

London Borough of Islington

**Licensing Sub Committee A - 18 December 2018**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 18 December 2018 at 6.30 pm.

**Present:**           **Councillors:**       Poole (Chair), Ngongo (Vice-Chair) and Mackmurdie  
**Also**               **Councillor:**       Lukes  
**Present:**

**Councillor Gary Poole in the Chair**

**31        INTRODUCTIONS AND PROCEDURE (Item A1)**

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

**32        APOLOGIES FOR ABSENCE (Item A2)**

None.

**33        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**34        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**35        ORDER OF BUSINESS (Item A5)**

The order of business would be B2, B1, B3, B4 and B5.

**36        MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 16 October 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**37        MARKS AND SPENCER, HILL HOUSE, 17 HIGHGATE HILL, N19 5NA - NEW PREMISES LICENCE APPLICATION (Item B1)**

The licensing officer advised that further conditions had been proposed and circulated to members. He advised that the applicant had reduced the hours requested and was no longer applying to commence the sale by retail of alcohol, off supplies from 07:00 each day during November and December. He stated that the application was in a cumulative impact area. The licensing authority was not asking for the application to be refused but did not consider that the standard opening hours should be waived.

The police stated that the applicant had been asked to provide their cumulative impact zone policy in their application and had not done this. No justification had been made for the hours requested being outside framework hours.

## Licensing Sub Committee A - 18 December 2018

The applicant's legal representative stated that Marks and Spencer was no longer requesting non-standard timings from 7am in November and December. He explained that usually Marks and Spencer applied to open and sell alcohol from 6am but was requesting 8am due to the premises being in a cumulative impact area and the recognition that there were issues in Archway. However, he stated that 8am was appropriate given the nature and character of Marks and Spencer and the customer base. As an example, he explained that the cost of 2 litres of cider from Marks and Spencer would be £6.80 and as a result Marks and Spencer did not have a problem with street drinkers and his view was that customers should not be disadvantaged by reduced hours. He also advised that the framework hours were guidelines only. To address concerns, he proposed that it could be conditioned that the licence was only valid while the licence was held by Marks and Spencer.

The applicant's legal representative explained that there were other branches of Marks and Spencer at Finsbury Pavement, Chapel Market and Holloway Road. The Holloway Road branch was closing as part of a programme to close 100 non profitable stores in the next two years and most of the staff would transfer to the Archway branch, therefore the number of stores in the borough would remain the same. He advised that there were no planning conditions restricting deliveries and alcohol was delivered with the rest of the produce on trolleys with rubber wheels to minimise disturbance. Staff would keep the area outside the store clear of litter.

In response to concerns from members about the protection of children from harm, the applicant's representative commented that Marks and Spencer invested in due diligence and the training of staff, operated a Challenge 25 policy, placed notices on displays, on staff badges and had reminders on till screens when customers bought alcohol. He stated that due to the level of diligence, greater challenge and the pricing of products, underage sales was not an issue faced by the store.

In response to members' concerns about the quality of the application, the applicant's representative stated that High Court authority stated that it was the decision of the applicant what to put in the application. He also stated that some authorities added conditions to all points put in the operating schedule which was considered unnecessary as Marks and Spencer was able to operate well without unnecessary conditions.

In summary, the licensing authority stated that the additional conditions were welcomed, however core hours were preferable.

In summary, the police stated that no justification had been made for the application for out of core hours, the area was saturated with licensed premises and there was a hospital and schools in the area.

In summary, the applicant's representative stated that the nature of the shop was a relevant consideration.

### **RESOLVED:**

That the application for a new premises licence in respect of Marks and Spencer, Hill House, 17 Highgate Hill, N19 5NA be granted

- 1) To allow the sale by retail of alcohol, off supplies, from 09:00 until 23:00 Monday to Sunday; and

## Licensing Sub Committee A - 18 December 2018

- 2) The premises to be open to the public from 06:00 to 23:00 Monday to Sunday.

Conditions detailed on pages 32 - 34 of the agenda would be applied to the licence as would the additional agreed conditions as set out below:

- 1) No super strength beers, lagers, ciders or spirit mixtures above 5.6%ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders supplied in glass bottles.
- 2) All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises or within the vicinity of the premises.
- 3) No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.
- 4) No miniature bottles of spirits below 30cl shall be sold from the premises except where it is a mixed spirit with a non-alcoholic mixer.

