



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE LICENSING SUB COMMITTEE B

Members of Licensing Sub Committee B are summoned to a meeting, which will be held by Zoom on **30 June 2020 at 6.30 pm.**

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 19 June 2020

Membership

Councillor Phil Graham (Chair)
Councillor Vivien Cutler (Vice-Chair)
Councillor Matt Nathan

Substitute

All other members of the Licensing committee

Quorum: is 3 Councillors

Welcome : Members of the public are welcome to attend this meeting.
Procedures to be followed at the meeting are attached.



A. Formal matters **Page**

1. Introductions and procedure
2. Apologies for absence
3. Declarations of substitute members
4. Declarations of interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meeting

1 - 10

B. Items for Decision **Page**

1. Sainsburys, 91-93 Clerkenwell Road, EC1M 4NU - Premises licence variation

11 - 36

C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Urgent Exempt Items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

ISLINGTON LICENSING SUB-COMMITTEES -

PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

INTRODUCTION

TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

CONSIDERATION OF APPLICATIONS:

N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.

- 3) **The Licensing Officer** will report any further information relating to the application or representations.
Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

CASE SUMMARIES

- 12) **Responsible Authorities**
 - 13) **Interested parties**
 - 14) **Applicant**
- 2
mins
each

DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

London Borough of Islington

Licensing Sub Committee B - 19 May 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 19 May 2020 at 6.30 pm.

Present: **Councillors:** Sheila Chapman, Phil Graham (Chair), Marian Spall

Councillor Phil Graham in the Chair

129 **INTRODUCTIONS AND PROCEDURE (Item A2)**

Councillor Phil Graham welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced the applicant. The procedure for the conduct of the meeting was outlined.

130 **APOLOGIES FOR ABSENCE (Item A3)**

Received from Councillors Vivien Cutler and Matt Nathan.

131 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)**

Councillor Sheila Chapman substituted for Councillor Vivien Cutler and Councillor Marian Spall substituted for Councillor Matt Nathan.

132 **DECLARATIONS OF INTEREST (Item A5)**

None.

133 **ORDER OF BUSINESS (Item A6)**

The order of business was as set out in the agenda.

134 **MINUTES OF PREVIOUS MEETING (Item A7)**

RESOLVED:

That the minutes of the meeting held on 23 April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

135 **SERATA HALL, THE BOWER, 207B OLD STREET, EC1V 9NR - REVIEW OF PREMISES LICENCE (Item B1)**

The Licensing Officer stated that there was no additional information to add to that in the report which had been circulated and the supplementary statement from residents.

One of the local residents, who had submitted the application for review of the licence, stated that the procedure of reaching an application for a review to the Licensing Sub-Committee had been a painful one for the residents. They had endured noise for four and a half years, including building works at Serata Hall. She invited one of the former residents of Serata Hall, who owned an apartment at Serata Hall but who now lived elsewhere, to address the Sub-Committee as a

witness. The second resident stated that she had lived on the top floor of the building until September 2019. During the summer, there had been unacceptable levels of noise in her living room and the mezzanine bedroom. The noise was particularly bad in the afternoons and at weekends. She had been able to see large tables and chairs outside Serata Hall and could hear noise from the premises, even if her windows were not open. The noise went on until after 9pm. On one occasion, the premises staff had failed to put away the chairs and tables and anti-social behaviour had continued until 4am. She had moved away soon afterwards but planned to return in the future.

