

London Borough of Islington

Licensing Sub Committee C - 17 September 2024

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 September 2024 at 6.30 pm.

Present: **Councillors:** Joseph Croft, Asima Shaikh and Angelo Weekes,

Councillor Angelo Weekes in the Chair

116 INTRODUCTIONS AND PROCEDURE (Item A1)

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

117 APOLOGIES FOR ABSENCE (Item A2)

None.

118 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

119 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

120 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

121 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 25 July 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

122 BODEGARE, 11 HERCULES STREET, N7 6AT - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that no further information had been circulated.

The applicant's representative stated that the applicant was not available to come to the hearing as he was in Spain. He stated that he had responded to the interested parties who thought that the premises would be an off licence but had advised that this would be a storage unit. Sales were by Amazon and deliveries were made by DHL and other certified delivery drivers. They had received no response from the interested parties. He had addressed all their main concerns in the letter. The police and the noise team had withdrawn their representations following conditions being agreed such as the addition of CCTV. He considered that all issues had been addressed and that the application should be granted. His client had spent money on the business and hoped to carry it on over many years.

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In response to questions, the applicant's representative stated that the business was online and mainly sold high end red wine. Sales were through Amazon and would be sent to supermarkets and also directly to customers. Challenge 25 was adhered to and drivers also were trained. There would not be a large volume but there might be a few cases to the supermarket or individuals a few bottles. The unit was not yet open. Vans would be used the majority of the time but pallets were not used. The delivery and management plan would be lodged with the Licensing Authority and this was a proposed condition. There would be no outside advertising. For security purposes there was an internal lobby, there would be CCTV and a security alarm. There would be two staff at all times. The quantity and frequency of deliveries could be considered in the management plan and could be minimised. The applicant's representative stated that he was sure that the applicant would agree to an end time of 9pm and it was up to the Sub-Committee. He stated that delivery drivers would be in and away quickly to prevent public nuisance. Staff would instruct them where to pick up and be waiting for delivery drivers to ensure there was a minimum disturbance.

In summary, the applicant's representative stated that he had dealt with the main objections and would meet all conditions proposed. The management plan would need to be produced before the premises could be used. The two resident objectors had not written back in response. The noise and police team had withdrawn. The applicant was a good businessman and he would make sure he complied with the law and conditions.

RESOLVED

- 1) That the application for a new premises licence, in respect of Bodegare, 11 Hercules Street, N7 6AT be granted to allow the sale of alcohol, for consumption off the premises Mondays to Saturdays from 8am to 9pm and on Sundays from 8am to 8pm.
- 2) That conditions detailed on pages 40 to 42 of the agenda be applied to the licence with the following amended conditions.
 - All Collections of alcohol from the premises must be undertaken in accordance with a Product Delivery and Collection Management Plan lodged with the Licensing Authority, which the applicant must produce before the premises is used to store or supply alcohol. The Product Delivery and Collection Management Plan shall include rules and procedures to promote the Prevention of Public Nuisance Licensing Objectives. That the management share this document in person within 10 working days.
 - 3a to read. Couriers of delivery agents will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or person who is drunk and delivering alcohol to someone under the age of 18. The licensee shall ensure that any delivery service employed to facilitate the delivery of alcohol has an adequate proof of age scheme in place such as Challenge 25, to be undertaken at the point of delivery to any customer. Staff shall also be trained in working with delivery companies on how to support their drivers on how to mitigate public nuisance.
 - Management to display contact details in the window of the premises for residents should there be any issues.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act

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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 does not fall within a cumulative impact area and therefore the rebuttable presumption in Licensing policy 3 does not apply.

Two local resident objections had been received. The representations made by the Police and Environmental Health were withdrawn following the Applicant agreeing to conditions suggested by these responsible authorities.

The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard from the Licensing Officer who confirmed that there was nothing further to add from the application. The evidence from the Legal Representative from the Applicant that was that the Applicant was currently in Spain and that the details of the representations made by the residents were incorrect as the business is in fact a storage unit. The Legal representative confirmed that there was no response to the letters they sent to the residents and that the recommendations from the police and environmental health will be carried out and this is why they withdrew their objections. The legal representative added that he believes section 18 of the Licencing Act 2003 states that if you address all the concerns of the responsible authorities as well as the representations put by the residents and there was no need for hearing. He confirmed that the applicant has 'bent over backwards' to get the business and the applicant hopes to carry this on for years.

The Sub-Committee heard evidence about the regularity of deliveries and the type of business this was. Evidence was heard about the fact that this was for the sale of high-end wines to supermarkets or direct to customers through suppliers such as UPS or DHL.

The Sub-Committee heard evidence on how the Applicant intends to prevent crime and noted that the Applicant has agreed to the conditions imposed by the Police and that there will be two members of staff during business hours.

With regard to business hours, the Sub-Committee heard evidence that deliveries from the premises will be from 08:00 – 22:00 but the applicant is willing to agree to alternative times that the Sub-Committee see fit upon the Sub-Committee's enquiry as to why last collections at 22:00 are reasonable.

The Sub-Committee noted that the pending production of the Product Delivery and Collection Management Plan will have to be approved by the Licensing Authority before Deliveries and Collections can take place.

Note of the Sub-Committee

The Sub-Committee was disappointed that neither the owner or the management of the premises were in attendance at the hearing to respond to questions.

The meeting ended at 7.25 pm

CHAIR