### **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 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 fell within the Archway cumulative impact area. Licensing policy 3 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused following the receipt of representations, unless the applicant could demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives. The Sub-Committee took into account the views of the responsible authorities upon, in particular, the proposed hours for licensable activities. Concerns had been raised about a potential impact on the licensing objectives of crime and disorder, public nuisance and the protection of children from harm. The Sub-Committee noted that there were two secondary schools, three primary schools and a children's centre in close proximity and that at 8am school children would be on their way to school.

Licensing Policy 3 - Paragraph 13 stated that applicants were expected to comprehensively demonstrate why a new licence would not add to the cumulative impact and were strongly advised to give consideration to mitigating the potential cumulative impact issues when setting out steps they would take to promote the licensing objectives in their operating schedule. Licensing Policy 3 - Paragraph 14 stated that as a general rule the licensing authority did not consider an argument that the premises would be well managed and run or that the applicant ran similar premises elsewhere without complaint as exceptional to the application of its special procedure. One of the main issues of concern in Archway was the number of off licences operating in the area and the impact that widely available alcohol was having on local residents in terms of nuisance and anti-social behaviour and public services dealing with alcohol related ambulance call outs and crime and disorder. In addition, under Licensing Policy 4 the Council had 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 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the

receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

Two objections from local councillors had been received referring to the risk of the licensing objective of protecting children from harm. Representations had been made by the Licensing Authority and Metropolitan Police. Under Licensing Policy 5, where representations were received the Licensing Authority might seek to restrict the hours of opening where it was appropriate to promote the licensing objectives. Under Licensing Policy 6, the framework hours for shops selling alcohol in Archway were 9am-11pm and the police had recommended a starting time of 9am. The Council was not satisfied with the explanation given in the operating schedule showing the arrangements put in place to ensure that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that with the conditions proposed by the responsible authorities and those additional conditions agreed with the applicant and with the restriction on the hours of selling alcohol, there would be no cumulative impact on the licensing objectives and it was proportionate and appropriate to the licensing objectives to grant the premises licence.

**38      CER, 25-27 HORSELL ROAD, LONDON, N5 1XL - NEW PREMISES LICENCE APPLICATION (Item B2)**

The licensing officer advised the Sub-Committee that the police representation was not an accepted representation and therefore should not have been included in the report. However, the applicant had agreed to adopt some of the conditions on page 101 of the report.

Three local residents were in attendance to object to the application. They raised concerns about the narrow residential street, the close proximity of the premises to homes, light pollution from all the lights being left on, a lack of engagement of management and an unwillingness to address concerns, deliveries to the café at 4.30am, concern about the management of the building, concern about weekend opening as this was the only time residents had respite, concern that up to 400 could attend events and they would all leave at the same time and cause problems with noise pollution and taxis with nowhere to park.

A ward councillor was in attendance to object to the application. She advised the Sub-Committee that the building used to be a light industrial building. It was now a co-working space. Concern was raised that the plans to use it for events at the weekend was not appropriate for a residential street and concern was raised about the management who were refusing to engage with residents. Concern was raised about plans for tables and chairs on the street. The councillor advised that additional conditions had been proposed by residents to manage their concerns and regular meetings with the management had been suggested.

In response to questions from members, the residents advised that the building was open 24 hours a day and the earliest deliveries took place was 3.30am with 2-3 vans delivering between 3.30am and 4.30am.

The applicant's legal representative stated that the reason for the application to show films was to display pre-recorded videos, that the general public would not have access to the building, the management had written to objectors offering to defer the hearing and meet but the objectors had refused. The applicant's legal representative confirmed the premises would not become a pub or cinema club. He stated that the applicant had provided a

## Licensing Sub Committee A - 18 December 2018

comprehensive operating schedule which was policy compliant. He raised concern that the points raised by objectors largely did not refer to licensable activities.

The Head of Food and Beverage at the premises stated that she had joined the business in May 2018. She advised that the premises was primarily a workspace. The licence would mean members could have a drink after work and be served to members holding meetings. She advised that the building was open 24 hours a day as some of the businesses using the workspace were global and dealt with businesses in other time zones. She added that off sales were being requested to prevent people from having to finish a bottle of wine when they did not want to or to enable members to pre-order drinks for events and then take the unused bottles away with them. The applicant was willing for off sales to be restricted to these two purposes.

In response to a question from a member as to whether the recruitment of a Head of Food and Beverages meant the business was moving away from a workspace, the Head of Food and Beverages advised that the recruitment was as the result of expansion and Cer were looking to have 15 premises. They had recently expanded from 2 to 4 premises and as they kept the cafes and catering in house, they required managing. Food and beverage provision was one of the benefits for members. Activities such as yoga and fitness were also offered.

