

London Borough of Islington

Licensing Sub Committee C - 3 August 2021

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 3 August 2021 at 6.30 pm.

Present: **Councillors:** Alice Clarke-Perry, Ben Mackmurdie and Angelo Weekes

Councillor Alice Clarke-Perry in the Chair

- 115 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Alice Clarke-Perry welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 116 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 117 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 118 **DECLARATIONS OF INTEREST (Item A4)**
None.
- 119 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 120 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 3 June 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 121 **HIGH GROUND, 286 UPPER STREET, N1 2TZ - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that conditions had been agreed with the police and noise service and there were two resident representations remaining. A letter from the applicant had been circulated to the residents but no response had been received.
- The applicant's representative stated that this was a coffee retail business which sold coffee, pastries, cakes and fresh sandwiches and wished to sell alcohol in addition to their core business. Wine would be served with small platters and some craft beer or cocktails. There would be no draught beers and the price point for

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wine would be quality over quantity. Coffee was the core element of the business and wine was ancillary. The applicant stated that they had been running a premises in Ealing for thirteen years which was also in a cumulative impact zone. Wine was an interest of theirs and they wished to familiarise their customers with different wines. The applicant's representative referred the Sub-Committee to the Licensing Policy and paragraph 3.47 which stated that exceptions to the cumulative impact policy could be small premises and which were not alcohol led. This premises had a 35 capacity inside, and possibly 6 outside with a 15% alcohol display area, which had been agreed with the police. The hours fell within the policy framework hours. The objectors had been concerned with the noise disturbance however, this was a coffee shop and music would be background only and he invited the Sub-Committee to grant the application.

In response to questions, it was noted that rent was high in this area and additional sales from alcohol would be welcomed. This was the same business model as the premises in Ealing. This was a small café with a small preparation area and it was not the intention to run the premises as a restaurant. Price point for off sales of bottles of wine would be between £15-£25. Clientele were mainly couples. Most of the seating was in the basement with 10 covers upstairs. A dispersal policy could be provided if required, although it was not that kind of venue. On sales would commence at 11am. Off sales were requested for 8am as customers who came in for coffee in the morning may take away one or two bottles to have at home in the evening. These hours were within framework hours. The floor above was concrete which would reduce noise escape. There would be no vertical drinking and alcohol would only be supplied to those seated at a table. It was a small premises and there was no room for vertical drinking. The applicant stated that he would not want the atmosphere of a bar.

In summary, the applicant's representative that the 8am start time for off sales was a matter for the Sub-Committee but he asked that they consider the submissions made. He stated that this would be a good asset to the area and alcohol would be ancillary to the business.

RESOLVED

- 1) That the application for a new premises licence, in respect of High Ground, 286 Upper Street, N1 2TZ be granted to allow:-
 - a) The supply of alcohol, for off sales from 8:00 until 22:00 hours Monday to Sunday and for on sales from 11am to 10pm Monday to Sunday.
 - b) The premises to be open to the public from 7:00 hours until 22:30 hours Monday to Sunday.
- 2) That conditions detailed on pages 40-42 of the agenda be applied to the licence.

REASONS FOR DECISION

This meeting was facilitated by Zoom.

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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.

The Sub-Committee took into consideration Licensing Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Two local resident objections had been received, however, none of the objectors attended. The Sub-Committee noted the letter sent on behalf of the applicant. Conditions had been agreed with the police and the noise team. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. During the hearing it appeared that the applicant was seeking an off licence from 8am but an on licence from 11am. The Sub-Committee was satisfied that these hours would promote the licensing objectives and were appropriate. The applicant explained that the reason for the earlier hour for off sales was that customers taking coffee from 8am sometimes wished to purchase a bottle of wine to take away for later consumption at home.

The Sub-Committee heard evidence that there was no vertical drinking and customers would have to be seated. A maximum of 35 people could be accommodated inside over two floors with the potential for six customers seated outside. There was a concrete ceiling which would absorb noise. There would be background music only. The applicant did not expect that the premises would be operating at full capacity all the time and the price of wine would be likely to restrict intake. The applicant said that this was a coffee shop, he did not want rowdy premises and alcohol was ancillary to the main business of selling coffee beans and providing food which would consist of sandwiches made on the premises and locally sourced pastries.

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Although the premises were in the Angel and Upper Street cumulative impact area the Sub-Committee was satisfied that the application fell within the exception listed in paragraph 3.47 of the licensing policy. There was a comprehensive operating schedule. These premises were not alcohol led, there was a capacity of less than 50 persons and the hours of operation were consistent with the framework hours.

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 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.

The meeting ended at 7.10 pm

CHAIR