

**Licensing Sub Committee D - 3 December 2019**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD - Islington Town Hall on 3 December 2019 at 6.30 pm.

**Present:**      **Councillors:**      Nick Wayne (Chair), Joe Caluori and Phil Graham

**Councillor Nick Wayne in the Chair**

**77      INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

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

Apologies for absence were received from Councillor Paul Convery

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

Councillor Graham substituted for Councillor Convery.

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

None.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 10 October 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**83      HOTEL CHOCOLAT, 14 UPPER STREET, N1 0PQ - NEW PREMISES LICENCE (Item B1)**

Two interested parties were present at the meeting. One party raised concerns about the cumulative impact in a mainly retail area and also the on sales application. The interested party considered that gifts containing alcohol could be sold online. A second objector raised concerns about the long licence in relation to on sales and how these were going to operate.

The applicant stated that the premises would be operating on and off sales. It was located in a cumulative impact area and the cumulative policy had been taken into account during the application. There was a comprehensive operating schedule, with alcohol only a small amount of the total offer. On sales would be for ticketed

events only, as proposed by the responsible authorities. There would be approximately 10 people for these events attending for chocolate talks after closing. They would have a glass of prosecco on arrival and would be tasting chocolates throughout the evening.

In response to questions, it was noted that objectors had been asked to visit the store to be informed about the business operation but there had been no response received. It was noted that the type of alcohol available for sale was listed as a condition to future proof the use of the licence. The applicant stated that licences were surrendered when Hotel Chocolat left premises although it was accepted that this could not be conditioned.

In summary, the interested party stated that it should be conditioned that the licence be surrendered if Hotel Chocolate left the premises. It was also considered that the long hours were not necessary.

In response to a question to the applicant from the interested parties it was noted that the ticketed events would take place in the evening from between 7-10pm after the store closed.

The applicant stated that this was not a vertical drinking establishment. All of the Hotel Chocolate stores sold alcohol and had licences. This amounted to about 30 stores in London. Store training was first class.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Hotel Chocolat, 14 Upper Street, N1 0PQ be granted to allow:-
  - The supply of alcohol, on and off supplies, Mondays to Saturdays from 9am until 10pm and on Sundays from 10am until 7pm;
  - The premises to be open to the public, Mondays to Saturdays from 8am until 22.15pm and Sundays from 10am until 7.15pm.
- 2) That conditions outlined in appendix 4 and detailed on pages 43 and 44 of the agenda 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.

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.

Three local resident objections had been received and two residents attended the meeting. There had been no representations made by the responsible authorities as conditions had been agreed by the noise team, police and trading standards.

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

The Sub-Committee heard evidence that there would be a maximum of ten people for the pre-booked ticketed events which would consist of chocolate related talks whilst guests tasted chocolates with a glass of prosecco. There was a comprehensive operating schedule and robust conditions had been agreed including that no more than 15% of the sales area would be used for alcohol.

The Sub-Committee considered the licensing policy. Although the premises were in a cumulative impact area, there did not appear to be any adverse cumulative effect on any of the licensing objectives. Licensing policy 3(70) stated that the special policy was not absolute, that each application would be considered on its merits and the licensing authority would grant applications that were unlikely to add to the cumulative impact on the licensing objectives. Further guidance was offered by licensing policy 3(47) where small premises with a capacity of 50 persons with hours of operation consistent with framework hours or premises which were not alcohol led, with hours of operation consistent with the framework hours might be regarded as possible exceptions to the special policy.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

**84      CUBANA, 61-63 CHARTERHOUSE STREET, EC1M 6HA - PREMISES LICENCE VARIATION (Item B2)**

The Sub-Committee noted that this application had been agreed as all representations had been withdrawn.

The meeting ended at 7.00 pm

**CHAIR**