Councillor Gary Poole
in the Chair**

119 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Michelline Safi Ngongo welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

120 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Flora Williamson and Diarmaid Ward.

121 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Gary Poole substituted for Councillor Flora Williamson and Councillor Aysegul Erdogan substituted for Councillor Diarmaid Ward.

122 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

123 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

124 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting held on the 5 July 2016 be confirmed as a correct record and the Chair be authorised to sign them.

125 CITY FOOD AND WINE, 377 ST JOHN STREET, EC1V 4LD - APPLICATION FOR PREMISES LICENCE VARIATION (Item B1)

The Sub-Committee were informed that the applicant's representative had missed his flight and an adjournment was requested. The Sub-Committee noted that the licensee was present at the meeting and considered that there were no grounds for an adjournment. The Sub-Committee noted that the licensee and the officer from the licensing consultants who had completed the application form, were present at the meeting. The Sub-Committee agreed to continue with the application.

The licensing officer informed the Sub-Committee that the application was in a cumulative impact area. The Sub-Committee noted that the licensee was first granted a licence for these premises in 23 February 2016. The Sub-Committee granted a licence between the

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hours of 11 am and 8pm. Following an appeal to the Magistrates court, a consent order was granted to allow alcohol to be sold between 11am to 11pm in June. In July, a variation application was made to extend the hours further.

The public health authority had concerns regarding the detrimental impacts on residents from alcohol related disturbance. In the area within a 250m radius of the off licence, there were 42 alcohol related ambulance callouts during 2014/15. Street drinking was a problem in the immediate area. An extension to hours of licensed premises would increase the alcohol availability in the area and increase potential harm. The premises were in a cumulative impact area.

The Licensing Authority reported that the applicant had made an application to vary the licence shortly after the consent order had been made. The applicant had shown disregard for the licensing policy and had not added additional measures in the operating schedule. The Licensing Authority recommended refusal.

In response to questions, it was noted that the hours requested were outside the framework hours detailed in the licensing policy.

The licensee stated that he had nothing further to add to the application. The Chair of the meeting stated that he wished to give him an opportunity to speak and asked them why the Sub-Committee should consider a variation request.

In response to questions, the licensee stated he needed the extra hours because business was slow. He did not think it was right to sell alcohol in the morning but he might do more business if he did. He currently had shutters which closed over the alcohol for the hours when it should not be sold. He did not see that there would be a problem with the additional hours. The licensee made no response when asked about framework hours and about the cumulative area.

RESOLVED

That the application for a new premises licence, in respect of City Food and Wine, 377 St John Street, EC1V 4LD be refused.

REASONS FOR DECISION

The Sub-Committee considered and refused the applicant's representatives request for an adjournment based on the fact that the appellant's chosen representative had been delayed abroad. This application was not agreed by the other parties. The Sub-Committee noted that the applicant was present and that the representative at the hearing had completed the application. No exceptional reason existed for granting an adjournment, nor was it in the public interest.

The Sub-Committee listened to all the evidence and submissions and read all the material. Further questions were asked of the applicant's representative and the applicant himself. 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 2. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to 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. Home office guidance, paragraph 13.30, was taken into account. It was considered that the application

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for variation was likely to add to the existing cumulative impact, in particular affecting the licensing objectives of public nuisance, crime and disorder and public safety. The applicant failed to demonstrate in the licensing schedule that there would be no negative cumulative impact or impact on these licensing objectives.

The Sub-Committee also considered licensing policy 4 and the observation that permitting shops to sell alcohol for consumption off the premises during all the hours they were open for trading had a detrimental impact on local communities due to the increased ease of accessing alcohol and the concentration of off-licences in the area. The Sub-Committee was disappointed that the appellant and his representative appeared not to have considered the fact that the premises were in a cumulative impact zone.

The meeting ended at 7.00 pm

CHAIR