The first resident described the Noise Team's suggestions for dealing with the noise and anti-social behaviour as a "step forward". The fault did not lie entirely with Serata Hall as the noise vibrated because of the design of the buildings in the immediate area. The flats below her own did not suffer from the noise problems, whereas she did. She said that the noise was worse than that from traffic and that there was unbelievable noise from Serata Hall. She asked the Sub-Committee to imagine a constant conversation, with loud voices. She could not open her windows because of the noise. She hoped that the outside seating area of the premises could be moved to the other side of The Bower, where it would be facing Old Street and where there were no residential buildings. This would become feasible once the improvement works around the Old Street Roundabout were completed. Until that time, she hoped that some measures could be introduced in the interim to deal with the noise. Some of the proposals would work, such as closing the seating area at 9pm. Firstly, one of the suggestions had been that no more than 20 people be allowed in the outside seating area after 7pm, but residents suggested an amendment to that so that there was a restriction on the number of served customers to start at 6pm on Friday and Saturday and to include the bottomless brunch period. Secondly, the residents requested a limit on the size of tables, as people seated at those tables generated noise, often shouting and screaming. Thirdly, on the matter of the barriers to contain customers outside Serata Hall, it seemed that these would be placed there to prevent customers from spilling outside the area of Serata Hall and would need to create an effective sound barrier. She had been told that insulating material could not be fitted to the outside walls. She asked what programme the managers of Serata Hall would operate to ensure that noise could be controlled. Outside customers would need supervision. They should not be standing around outside and signage should be erected to make this clear to customers.

A third resident asked how the conditions on the licence were to be enforced. He noted that residents had been through this before. He queried whether the video evidence submitted to the Sub-Committee was sufficient to prove that there had been a violation of those conditions. He queried whether the consequences of non-compliance with the conditions might be that residents would have to suffer another year of noise and then have to submit another request for a review of the premises licence.

A member of the Sub-Committee stated that she was sorry to hear of the noise nuisance suffered by residents local to Serata Hall. In order that she could

understand the position clearly, she asked how many residents lived in the building and how many levels there were. She had read the agenda pack and had noted multiple complaints from what seemed like a small number of people.

The first resident replied that most of the residents on the façade of the building facing Serata Hall had left. The two flats next to hers were empty. A number of residents were in financial distress. Of the 20 approximately 20 flats facing Serata Hall very few were occupied. There were approximately 60 flats in the building but not all faced the courtyard area.

The noise officer reported that their conditions had been proposed to tackle the noise issues raised by residents. These included a maximum of 20 customers outside after 7pm, the closure of the outside area at 9pm and the employment of a door supervisor. Barriers would be used to provide a clear demarcation area. These measures would limit the noise nuisance.

In response to questions it was noted that in cases of a noise nuisance a review procedure could be commenced or, if the noise team witnessed a noise nuisance, a notice could be served under the Environmental Protection Act. The noise team could also start review proceedings where they considered that conditions had not been adhered to.

The licensee's representative stated that the premises was currently closed and the decision made at the meeting would determine whether it remained closed or re-opened. The external space could reopen from July if coronavirus restrictions were lifted. Planning permission had previously been granted. He stated that the courtyard was a public thoroughfare. The video taken by the applicants showed people walking through the courtyard which had nothing to do with the premises. Three residents had submitted the review out of a possible 63 flats. 15 of the flats faced into the courtyard. There was an issue of proportionality and reasonability. The premises had not ignored the concerns of residents and had complied with their conditions. They had not been approached by residents and had set up a WhatsApp group for complaints. They had developed a comprehensive management plan and only one statutory nuisance had been identified. In the long term it was expected that the seating area would be relocated on the south side following works to the roundabout but this was not expected until the end of 2020/2021. It was unlikely that the external space would be opened without the inside area. There were currently 49 staff on furlough and with office developments quiet there would be no trade. The premises were unlikely to open in the short term despite paying rent. The licensee's representative asked that the Sub-Committee consider Home Office guidance at paragraphs 11.17 and 11.23 and take into account the detrimental financial impact of any decision. He stated that the decision must be appropriate and proportionate and that these were unusual circumstances.

The Managing Director stated that their rent for the year was £275 000 and 49 staff were employed at the premises who were currently all furloughed. The business was dependant on staff from local offices and with many people working from home

may not open until 2020/2021. The business may have to close if there was any reduction in the ability to pay the rent. Social distancing would demand a decrease in space which would reduce the financial viability of the business.

The Council's Legal Adviser asked for clarification from the licence holder's representatives that all of the additional conditions suggested by the Noise Team had been agreed. The licence holder's legal representative said that those conditions had never been agreed. The Licensing Officer confirmed that the additional conditions had been proposed by the Noise Team. The Council's Legal Adviser asked the licence holder's legal representative whether any of the proposed conditions were acceptable. He replied that the proposed condition that trade in the external area would close by 10pm, was the best they could offer. In response to a further question from the Council's Legal Adviser as to whether the licence holder might consider the employment of SIA appointed staff to monitor security, was advised that the additional cost could not be afforded by the licence holder.

