

London Borough of Islington

Licensing Sub Committee A - 17 December 2019

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 December 2019 at 6.30 pm.

Present: **Councillors:** Sheila Chapman (Chair), Marian Spall (Vice-Chair)
and Alice Clarke-Perry

Councillor Sheila Chapman in the Chair

83 INTRODUCTIONS AND PROCEDURE (Item A1)

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

84 APOLOGIES FOR ABSENCE (Item A2)

None.

85 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

86 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

87 ORDER OF BUSINESS (Item A5)

The order of business would be Item B4 followed by Item B3.

88 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 22 October 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

89 SIMPLY FRESH, 6D AND 6E ESTHER ANNE PLACE, N1 1WL - NEW PREMISES LICENCE (Item B1)

The Sub-Committee noted that this item had been withdrawn as all representations had been agreed.

90 MEAT LIQUOR, N1, COLLIER'S GARAGE, 133B UPPER STREET, N1 1QP - PREMISES LICENCE VARIATION (Item B2)

The Sub-Committee noted that this item had been withdrawn as all representations had been agreed.

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172 GOSWELL ROAD, EC1 7DT - NEW PREMISES LICENCE (Item B3)

The licensing officer reported that conditions had been agreed with the responsible authorities. A letter had been sent to the interested parties from the applicant. No responses had been received and none of the interested parties were present at the meeting.

The applicant stated that the operation would be as detailed in his letter on pages 88-91 of the agenda. In response to a question it was noted that alcohol would only be served with food.

RESOLVED

- 1) That the application for a new premises licence, in respect of 172 Goswell Road, EC1V 7DT, be granted to allow on sales of alcohol from 12 noon until 11pm Monday to Saturday and from 12 noon until 10pm on Sunday.

- 2) That conditions detailed on pages 92 and 94 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 Bunhill 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. Conditions had been agreed with the police, noise team and trading standards and there were therefore no representations from the responsible authorities.

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

The Sub-Committee noted that this was a small Italian restaurant with 25 covers serving beers and wines to sitting customers. There was no standing bar area and alcohol would only be served with food and would not be allowed outside the premises.

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 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 and in the public interest.

92 THE FINEST BUBBLE, 11 SHILLINGFORD STREET, N1 2DP - PREMISES LICENCE VARIATION (Item B4)

The licensing officer reported that there had been no representations from the responsible authorities. A response to the objector from the applicant and a plan of the premises had been circulated to the Sub-Committee.

The local resident stated that his objection had been made on the basis that the licensed premises should promote the licensing objectives and he was concerned about the public nuisance that was being caused. He stated that the street was primarily residential with 14 residential dwellings, some retail outlets and a school. The presumption had been rebutted in the previous application as it was to be operated in a specific way and conditions had been proposed to mitigate any impact. A previous Sub-Committee had imposed a condition stating that there would be no more than two despatches of alcohol a day and this had been continually breached. The concerns raised at the time were still valid now. It was also stated that the applicant had been operating outside the permitted hours. The breaches were longstanding and he would not have the confidence that the applicant would adhere to conditions in the future. He considered that the Management plan was impractical and the vans outside the garage driveway would be blocking the pavement. He considered that photos provided indicated how van drivers could block the road as the drive was adjacent to a parking area. It would not be possible to enforce conditions such as turning off engines, or talking loudly on radios. Previous concerns remained valid and no reasons had been given for justifying the change. The licence had an adverse impact on residents. He raised concerns that the licence would be extended even though the applicant had not complied with the licence conditions in the first instance.

In response to questions, the interested party stated that on average there were 8/10 couriers per day and two vans. It was stated that there was a courier almost every hour of the day. The applicant stated that the recent out of hour deliveries had been for journalists and did not mean this was a breach in condition.

The applicant stated that 20% of his business occurred in December with 3000 collections/deliveries this year. The business was carried out from three locations, primarily on five days a week with approximately 9 collections per day on average. Some collections/deliveries could be grouped together. The applicant's representative stated that the applicant did not agree with the charges made by the interested party. A licence was granted in 2014 and it had been brought to the applicant's attention in October 2019 that there had been breaches of conditions and the licence would need to be updated. The application was to vary the hour until 7pm, to relocate the storage area and to vary conditions as detailed in the

report. The primary objective of the application was to ensure that the licensing objectives would be promoted. The applicant did not accept the objection from the interested party and had requested a meeting but had received no response. He would be unable to control drivers delivering personal items. He considered that the letter of support in the report gave an accurate description of the business impact. Conditions had been agreed with the police and there were no representations from responsible authorities. The application had been considered an exception under the cumulative impact policy and a change would not be applicable today.

