

London Borough of Islington

Licensing Sub Committee B - 8 January 2019

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 8 January 2019 at 6.30 pm.

Present: **Councillors:** Flora Williamson (Chair), Phil Graham (Vice-Chair) and Rowena Champion.

Councillor Flora Williamson in the Chair

- 28 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Flora Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 29 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Sheila Chapman.
- 30 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Rowena Champion substituted for Councillor Sheila Chapman.
- 31 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 32 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 33 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:
That the minutes of the meeting held on 30 October 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 34 **NAGS HEAD COVERED MARKET, 22 SEVEN SISTERS ROAD, N7 8AG - NEW PREMISES LICENCE (Item B1)**
The Sub-Committee noted that this item had been adjourned at the request of the applicant.
- 35 **SHELL SERVICE STATION, 276 UPPER STREET, N1 2TZ - NEW PREMISES LICENCE (Item B2)**
The licensing officer reported that this had been submitted as a 24-hour licence originally but following concerns raised by residents the hours were reduced to 8am to 11pm for the sale of alcohol. Following this, the public health representation and representation 10 detailed on page 168/169 of the agenda were withdrawn. Police had agreed conditions with the applicant which had been circulated and would be interleaved with the agenda.

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The Chair reported that the Sub-Committee had seen financial documents relating to the application and they had been satisfied that the primary purpose of the premises was retail.

The applicant's representative stated that this was primarily a convenience store that sought to offer the full range of products. The operating schedule was fully detailed which included training for staff. Two representations had been withdrawn. He asked that the Sub-committee consider the Home Office guidance, paragraph 9.12, which stated that responsible authorities would be the expert advisers. He reported that none of their premises had been reviewed since 2003 and he considered that a well lit, bright premises with CCTV could help reduce crime and would not undermine the licensing objectives. He asked that the Sub-Committee grant the application.

In response to a question it was noted that Shell was the landlord and made applications on behalf of their tenants.

RESOLVED

- 1) That the application for a new premises licence, in respect of Shell Service Station, 276 Upper Street, N1 2TZ be granted to allow:-
 - a) The sale of alcohol on Monday to Sunday from 8am to 11pm.
 - b) Late night refreshment from 11pm to 5am.
 - c) The premises to be open 24 hours a day.
- 2) That conditions outlined in appendix 3 and detailed on page 193 of the agenda be applied to the licence with the following additional conditions:
 - In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
 - a) The police, and where appropriate, the London Ambulance Service are called immediately;
 - b) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police;
 - c) Any and all appropriate measures are taken to fully protect the safety of all persons present on the premises at all times during operating hours.
 - An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record:
 - a) Any and all allegations of crime or disorder reported at the venue
 - b) Any and all complaints received by any party
 - c) Any faults in the CCTV system.
 - d) Any visit by a relevant authority or emergency service.

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.

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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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee noted that the original application had been for a 24-hour licence. The hours had been reduced following concerns raised by residents and the police. Police conditions had also been agreed by the applicant and they had therefore withdrawn their representation. Public Health and one resident representation had also been withdrawn following the reduction in hours. The Sub-Committee noted that the remaining representations (at pages 161 – 191 of the agenda), which included concerns as to noise nuisance and anti-social behaviour, were in relation to the original application for a 24-hour licence.

The Sub-Committee heard evidence that the premises would be a convenience store and that it was proposed that a full range of products would be available for the convenience of local residents. The Sub-Committee noted the applicant's submissions that the responsible authorities were not opposing the application.

The Sub-Committee received evidence from the applicant as to the primary use of the premises and was satisfied that the premises were not used primarily as a garage.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The Sub-Committee noted that conditions in relation to staff training, Challenge 25 and refusal and incident logs had been proposed and that the police conditions had been agreed.

The Sub-Committee concluded that the granting of a licence for the reduced hours and with the conditions attached would not add to the cumulative impact and would promote the licensing objectives.

The Sub-Committee considered licensing policies 7 and 8 in relation to the operating schedule and management standards.

The meeting ended at 6.55 pm

CHAIR