A member of the Sub-Committee stated that this was new information to the Sub-Committee. She noted that some of the conditions proposed by the Noise Team would not come at cost, for example the request that customers at the premises remain seated, that barriers be erected around the seating area, that there be no standing and asked whether those types of conditions could be agreed. The licence holder's legal representative said that there were difficulties associated with that as it presumed a finite number of seats in the outside space. He said that they would accept an operating policy for the use of the outside space and would do what they could to operate the space in accordance with an agreed policy. He added that they wished to work with the local residents, for example by closing the outside space at 10pm and bringing the furniture inside.

A member of the Sub-Committee stated that all present were aware of the financial constraints imposed by the current situation caused by Covid19. He queried whether, if the circumstances had been different and traffic was still running around Old Street corner and there were no restrictions relating to social distancing, the situation would have been the same. The licence holder's legal representative stated that the Sub-Committee would have to consider the circumstances as they currently stood. He maintained that this was an unusual situation and stated that he would include legal observations in his summary.

A member of the Sub-Committee asked the residents whether, now that the premises were closed, the noise nuisance from the public was still continuing. The first resident confirmed that there was no noise nuisance at present.

In summary, the first resident said that she appreciated all the difficulties faced by the licence holder, whose staff had been furloughed. She was unable to sell her own flat and added that the noise did not help. Two of the other residents who were present were unable to rent out their apartments and this had affected their financial positions. Three establishments had opened in the area in the past 4 years. Residents had had difficulties in selling their apartments. The Covid19 pandemic had affected everyone.

The Noise Team's representative stated that, if the situation reoccurred, there were mechanisms to review the licence and, if it was established that noise from the premises was a cause of nuisance, the Council could use the Environmental Protection Act to address the nuisance. He also noted that some of the conditions proposed by the Noise Team did not have cost implications and could be appropriate to limit noise nuisance.

The licence holder's legal adviser said that these were unprecedented times and it would be difficult for the Sub-Committee to decide how to deal with the review, if it decided that any action at all was required as a result. Paragraph 11.17 of the Licensing guidance stated that the Sub-Committee could decide not to take any action in response to the review application. The noise issues had taken place some time ago and the premises were not likely to open for months in the current climate. They were waiting to hear what the new guidance on social distancing might be. He suggested that proportionality was key and questioned whether 3 flats out of 63 in a building was sufficient in terms of paragraph 11.23 of the guidance, which stated that action should be proportionate and not detrimental.

RESOLVED:

That the Sub-Committee has decided to modify the premises licence in respect of Serata Hall, The Bower, 207B Old Street, EC1V 9NR as follows:-

The following conditions as detailed on page 110 of the agenda shall be attached to the licence with the following amendments. These will apply when the premises is in operation.

- The outside drinking area to the north elevation facing the Bower precinct shall be cleared of customers by 22:00.
- All tables and chairs outside on the outside drinking area facing the Bower precinct shall be taken out of use and disabled by 22:00.
- There shall be a physical barrier demarcating the area rented by Serata Hall around any outside drinking area to contain any customers outside to within the designated outside drinking area.
- Staff shall use best endeavours to encourage customers using the outside areas to be seated while outside.
- In the event of an outside seating area being created on the south side facing Old Street, the rear north facing outside drinking area facing the Bower precinct will be taken out of use.
- After 22:00 the doors to the north elevation facing the Bower precinct shall be for emergency use only and notices shall be displayed to that effect.
- A noise management plan shall be enforced by management. The NMP shall be reviewed annually and a copy shall be provided to the Licensing Team for their files.
- A closing down plan shall be adopted by the premises and customers shall be directed to the southern exits at the end of trade.
- Proposed conditions 3, 5 and 9 be deleted.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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 noted the supplementary statement from the applicants and the additional measures they proposed in response to the noise conditions. The Sub-Committee noted that the applicants' flats were positioned along the façade of the block facing Serata Hall. It was also noted that, within the block of 63 flats, 15 of these faced onto the courtyard.

