

Licensing Sub Committee C - 24 February 2022

Minutes of the meeting of the Licensing Sub Committee C held via Zoom on 24 February 2022.

Present: **Councillors:** Clarke-Perry, Mackmurdie and Weekes

Councillor Clarke-Perry in the Chair

- 132 **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.
- 133 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 134 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 135 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 136 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 137 **MINUTES OF PREVIOUS MEETING (Item A6)**
That the minutes of the meeting held on 16 December 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 138 **THE BLACK OLIVE, 5 CHARTERHOUSE BUILDINGS, GOSWELL ROAD, EC1M 7AN - NEW PREMISES LICENCE (Item B1)**
The licensing officer introduced the applicant and applicant's representative. She stated that three resident representations had been made but no residents were in attendance. Conditions had been agreed with the noise team and the police.

The applicant's representative stated that the premises would be operating as a café. The off licence was being sought to cover deliveries and takeaways and alcohol would only be sold for consumption off the premises with a food order.

In response to a concern raised in one of the resident representations about the premises being open until 11pm, the applicant's representative stated that several premises in the area were open until 11pm or later and in the City of London there were few places open in the evening for residents.

In response to questions from members, the applicant's representative confirmed that alcohol would only be delivered with a food order and measures such as a training manual, alcohol not being sold without food and a refusals book would be in place. Delivery companies would only be used if they had procedures and policies in place for dealing with deliveries of alcohol.

DECISION

- 1) That a new premises licence in respect of The Black Olive, 5 Charterhouse Buildings, Goswell Road, EC1M 7AN be granted to allow:
 - a) the sale of alcohol, on and off the premises, Monday to Sunday from 9am until 11pm.
 - b) the playing of recorded music, Monday to Sunday, from 9am to 11pm
 - c) the premises to be open to the public, Monday to Sunday from 7am to 11pm.
- 2) That conditions detailed on pages 36 to 39 of the agenda be applied to the licence.

REASONS FOR DECISION

This meeting 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 operating 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Three local resident objections had been received. The sub-committee noted that conditions had been agreed with the noise team and the police.

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

The Sub-Committee heard evidence that the premises would be operating as a café and that the off licence was sought to cover deliveries and takeaways and that alcohol would only be sold with a food order for consumption off the premises.

The Sub-Committee noted the concerns of residents in respect of street drinking and late night noise but was satisfied that with the conditions agreed by the applicant, especially the conditions in respect of deliveries, the premises would not add to the cumulative impact in the area.

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.

139 **ALANDS INTERNATIONAL MARKET, 621 HOLLOWAY ROAD, N19 5SS - PREMISES LICENCE REVIEW (Item B2)**

The licensing officer introduced all parties. She stated that additional documents from the licensee had been circulated and that on 24 February 2022 an application had been made to transfer the licence.

The Trading Standards officer reported that this review had been brought following a visit to the premises on 2 August 2021 during which a large quantity of illicit tobacco and cigarettes were found on the premises. The cigarettes and tobacco were not in plain packaging and had been hidden in a sophisticated way in the till as well as in a bread bin and behind the counter. Nearly 200 packs of 20 cigarettes were found. The Trading Standards officer suggested that this would indicate sales of illicit cigarettes and tobacco had been occurring for some time and the management did not expect this to be discovered.

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The Trading Standards officer stated that the person in charge of the premises at the time of the visit said that she did not work there and was only looking after the shop, but this seemed implausible as she knew her way around the shop. She would not give her details to the officer.

The Trading Standards officer stated that the DPS for the premises claimed to have no knowledge as to what had happened because she had been away, which again seemed implausible. The Trading Standards officer confirmed that they had zero confidence in the DPS, who had applied for the licence to be transferred to her, and that in the view of Trading Standards, the licence should be revoked.

The Police advised that they first became aware of the current management of the premises in May 2020, but none of the proper notifications had been given. The management had been encouraged to engage with the Police and the licensing officers. The Police visited the premises again in November 2020 and again encouraged the management to engage with responsible authorities. In January 2021, the licence was transferred to Alands International Market Limited but it was noted that the premises was not being run in accordance with the licence and the management was encouraged to seek a variation. In March 2021, the DPS changed to the current DPS after she obtained her personal licence. The DPS was again encouraged to seek a minor variation. When the minor variation application was eventually made it was rejected as it included an attempt to extend the operating hours to 2am. The Police again asked the DPS to put in a variation request but this was not done.

The Police stated they had asked for CCTV footage to be submitted which was in line with a condition of the licence. However management had stated that the CCTV was not working and so they were unable to provide footage. Management were also unable to provide the full name of the person in charge of the premises at the time of the Trading Standards visit. Management had failed to engage with the Police since. The Police stated they had no confidence that the premises was under good management or complying with the current licence and that they fully supported the Trading Standards review and request for the licence to be revoked.

The Licensing Authority stated that the premises was not demonstrating the high standards of management expected from licence holders. The Licensing Authority fully supported the review and that the licence should be revoked.

In response to questions, the Trading Standards officer expressed the view that moving forward with the current premises management was not possible as they did not admit that they had done anything wrong, a large amount of illicit cigarettes and tobacco had been found, the management had been unwilling to co-operate in the investigation and Trading Standards had no confidence in the management.

The DPS stated that she was not at the premises at the time of the Trading Standards visit and that it was not her fault that illicit cigarettes had been found. The DPS stated that she knew the rules, that it was her mistake to not be present but she had problems and she had left it to her partner to arrange for cover at the

premises. The DPS confirmed that she had spoken on the phone to the woman who had been left in charge of the premises and had explained to her the rules.