In response to objectors' concern about deliveries at 3.30-4.30am, the Head of Food and Beverages stated that following the complaints she had spoken to the suppliers and had advised them that Cer would stop working with them if they could not deliver later. She was happy to meet with residents twice a year to discuss any concerns. She advised that there was a 24 hour contact number on the website which would be answered by someone in the building.

In response to questions from members about the lack of a dispersal policy and whether staff could deal with customers who had had too much to drink, the applicant's representative stated that a dispersal policy could be drawn up, there was a full training programme for staff and security guards were present throughout the night. The licence would give the management more control.

In response to a question from a member as to why the management had not engaged with residents over the last two years, the applicant's representative stated that as she had only started working there in May 2018, she was unable to comment about the time prior to this. Steps had been taken to make early deliveries later, in response to concerns about light pollution, blinds had been installed and lights had been turned off at night on the top floors. In response to a query as to why the Operations Manager was not present, the applicant's legal representative stated that it was considered that it was more appropriate to have the Head of Food and Beverage present as she would be managing the licensed areas and would also be the Designated Premises Supervisor.

In summary, the objectors stated that the phone number residents had called had been ineffective and the security guards had not been able to help residents when they had complained. The applicant's representative stated she would look into this.

In summary, the ward councillor stated she was concerned about the management and raised concern that there could be further issues if the premises was given a licence and the hours were extended to include weekends. Concern was raised that the applicant had only started offering to meet residents since the legal representative for the licensing application had been appointed. The councillor stated that the drinking and socialising

## Licensing Sub Committee A - 18 December 2018

aspect was not appropriate for the residential area, particularly as clients and hirers could invite guests so it was not just restricted to those working there. The councillor requested that if the application was granted, the residents' proposed conditions as well as those of the police should be included.

In summary, the applicant's legal representative advised the Sub-Committee that this was their fourth recent application in London; two had been granted unopposed and one had had objections that related to planning. He stated that the Licensing Act stated that objections should be backed up by evidence.

### **RESOLVED:**

That the application for a new premises licence in respect of Cer, 25-27 Horsell Road, London, N5 1XL be granted

- 1) To allow the sale by retail of alcohol, on supplies only, Mondays to Sundays from 11:00 until 21:00; and
- 2) The showing of films, Monday to Sundays from 09:00 until 21:00.

That the application for the non-standard timings for the sought activity during bona-fide functions and/or pre-booked events be granted as detailed below:

- The showing of films, on up to 10 occasions with a minimum of 7 days' notice to the Licensing Authority from 09:00 until 23:00.

That the application for the non-standard timings for the sought activity during bona-fide functions and/or pre-booked events be refused as detailed below:

- 1) The sale of alcohol, on and off supplies, on up to 10 occasions with a minimum of 7 days' notice to the Licensing Authority from 11:00 until 23:00.

The conditions detailed on page 101 consistent with the operating schedule and the conditions agreed with the Council's Noise Service on page 103 would be applied to the licence. In relation to the conditions agreed with the Metropolitan Police on pages 101-102, Conditions 10, 12, 13, and 15 and Condition 13e would be amended to read "The system will provide full coverage of the interior of the premises where licensable activity occurs and any exterior part of the premises accessible to the public".

### **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 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 did not fall within the Holloway Road and Finsbury Park cumulative impact area. However, under Licensing Policy 4 the Council had 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 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

20 local resident objections and one ward councillor objection had been received. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the hours specified were within the hours specified in Licensing Policy 6. The residents complained of deliveries of food throughout the night and the applicant had assured the sub-committee that deliveries of alcohol would only take place during the day. However, residents portrayed a lack of responsiveness from management to their complaints in general and an existing nuisance in Horsell Road resulting from people leaving the premises talking in the streets. The addition of alcohol to the premises activities was likely to exacerbate the situation and needed to be carefully managed. The Sub-Committee noted that although the residents had a mobile phone number to call if there was an issue, this had proved ineffective and management had seemed incapable of addressing the issues they raised. This reduced the confidence of the Sub-Committee in the assurances given by the applicant. In addition, no dispersal policy had been set out in the operating schedule for consideration. There was a real possibility that people leaving late in the evening after consuming alcohol would create a nuisance from the transport arrangements they made or from taxis in what was a narrow street.