The Sub-Committee noted the current financial position of the licensee and the prospects of the premises reopening in the near or mid-future. The Sub-Committee noted that the licensee did not accept any of the conditions put forward by the noise team. However, the licensee did offer a terminal hour of 10pm for the outside seating area.

The licensee submitted that the Sub-Committee should consider the Home Office guidance at paragraphs 11.17 and 11.23. The Sub-Committee noted the licensees' submission that because of the unprecedented times leading to the closure of the premises it would be appropriate to impose no further steps. The Sub-Committee noted that any detrimental financial impact that may result from its decision should be appropriate and proportionate to the promotion of the licensing objectives.

The Sub-Committee decided that some of the conditions suggested by the noise team should be implemented in order to promote the licensing objectives. The Sub-Committee concluded that the steps proposed would have a limited financial impact on the licensee and would address the concerns of the applicants. The Sub-Committee also decided that the conditions would only apply once the premises resumed operation.

The Sub-Committee decided it was reasonable and proportionate to add new conditions to provide a reduction in the hours of use of the outside area and minimise nuisance. The Sub-Committee concluded that these were appropriate and proportionate measures to ensure the promotion of the licensing objectives.

The meeting ended at 7.50 pm

CHAIR

Licensing Sub Committee B - 1 June 2020

Minutes of the meeting of the Licensing Sub Committee B held at by Zoom on 1 June 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham, Marian Spall and Nick Wayne

Councillor Phil Graham in the Chair

136 INTRODUCTIONS AND PROCEDURE (Item A2)

Councillor Phil Graham welcomed everyone to the meeting and introduced members of the Sub-Committee and officers. The licensing officer introduced the applicant's representative and the applicant. The procedure for the meeting was outlined.

137 APOLOGIES FOR ABSENCE (Item A3)

Apologies for absence were received from Councillors Cutler and Nathan.

138 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)

Councillor Nick Wayne substituted for Councillor Vivien Cutler and Councillor Marian Spall substituted for Councillor Matt Nathan.

139 DECLARATIONS OF INTEREST (Item A5)

There were no declarations of interest.

140 ORDER OF BUSINESS (Item A6)

The order of business would be as set out in the agenda.

141 MINUTES OF PREVIOUS MEETING (Item A7)

RESOLVED:

That the minutes of the meeting held on 29 April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

142 TAYER AND ELEMENTARY, 152 OLD STREET, EC1V 9BJ - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that the dispersal policy, a plan of the seating area, menus and press reviews had been circulated to members.

The licensee's representative stated that the applicant was one of the best mixologists in the world and the premises, which had opened in May 2019, served cocktails with snacks, meals or with a tasting menu. His business partner had introduced a policy on equalities and anti-bullying. The application was for one extra hour of trading on Thursday, Friday and Saturdays with general off sales and

also to an external seating area. The application for tables and chairs was currently on hold. He stated that the exception to the cumulative impact policy was found for the previous application for a new licence. This was a premises that supported people visiting the area during the day and to stay in the area in the evening as set out in the policy. The applicant had joined Pubwatch. There had been no representations from the responsible authorities. There would be 80 customers inside and 20 outside the premises. He stated that, as outlined in Licensing Policy 2, the applicant was able to demonstrate high standards of management and that the operation would not add to the cumulative impact. He asked that the Sub-Committee consider the principle of flexibility in the approach to licensing hours to minimise the impact of all customers leaving the premises at the same time. He stated that the dispersal policy had been circulated which had been approved by the licensing authority and the police and had taken into account the later hours. The review procedure was available to the resident and the Sub-Committee needed to consider whether the premises would add to the cumulative impact. There had been no issues that had arisen, either directly or indirectly, from the premises. The quietness of the area due to Covid 19 was a reason to grant in order to support the hospitality industry.

In response to questions the applicant stated that it was proposed that tables and chairs would be rendered unusable at 11pm. He stated that there had been no issues with customer behaviour inside since May 2019 and he considered that there was no reason that patrons would behave differently outside the premises. He advised that any off sales, except at the seating area, would be in sealed containers. He also advised that customers would not be permitted to drink outside except for at the seating area. The seating area would be on the Old Street side of the premises.