In response to questions it was noted that the average price of one bottle was £70, however, on a two for one promotion one bottle may drop below £40. When the breaches were brought to the attention of the applicant a variation application was applied for soon after. Once they had become apparent it was admitted that breaches had been made. The main business operated from 10am until 4pm. There were some later deliveries during October to December but no alcohol was sold at this time. There had been no sales after 5pm once the breach was known. The applicant stated that they did not cause traffic problems. Bikes were usually used and not vans. Deliveries were very fast and took less than two minutes. The deliveries/collections would be made in front of 11 Shillingford Street and away from the resident. If there was a concern with the deliveries the management plan could be reviewed. It was noted that this address was a good location for the speed of service required. The applicant did not consider he was using vans that much and he stated that push bikes were booked when available. As the number of collections/deliveries were a concern to the interested party, the Sub-Committee asked the applicant to consider how many collections/deliveries would be required.

In summary, the interested party stated that the conditions were put in place for a reason. The business was getting bigger and now that it was despatching twice a day the applicant had been allowed to vary the licence. He was concerned that conditions would not be adhered to. He stated that the applicant could operate from the other premises in Upper Street, which was still close to the City but not in a residential area.

It was an issue that the premises were so close to a school. There was a particular concern regarding online businesses particularly in relation to alcohol sales. The letter of support did not detail the promotion of the licensing objectives.

In summary, the applicant stated that it would not be practical to operate from Upper Street. The stock would not be secure and was small as it was a flower shop. There were significant parking restrictions in Upper Street and the premises was partly used for customers who wanted to collect their order. The Shillingford Street gate to the school was the rear exit and was not used by children except under supervision. Challenge 25 was already agreed. All the responsible authorities agreed that the licensing objectives were being promoted. This premises had already been considered as exceptional to the cumulative impact policy and this business dealt with a small scale supply. The applicant stated that if it was a busy day there could be 12 deliveries/collections between January and October and in November and December up to 30, although it could be much less. Nearly all would

be by bike. There were four properties on one side of the road and it was not a terraced road. Vans would have little or no impact. All deliveries/collections were very quick. He had tried to engage with the resident. He stated that the majority of collections were by bike. A van could be used for three out of twelve deliveries/collections.

RESOLVED

- 1) That the application for a premises licence variation, in respect of The Finest Bubble, 11 Shillingford Street, N1 2DP, be granted to:-
 - a) Vary the terminal hour for the sale of alcohol from 5pm until pm on Mondays to Saturdays.
 - b) Relocate the alcohol storage area within the premises to the area shown on the amended layout plan.
 - c) Vary Annex 2 as sought.
- 2) That conditions detailed on page 136 of the agenda be applied to the licence with the following additional conditions:-
 - That during January to October there should be no more than 12 deliveries/collections per day to include no more than two van deliveries/collections.
 - That during November to December there should be no more than 20 deliveries/collections per day to include no more than five van deliveries/collections.
 - Wherever possible push/electric bikes be used for deliveries/collections.
 - That a record be kept of all deliveries/collections including mode of transport to be produced if required to the licensing team.

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.

Two resident representations had been received. One in support and one against the application. Conditions had been agreed with the police and no representations had been made by the responsible authorities.

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The Sub-Committee heard evidence from the interested party that the premises were in a primarily residential area with fourteen residential dwellings, some retail outlets and a school. Conditions had previously been imposed to mitigate the impact of the premises but he considered that there had been continual breaches of these conditions. He stated that there were approximately 8/10 couriers a day which included a Fedex van each day.

The Sub-Committee heard evidence from the applicant that December was his busiest month and from January to November he estimated there would be nine collections per day, ideally by push/motorbike although also, sometimes by van. In response to a question from the Chair he stated that he would require conditions relating to the number of deliveries/collections as follows:- November/December up to 30 deliveries/collections per day and January to October 12 deliveries/collections, three of which would be vans. The applicant's representative stated that there were four properties on one side of the road and vans could be used with little or no impact. Deliveries/collections generally took only two minutes.

The Sub-Committee was concerned that the number of deliveries/collections would have an impact and imposed conditions relating to the number and type of deliveries/collections. They also imposed a condition requiring the applicant maintain a record of all deliveries/collections including mode of transport. The Sub-Committee in deliberation took note that there had been deliveries/collections in the evening during recent months which, given that these were free samples, was not a licensable activity.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee was satisfied that with the conditions agreed, 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 and in the public interest.

The meeting ended at 7.40 pm

CHAIR