Under Licensing Policy 21, the Licensing Authority was committed to preventing public nuisance by protecting the amenity of residents in the vicinity of licensed premises and applicants are expected to address these issues in their operating schedules. The Licensing Authority would impose appropriate restrictions on the licence to support the prevention of public nuisance due to highways and pavement obstructions, the dispersal of patrons and noise.

The Sub-Committee concluded that with the removal of the non-standard timings for the sale of alcohol on and off supplies on up to 10 occasions from 11:00 to 23:00, granting the licence would be proportionate and appropriate to the licensing objectives but it would not be appropriate to grant the non-standard timings as above for the sale of alcohol on and off supplies in view of the licensing objective of prevention of public nuisance.

**39 DREAMZ CAFE, 4 HORNSEY ROAD, LONDON, N7 7BP - NEW PREMISES LICENCE APPLICATION (Item B3)**

The licensing officer stated that at the time the report was written there were representations from responsible authorities but as conditions had been agreed by the applicant, these representations had been withdrawn. He advised that there was a contradiction between Conditions 10 and 26 and that that the Sub-Committee should consider this in their deliberations.

A resident welcomed the conditions agreed by the applicant. However, he raised concerns that there were already problems in the area related to drink and drugs and although these did not specifically relate to Dreamz Cafe, there was concern that another licence being granted would add to the density of licensed premises especially as two new licensed premises had opened nearby. Although the premises was not in a cumulative impact area, it was approximately 30ft from the Holloway Road and Finsbury Park Cumulative Impact Area.

The resident raised concern that the curtilage of the premises extended under his bedroom window and he was concerned about people smoking outside the premises as it led to a passive smoking issue. He stated that policy required that where patrons were outside premises, there should be a plan on how this would be managed and how the nuisance of smoke fumes to residents in close proximity would be prevented.

## Licensing Sub Committee A - 18 December 2018

In response to a member's questions, the resident stated that his bedroom was at the front of the property, there were no tables and chairs outside generally but there were burger stands on football match days. The resident stated that although this was not pleasant, he had not complained about it as it was only about 20 times per year. He confirmed that he and applicant had not engaged and did not know each other. The chair suggested that as the applicant was now aware of the resident's concerns, he could try to address them. The applicant agreed to give the resident his mobile phone number so the resident could contact him in the event of any problems.

The applicant advised the Sub-Committee that he had bought the premises in May 2018. On match days he cooked burgers outside and put out tables and chairs. He agreed that there were issues with drugs in the area but these were not related to his café. There were other restaurants also offering food and drink including alcohol outside their premises.

The applicant stated that he would not be selling alcohol for the whole period he was requesting as the café closed at 3pm or 4pm most days. The hours would enable him to sell alcohol when he was selling burgers before and after football matches which often happened in the evening.

In response to a question from a member, the applicant stated that he would comply with the match day conditions.

### **RESOLVED:**

That the application for a new premises licence in respect of Dreamz Café, 4 Hornsey Road, London, N7 7BP be granted

- 1) To allow the sale by retail of on sales with off sales of alcohol only to outside tables only from 11:00 until 23:00 Monday to Saturday and from 11:00 until 22:00 on Sundays.

The conditions detailed on pages 140 - 142 of the agenda would be applied to the licence with condition 10 removed.

### **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 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 4. The Council had 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 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

Four local resident objections had been received. There had been representations from the Licensing Authority, Metropolitan Police, Noise Team and Trading Standards. Conditions had been proposed by all of these responsible authorities and had been agreed by the applicant so they had all been withdrawn prior to the hearing.

The Sub-Committee listened to the resident who attended and noted that the sale of burgers outside his window occurred on match days and was causing him nuisance already. The responsible authorities had agreed robust conditions with the applicant, however, and the Sub-Committee was satisfied that with these conditions granting the licence was proportionate and appropriate to the licensing objectives and the Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

**40** **SEVENI, 380 CALEDONIAN ROAD, N1 1DY - NEW PREMISES LICENCE APPLICATION (Item B4)**

The licensing officer advised that the rear garden had been included on the plan for illustration purposes only. The licence would only be applicable to sales within the building.

There were no objectors present.

The applicants stated that they had bought the premises in September 2018. It was proposed that alcohol would only be sold ancillary to a meal. There was no intention of using the garden.

The chair asked the applicant to respond to the objector's concerns and the applicants advised that they had 5 years' experience of running restaurants, they both held a personal licence and the premises would be a fish and chip shop.