In summary, he advised that the premises was good for the community. He considered that condition 5 could remain as the original, although condition 13 would need to be amended to include the external seating area.

RESOLVED

- 1) That the application for a premises licence variation, in respect of Tayer and Elementary, 152 Old Street, EC1V 9BJ be granted to allow:-
 - a) the sale of alcohol, off supplies, from the start of permitted hours until 10 pm to persons sat at tables in the designated seating area.
 - b) To allow the sale of alcohol, off supplies from the start of permitted hours until 11pm in sealed containers to consume away from the premises.
 - c) To extend the permitted hours for the sale of alcohol (on supplies only), the provision of late night refreshment and the playing of recorded music by one hour from midnight until 1am on Thursdays, Fridays and Saturdays.

- d) To allow the premises to be open to the public for one extra hour on Thursday, Friday and Saturday until 01.30am.
- e) That conditions as detailed on pages 38 and 39 on the agenda shall be applied to the licence with the following amendments:-

Condition 13 on the current licence as detailed on page 39 of the report to read.

- Save for the external seating area, patrons permitted to temporarily leave and then re-enter the premises (eg to smoke) shall not be permitted to take drinks or glass containers with them.

An additional condition to read.

- All tables and chairs shall be taken out of use and rendered unusable by 22:00 hours.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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.

One local resident objection had been received. There had been no representations made by the responsible authorities. The Sub-Committee noted the local resident's concerns regarding a possible increase in noise, anti-social behaviour and littering.

The Sub-Committee heard evidence that the premises had been operating since May 2019 with no complaint or incidents. The Sub-Committee noted that an application had been made for a tables and chairs licence but this had not yet been decided. The Sub-Committee heard evidence that the premises fall within the exceptions set out in the cumulative impact policy including that they want to encourage people to come and stay in the area. The Sub-Committee noted the detailed dispersal policy provided by the premises and heard evidence in relation to the proposed use of an SIA door supervisor and the potential for staggered leaving times. The Sub-Committee noted that the tables and chairs would be on the Old Street side of the premises.

Licensing Sub Committee B - 1 June 2020

The Sub-Committee was concerned that allowing the outside tables and chairs to remain in use until 11pm, as applied for, could create a nuisance to residents in the area. The Sub-Committee balanced the amenity of residents with the needs of the business and concluded that, in all the circumstances, a condition requiring the tables and chairs to be rendered unusable by 10pm was the fairest balance between the residents and the business, particularly as the Sub-Committee was prepared to grant off sales in sealed containers for consumption off the premises until 11pm.

The Sub-Committee considered licensing policies 5 and 6 in relation to licensing hours and licensing policies 7 and 8 in relation to high standards of management.

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 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 and in the public interest.

The meeting ended at 7.15 pm

CHAIR

Report of: Service Director, Public Protection

Meeting of:	Date:	Ward(s):
Licensing Sub-Committee - B	30/06/2020	Clerkenwell

	Non-exempt
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SUBJECT: PREMISES LICENCE VARIATION APPLICATION RE: SAINSBURY'S, 91-93 CLERKENWELL ROAD, EC1M 4NU

1. Synopsis

1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.

1.2 The premises currently hold a licence allowing the following;

- The sale by retail of alcohol for consumption off the premises from 11:00 until 20:00 Monday to Sunday
- Opening hours from 07:00 until 23:00 Monday to Sunday

1.3 The variation is for the following;

- To extend the sale of alcohol from 08:00 until 23:00 Monday to Sunday.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No

Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes - 3
Other bodies	No

3. Background

- 3.1 The current premises licence has been in place since April 2015, when a new application was applied for and granted.
- 3.2 There have been no complaints made in relation to this premises.
- 3.3 The variation application is subject to three representations from local residents.
- 3.4 The premises is located within the Clerkenwell cumulative impact area, however, the hours fall within the Licensing Policy Framework Hours.

4. Planning Implications

- 4.1 The Planning Authority the property is not Listed, however it is located within the Clerkenwell Green Conservation Area.