In response to a question, the DPS stated that Aland International Market was no longer active. She had not realised she needed to apply for a transfer of the licence until she spoke to the licensing officer. She had now applied. She stated that Aland International Market had issues with payments and had closed quickly.

In response to questions, the DPS stated that she knew that she had to check for ID and give training to staff if she was going to be absent from the premises. She stated that she told the staff everything she had learnt from the personal licence course. She admitted that the CCTV was not working at the time of the visit (or when the premises was burgled on 15 August 2021) but stated that a new company would be coming in every 30-40 days to refresh, check and add memory to the CCTV system.

In summary, the Trading Standards officer stated they had no confidence in the DPS and were concerned about a lack of integrity. The Police stated the importance of operating in accordance with the conditions of a licence and whilst it was acknowledged that technical errors could occur with CCTV, there was no reason why the management did not respond to the Police in 6 months and not making variations where necessary, demonstrated a lack of respect for the Local Authority, Trading Standards and Police. The Licensing Authority stated that the DPS had not explained how the illicit cigarettes and tobacco came to be on the premises, there had been poor management and management had not complied with conditions. In summary, the DPS stated that there had been small omissions but this had not been her intention.

RESOLVED:

That the premises licence in respect of 621 Holloway Road, N19 5SS be revoked.

REASONS FOR DECISION

This meeting 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 heard evidence from the Trading Standards officer that a review had been brought following a visit to the premises during which a large quantity of illicit tobacco and cigarettes were found on the premises. The cigarettes and tobacco were not in plain packaging and had been hidden in a sophisticated way in the till. The person in charge of the premises at the time of the visit said that she did not work there and was only looking after the shop, but this seemed implausible as she knew her way around the shop. The DPS for the premises

claimed to have no idea as to what had happened because she had been away, which again seemed implausible. The Trading Standards officer confirmed that they had zero confidence in the DPS, who had applied for the licence to be transferred to her, and that in the view of Trading Standards, the licence should be revoked.

The Sub-Committee heard evidence from the police that they first became aware of the current management of the premises in May 2020, but none of the proper notifications had been given. The management had been encouraged to engage with the police and the licensing officers. The police visited the premises again in November 2020 and again encouraged the management to engage with responsible authorities. In January 2021, the licence was transferred to Alands International Market Limited but it was noted that the premises was not being run in accordance with the licence and the management was encouraged to seek a variation. In March 2021, the DPS changed to the current DPS after she obtained her personal licence. The DPS was again encouraged to seek a minor variation. When the minor variation application was eventually made it was rejected as it included an attempt to extend the operating hours to 2am. The police again asked the DPS to put in a variation request but this was not done.

The Sub-Committee heard further from the police that the premises was unable to provide CCTV footage, despite this being a condition of the licence. Management were also unable to provide the full name of the person in charge of the premises at the time of the Trading Standards visit. Management had failed to engage with the police since. The police had no confidence that the premises was under good management or complying with the current licence and fully supported the Trading Standards review and decision to ask for revocation.

The Sub-Committee heard evidence from the Licensing Authority that the premises was not demonstrating the high standards of management expected from licence holders. The licensing authority fully supported the review and that the licence should be revoked.

The Sub-Committee noted that Trading Standards, in response to questions, expressed the view that moving forward with the current premises management was not possible as they did not admit that they had done anything wrong.

The Sub-Committee heard evidence from the DPS that she was not at the premises at the time of the Trading Standards visit and that it was not her fault that illicit cigarettes had been found. The DPS stated that she knew the rules, that it was her mistake to not be present but she had problems and she had left it to her partner to arrange for cover at the premises. The DPS confirmed that she had spoken on the phone to the woman who had been left in charge of the premises and had explained to her the rules. In response to questions the DPS stated that she knew that she had to check for ID and give training to staff if she was going to be absent from the premises. She stated that she told the staff everything she had learnt from the personal licence course. She admitted that the CCTV was not working at the time of the visit but stated that a new company would be coming in every 30-40 days to check.

The Sub-Committee was concerned that the premises management fell far short of the high standards required of licence holders in the borough. The DPS had not demonstrated any awareness of the current conditions on the licence or Islington's licensing policies. The DPS had failed to give a satisfactory explanation with regard to the large quantity of illicit tobacco products found on the premises, nor had the DPS been able to properly explain who had been in charge of the premises on the day of the visit or why she had been unable to even provide the person's name. There had been a worrying lack of engagement with responsible authorities dating back to well before the review was sought.

The Sub-Committee concluded that the failures at the premises could not be remedied by the imposition of further conditions as it was not clear that current conditions were being complied with. The Sub-Committee had been informed that Alands International Market Limited had dissolved and that the DPS was seeking a transfer of the licence to her company. In these circumstances, the Sub-Committee concluded that the removal of the DPS would not promote the licensing objectives. The Sub-Committee noted that Trading Standards was of the view that little could be done to work with the current management moving forward, and so concluded that revocation of the licence was necessary to promote the licensing objectives.

The Sub-Committee concluded that in light of the seriousness of the breaches of the licence, the quantity of illicit tobacco products found, the manner in which they were hidden and the management's failure to engage with responsible authorities, it was necessary and proportionate to revoke the licence in order to promote the licensing objectives.

The meeting ended at 7.37 pm

CHAIR