

Licensing Sub Committee B - 24 November 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 24 November 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham, Sheila Chapman and Marian Spall.
Also **Councillors:** Michael O’Sullivan
Present:

Councillor Phil Graham in the Chair

208 INTRODUCTIONS AND PROCEDURE (Item A1)

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

209 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Vivien Cutler and Matt Nathan.

210 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

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

211 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

212 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

213 ESSEX SUPERMARKET, 360 ESSEX ROAD, N1 - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that the hearing submissions from the applicant and a letter of support from 22 residents had been forwarded to the Sub-Committee. These would be interleaved with the agenda papers.

The applicant’s agent stated that the premises was purchased in September and was run by a family who had been experienced licensees since 2008. They had previously run a Nisa and a Londis store in the Borough. The hours proposed were agreed following discussion with the police. This was a convenience store giving the opportunity for customers to buy all goods under one roof. It was not alcohol led, with around 15% of the space dedicated to alcohol. They did not expect a huge increase in footfall but hoped that existing customers would purchase more when shopping. They had worked with the police and the noise team and agreed a

number of conditions including one which stated that the previous owner would take no part in the running of the business. He understood that there had been a concern about how it had been run previously and stated that the applicant had no link with the previous owner. There had been 8 representations from interested parties. Concerns had been raised regarding need which was not a licensing consideration, the previous revocation, which was not related with these new licensees and also business rivalry. There were a number of noise conditions which dealt with public nuisance. The licensee could not be held responsible for the drunken behaviour of patrons from other premises. He noted the concern regarding underage drinking but stressed that these were experienced operators who had not had any issues previously. They would operate Challenge 25. The applicant was experienced in the business in the local area and would operate a responsible outlet. The agent summarised that the premises was not alcohol led, alcohol was only part of the grocery option, extensive conditions had been agreed, there had been no responsible authority representations and the applicant was committed and had invested in the local area. This was a robust application and he invited the Sub-Committee to grant the application.

In response to questions, the applicant stated that he was the designated premises supervisor and his brother and cousin were currently taking their personal licence exam. One of them would be in the store. They would have staff refresher training on Challenge 25 every six months. Should a customer enter who looked under 25 they would be challenged. If they could not provide ID they would be refused alcohol and the refusal book completed. They expected local customers to be shopping early from 7am. They were not intending to sell high strength alcohol over 6% ABV. They could have a minimum can policy. The agent also stated that, regarding the 7am opening time, the police had not raised any concerns regarding this time and he referred to the Home Office guidance which stated that the sale of alcohol hours should be the same as trading hours unless there was a police concern. Where hours differed it would mean shutters would need to be installed. The applicant had obtained his personal licence about two years before and taken a refresher course one year before.

In summary, the applicant's agent stated that the aim was to sell a variety of groceries to bring them in line with supermarkets. Customers expected to see alcohol in independent shops.

RESOLVED

- 1) That the application for a new premises licence, in respect of Alternative Supermarket, 360 Essex Road, N1 be granted to allow the sale of alcohol, off sales, from 7am until 11pm Monday to Sunday.
- 2) Conditions detailed on pages 34 to 37 of the agenda shall be applied to the licence with the following additional conditions.
 - No beers, lagers or ciders of above 6% ABV shall be sold at the premises.

Licensing Sub Committee B - 24 November 2020

- No spirit miniatures or other bottles at or below 33cl shall be sold from the premises at any time.
- Single cans of beer shall not be sold.

REASONS FOR DECISION

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

This was an application for a new off premises licence for the sale of alcohol within the supermarket from 7am to 11pm Monday to Sunday. This to correspond with the opening hours of the business.

The Sub-Committee considered all the application papers, the written submissions from the applicants representative and residents and one business together with the verbal submissions made at the hearing by the Applicants representative and answers to specific questions put by the Sub-Committee to the applicant.

No residents were present at the hearing. The Sub-Committee noted and fully considered the residents' concerns regarding potential crime and anti-social behaviour.

There were no representations in relation to this application from any of the Responsible Authorities. The applicant and representative had engaged with the Responsible Authorities prior to the hearing and had agreed conditions with the Noise Team and Police. The Sub-Committee further noted that the Applicant had written to all objectors that had made submissions to directly address some of their concerns.

The Sub-Committee noted that the premises did not fall within a cumulative impact area.

The Sub-Committee noted that the premises had previously had a licence which had been revoked due to breaches of conditions by the previous owner. However the Sub-Committee accepted representations from the applicant that the present owners of the business (purchased in September 2020) had no connection whatsoever with the previous owners.

Although the hours sought for an off licence premises (7am to 11pm, Mondays to Sundays) were one hour earlier than those recommended in the Licensing Policy Framework Hours (Licensing Policy 6), it decided to grant permission for that earlier hour, as the reason put forward for the additional hour was that it overlapped with the opening hours of the premises. If the business was not permitted to sell alcohol for the first hour of opening each day, it would mean locking up the alcohol shelves for one hour each day. The Sub-Committee noted further that the Police had agreed with the applicant for the premises to open at 7am. The Sub-Committee concern for who might purchase alcohol at 7am could be dealt with by adding a conditions in relation to the strength of alcohol that would be permitted for sale. In addition, the

Licensing Sub Committee B - 24 November 2020

applicant informed the Sub-Committee that he would not be selling alcohol above 6% ABV.

The Sub-Committee concluded that granting the application for the hours sought with the conditions, including the additional conditions in relation to the permitted strength of alcohol, would promote the licensing objectives and was reasonable and proportionate.

The meeting ended at 7.00 pm

CHAIR