The ground floor and basement unit of the property has an approved mixed use; Class A1 (Shops) / A3 (Café/Restaurant). An hours of opening condition only related to the A3 use.

There are no open enforcement cases in relation to the property.

5. Recommendations

- 5.1 To determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
- 5.2 These premises are not located in any Cumulative Impact Areas.
- 5.3 If the Committee grants the application, it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 4); and
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

6. Reasons for recommendations

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

Appendices:

- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representations
- Appendix 4: suggested conditions and map of premises location

Background papers:

None.

Final report clearance

Signed by:



Service Director – Public Protection

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

AGS/26508/1613

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Sainsbury's Supermarkets Ltd

* Family name

Sainsbury's Supermarkets Ltd

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

03261722

Business name

Sainsbury's Supermarkets Ltd

If the applicant's business is registered, use its registered name.

VAT number

- N/A

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

116,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises is a supermarket situated at 91-93 St John Street, London, EC1M 4NU.

The variation is to extend the hours for the sale of alcohol to 0800 to 2300 daily.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises sells other age restrictive goods.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None. The existing conditions will remain on the licence.

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The applicant is aware that the premises fall within a cumulative impact area.

The applicant believes that, due to the steps that it takes to promote the licensing objectives, the grant of the variation will not add to the cumulative impact referred to in the licensing policy.

b) The prevention of crime and disorder

As per existing conditions.

c) Public safety

As per existing conditions.

d) The prevention of public nuisance

As per existing conditions.

e) The protection of children from harm

As per existing conditions.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Winckworth Sherwood LLP"/>
* Capacity	<input type="text" value="Agent"/>
* Date	<input type="text" value="13"/> / <input type="text" value="05"/> / <input type="text" value="2020"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="AGS/26508/1613"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number		Date of original grant*	27 April 2015
--------------------------------	--	--------------------------------	---------------

**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
SAINSBURY'S			
91-93 ST JOHN STREET			
Post town	London	Post code	EC1M 4NU
Telephone number	020 7593 5155		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
<ul style="list-style-type: none"> The sale by retail of alcohol

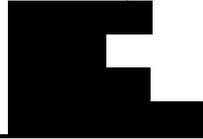
The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> The sale by retail of alcohol: <table> <tr><td>Monday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Tuesday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Wednesday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Thursday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Friday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Saturday</td><td>11.00</td><td>to</td><td>20.00</td></tr> <tr><td>Sunday</td><td>11.00</td><td>to</td><td>20.00</td></tr> </table> 	Monday	11.00	to	20.00	Tuesday	11.00	to	20.00	Wednesday	11.00	to	20.00	Thursday	11.00	to	20.00	Friday	11.00	to	20.00	Saturday	11.00	to	20.00	Sunday	11.00	to	20.00
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Friday	11.00	to	20.00																									
Saturday	11.00	to	20.00																									
Sunday	11.00	to	20.00																									

The opening hours of the premises:																												
<table> <tr><td>Monday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Saturday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Sunday</td><td>07.00</td><td>to</td><td>23.00</td></tr> </table>	Monday	07.00	to	23.00	Tuesday	07.00	to	23.00	Wednesday	07.00	to	23.00	Thursday	07.00	to	23.00	Friday	07.00	to	23.00	Saturday	07.00	to	23.00	Sunday	07.00	to	23.00
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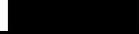
Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Sainsbury's Supermarkets Ltd

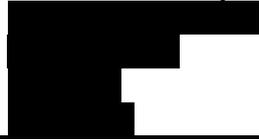


Registered number of holder, for example company number, charity number (where applicable)

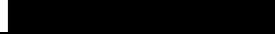


Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Kevin Richard Ayres



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol



Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. The licence holder shall ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors and the main alcohol display area and shall be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system shall display, on any recording, the correct time and date of the recording.
7. All cashiers shall be instructed to record in an incident book/register:
 - All incidents of crime and disorder occurring at the premises.
 - Details of occasions when the police are called to the premises.This book/register will be available for inspection by a police officer on request.
8. There shall be no external advertising of alcohol products in the shop windows.
9. Outside of permitted hours for the sale of alcohol, all alcohol within the trading area (this does not apply to the display behind the cashier counter) is to be secured behind locked shutters/screens/grills or secured behind locked cabinet doors.
10. There shall be no self-service of spirits except for spirit mixtures.
11. There shall be no sales of spirits in vessels of 30cl or less.
12. There shall be no sale of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
13. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).
14. The licence holder shall employ security guards at the premises if it, having regard to any advice from the police, considers it appropriate to do so.