**RESOLVED:**

That the application for a new premises licence in respect of Seveni, 380 Caledonian Road, N1 1DY be granted

- 1) To allow the sale by retail of alcohol, on supplies only, from 12:00 to 22:00 Monday to Saturday; and
- 2) The premises to be open to the public from 12:00 to 22:00 Monday to Saturday.

Conditions detailed on pages 171 to 174 of the agenda would be applied to the licence.

**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 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 fell within the Kings Cross cumulative impact area. Licensing Policy 3 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

Three local resident objections had been received. 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.

The Sub-Committee concluded that although the premises were in a cumulative impact area, the applicant had demonstrated commitment to a high standard of management in the operating schedule and at the Licensing Sub-Committee hearing. The style of the premises and the absence of off sales made it unlikely that there would be a negative impact on the licensing objectives and it was proportionate and appropriate to the licensing objectives to grant the licence.

**41 CARAVAN, LAMB WORKS, NORTH ROAD, N7 9DP - NEW PREMISES LICENCE APPLICATION (Item B5)**

The applicant's legal representative explained that the applicant had owned the premises for 3 years. It was a warehouse which provided space for the coffee roastery, coffee shop, drinks laboratory and coffee school. The applicant had been roasting coffee since 2010 and the Lamb Works had recently been established as the Caravan headquarters. The applicant was looking to hold community events. The café had a maximum of 50 covers and it was anticipated that only 5% of sales would be alcohol.

The applicant's legal representative stated that there had been one representation which related to noises and smells and this had been dealt with through the planning process. He explained that this was a small scale application, alcohol sales would be ancillary to the main business, the application was outside the cumulative impact area and there would be no external seating.

**RESOLVED:**

That the application for a new premises licence in respect of Caravan, Lamb Works, North Road, N7 9DP be granted

- 1) To allow the sale by retail of alcohol, on and off supplies, from 10:00 until 22:30 Monday to Sunday, and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day;
- 2) The provision of late night refreshment from 23:00 on New Year's Eve to 05:00 on New Year's Day; and
- 3) The premises to be open from 08:00 to 23:00 Monday to Sunday and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The conditions detailed on pages 207 - 209 of the agenda would be applied to the licence.

**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 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 4. The Council had 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 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would 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 that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard evidence that the operation of the premises was within a warehouse and the premises to be licensed were a small part of the overall area. The premises were essentially coffee led, having a coffee roastery and coffee school as part of their operation and the conditions suggested by the applicant effectively addressed any concerns about possible nuisance or crime and disorder. There would be no negative cumulative impact on any of the licensing objectives as a result of granting the licence and it was therefore appropriate to the licensing objectives and proportionate to grant the licence.

**42** **CHALANA, COMMUNITY GARDENS, FINSBURY SQUARE, LONDON, EC2A 1HD - PREMISES LICENCE VARIATION APPLICATION (Item B6)**

The licensing officer reported that the statement of case by the applicant had been sent to members.

There were no objectors present at the hearing.

The applicant explained that the café was in Finsbury Square and the council was the freeholder. The café had a very old premises licence and so the applicant had put in a new one to have it updated.

The applicant stated he had written to the applicant but had had no response.

**RESOLVED:**

That the new premises licence in respect of Chalana, Community Gardens, Finsbury Square, London, EC2A 1HD be granted

- 1) To allow the addition of off sales for all currently authorised hours i.e. Mondays to Saturdays from 10:00 until 23:00 and Sundays from 12:00 until 22:30; and
- 2) To replace the current premises licence conditions with those conditions as laid out within Annex A of the submitted application. These conditions could also be found at Appendix 4 of the officer report.

Conditions detailed on pages 239 and 240 of the agenda would be applied to the licence.

**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 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 fell within the Bunhill cumulative impact area. Licensing Policy 3 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

## Licensing Sub Committee A - 18 December 2018

The Sub-Committee took into consideration Licensing Policy 4. The Council had 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 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would 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 and it appeared that the licensing authority had encouraged the variation application. As explained by the applicant, the variation application was to update the existing premises licence and bring it in line with its current practice. As a result of the application, appropriate and updated conditions, satisfactory to the Responsible Authorities were replacing the old conditions on the licence. In the circumstances, the Sub-Committee accepted that the applicant rebutted the presumption in Licensing Policies 3 and 4.

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

The Sub-Committee concluded that it would be proportionate and appropriate to the licensing objectives to grant the variation.

The meeting ended at 9.50 pm

**CHAIR**