15. The applicant shall at all times maintain adequate levels of staff and security. Such staff and security levels shall be disclosed, on request, to the licensing authority and police.
16. Signage shall be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
17. No deliveries, save for newspapers and magazines, shall be arranged to the premises between 23:00 and 07:00 hours.
18. No refuse to be placed outside the premises between the hours of 23:00 and 07:00 hours and no collections of refuse to be arranged between these hours.
19. The premises licence holder shall ensure that an age verification policy applies to the premises whereby all cashiers shall be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
20. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.Training records will be available for inspection by a police officer on request.
21. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - Details of the time and date the refusal was made;
 - The name of the staff member refusing the sale;
 - Details of the alcohol the person attempted to purchase.This register will be available for inspection by a police officer on request.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. None

Annex 4 – Plans

Reference Number: 4372G01-1 24.02.15

Jones, Carol

From: [REDACTED]
Sent: 09 June 2020 10:11
To: Licensing
Subject: WK/200014732

Follow Up Flag: Follow up
Flag Status: Flagged

To Licensing Team,

Re: Sainsbury's Ground Floor, 91-93 St John Street, Islington, London, EC1M 4NU

I am writing to you with regards to Sainsbury's premises licence application.

I am against this variation for reasons you have stated. St John Street is not just a commercial Street but very much a residential street. At night the streets around Fabric and Reina are full of people drinking and having a good time. Unfortunately this tends to bring all the bad stuff that comes with it. Public urination, litter, crowds, noise and we are in a world where people are looking for cheaper options. Sainsbury's extending their hours brings the night/early morning crowds further up towards more residential addresses. The alley beside us has had human excrement and broken bottles in it. I find myself looking over my shoulder walking from the tube towards my flat and don't wish for more people getting boozed up before continuing on their night just in front of mine and neighbours front doors.

We don't have a large police presence in the area as it is quiet with its residents especially at the weekends. Fabric is policed by their own security, trying to move on people. Why does Sainsbury's need to serve booze at 8am Saturday and Sunday? They want to take advantage of the nightlife which is just controlled and as residents we appreciate the work of the clubs and council in doing so.

Sainsbury's on opening said they are servicing the lunch crowd. Why does the lunch crowd want booze at 8am right up to 11pm? They have closed for the pandemic. It has not escaped us the timing of this application. They do not care for the neighborhood and its residents.

Thank you for your time,

[REDACTED]

Jones, Carol

From: [REDACTED]
Sent: 10 June 2020 21:38
To: Licensing
Subject: Ref: WK/2000114732 - Objection to Premises Licence Variation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Licensing team

I am writing to register my objection to the application for a premises licence by Sainsbury, Ground Floor, 91-93 St John Street, Islington, London, EC1|M 4NU. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

St. John Street lies within the Council's Cumulative Impact Area, and enabling more premises to sell alcohol for longer hours would be detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption off the premises between 8:00 and 23:00, seven days a week, instead of the present 11:00 -20:00. Granting a licence extension would provide a further source of alcohol for longer hours within an area already heavily populated with licensed premises. This will promote disorder and public nuisance, which have already reached problem levels, notably late at night and early morning on Saturdays and Sundays, up to around 11:00 when people come out of Fabric, under the influence, and cause nuisance, fights, threatening behaviours, and other problems. Adding an additional source of alcohol would no doubt contribute to fuelling these issues further.

Residents in this area also suffer noise nuisance and antisocial behaviour late at night. as well as early morning at the weekend.

Extending the license hours will allow people seeking cheaper alcohol at night before and after going to local alcohol-serving premises (bars, and clubs) with more expensive alcohol.

I would also urge the Committee to consider the reasons why this variation has been submitted,; nothing to my knowledge has changed since the original application that should warrant such a change in the license hours: on the contrary more places have opened locally and therefore have been added already sufficient sources of alcohol at many hours to the area,

As an additional note, it is also clear that this application isn't motivated by improving the convenience shopping of the local community as Sainsbury's has displayed none such interest during the hard times of COVID lockdown and promptly closed the premises, denying the local residents from a much-needed source of convenience shopping, which has been scarce and alternatives crowded as well as missing stock during these difficult times.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

[REDACTED]

Jones, Carol

From: [REDACTED]
Sent: 01 June 2020 16:13
To: Licensing
Subject: Increased Licensing hours Sainsburys 91-93 St Johns Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Licensing

Re Ref WK/200014732 Licensing extension for Sainsburys 91-93 St Johns Lane

I am a resident at [REDACTED], and I wish to submit a representation objecting to the extending of this license for the sale of alcohol for consumption off premises on the grounds of **public nuisance**

Please consider the following points:

(1) History

Applications have previously failed due to public nuisance issues and risk. Sainsbury's submitted its first application for a license in February 2013 when the store opened, and licensing was not approved at this time at that time, due to a considerable pressure in the area, due to alcohol related anti-social behaviour. They re-applied in April 2015 and a limited licence was agreed to sell alcohol between 11:00 to 20:00.

(2) Local Nuisance Issues

I do not see the reason to extend this given the previous restrictions given the anti-social behaviour and pressure still exists. As noted in the Council's own the "Licensing Policy 2013-2017" document, Clerkenwell is now "saturated with licensed premises". The pressures in the area if anything has worsened since the hours of La Reine nightclub have been extended overnight and into the following morning and Fabric has re-opened.

(see below)

The restricted hours seem to have worked however as the store is not seen as an unrestricted source of alcohol and therefore hasn't attracted anti-social behaviour late at night or early in the morning. The existence of Tesco and Waitrose further up the road should be an argument against Sainsburys application rather than for it, as there is enough provision nearby and leads people away from the immediate area to disperse.

(3) The Setting

The premises are adjacent to Passing Alley which is a narrow pedestrian walkway between St John's Street and St. John's Lane next door to the applicant's premises. The alley runs through an area densely populated with residential flats. If encouraged, people loiter there, urinate, have loud conversations and worse! Sainsburys did install CCTV there but I am not sure this is ever referred to by Sainsbury's or deters passers-by.

Sainsburys and Passing Alley are close to the Fabric nightclub and other clubs in the Smithfield which frequently cause anti-social behaviour in the area especially early on Saturday and Sunday mornings when there are frequently intoxicated people wandering around causing nuisance. I have complained to Islington council about this within the last year. Having access to alcohol pre and post club in the area will cause people to gather in

the passing alley area causing considerable noise disturbance due to the acoustics of the surrounding buildings.

In summary I appreciate the efforts Sainsburys has made their store work in the sensitive area to date but feel this extension to licensing will upset the present balance given the local stresses re alcohol as explained

Kind regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Suggested conditions of approval consistent with the operating schedule**As per the conditions of the existing premises licence, see below**

1. The licence holder shall ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system shall incorporate a camera covering each of the entrance doors and the main alcohol display area and shall be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
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10. There shall be no self-service of spirits except for spirit mixtures.
11. There shall be no sales of spirits in vessels of 30cl or less.
12. There shall be no sale of single cans of beer, lager or cider from the premises and no sales of single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
13. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).
14. The licence holder shall employ security guards at the premises if it, having regard to any advice from the police, considers it appropriate to do so.
15. The applicant shall at all times maintain adequate levels of staff and security. Such staff and security levels shall be disclosed, on request, to the licensing authority and police.
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18. No refuse to be placed outside the premises between the hours of 23:00 and 07:00 hours and no collections of refuse to be arranged between these hours.
19. The premises licence holder shall ensure that an age verification policy applies to the premises whereby all cashiers shall be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark

or other form of identification that complies with any mandatory condition that may apply to this licence.

20. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

21. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- Details of the time and date the refusal was made;
- The name of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer on request.



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