

Licensing Sub Committee B - 7 July 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 7 July 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham, Ben Mackmurdie and Marian Spall

Councillor Phil Graham in the Chair

- 158 **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 applicant's representative. The procedure for the conduct of the meeting was outlined.
- 159 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillors Cutler and Nathan.
- 160 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Spall substituted for Councillor Cutler and Cllr Mackmurdie substituted for Councillor Nathan.
- 161 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 162 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 163 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meetings held on 19 May and the 1 June 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 164 **S AND B IMPEX LTD, 3 STATION PLACE, N4 2DH - NEW PREMISES LICENCE (Item B1)**
The licensing officer apologised that additional submissions sent by the applicant's representative on the 1 July had been circulated to members just before the start of the meeting.

The applicant's representative confirmed that there were six additional pages of submissions. The amendments necessary to conditions 31 and 36 were noted. She reported that she had sought a pre-consultation with the police and then submitted the application following their recommendations. Following minor amendments the police withdrew their representation. These were detailed in the additional submission. The applicant was an existing wholesaler who had passed the fit and

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proper person test. A fire safety inspection had been made and no representations had been made by them. The interested parties were not present at the meeting. In response to concerns raised, the applicant's representative stated that need was not a matter that should be taken into account when considering an application. The Sub-Committee should consider whether or not the application would impact on the licensing objectives. Conditions were proposed that would deter street drinkers and the homeless; all orders must be made the day before by telephone and would be by collection only, speciality Georgian wine only was to be sold with a minimum order of six bottles. It was proposed to sell only Georgian wine, but it was hoped that other European wines could be added in the future. Sales would exclude high strength alcohol. Match day conditions would apply to the licence so there would be no alcohol made available three hours before and for two hours after matches or collected on match days before 11am. Notices would be prominently displayed, loading/unloading would be between 8am and 9pm only. All purchases would be made by customer account. At the end of the day the frontage would be cleared of litter and waste. It was noted that the applicant was unable to attend the meeting.

In response to questions and concerns raised regarding the selling of wines from other countries, it was stated that the retail price of wine would generally be from £7 to £25. There would be no deliveries and collection only from outside the front of the premises in Station Place.

In summary, the applicant's representative stated that it was appreciated that the premises was in a cumulative impact area and conditions had been proposed to prevent an increase in street drinking.

RESOLVED

- 1) That the application for a new premises licence, in respect of S and B Impex Ltd, 3 Station Place, N4, be granted to allow the sale of alcohol, off supplies, from 10 am to 8pm Monday to Saturday and from 10am until 7pm on Sunday.
- 2) Conditions detailed on pages 46 to 49 of the agenda shall be applied to the licence with the following amendments:-
 - Condition 31 to read:- All deliveries of alcohol will be made to bona fide addresses without exception. Age-verification will also be carried out at the point of delivery. Employees of the licence holder carrying out deliveries will be instructed to take a signature for all deliveries and to require a valid form of identification from any delivery recipients appearing to be under the age of 25 before handing over the delivery. Acceptable forms of identification will be as per those detailed in condition 29.
 - Condition 36 to read:- The sale of alcohol at the premises shall be limited to Georgian wine only and sold at a minimum of six bottles per-order.

REASONS FOR DECISION

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This meeting was held under regulations made under the Coronavirus Act 2020 and it 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 Finsbury Park 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.

Thirteen 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 heard evidence from the applicant's representative that the application was prepared in such a way as to avoid anti-social behaviour and in respect of orders made by telephone only, by clients and therefore with no impulse buying. There was a minimum purchase of six bottles and a next day collection only service. Match day conditions had been agreed with the police. The premises was to sell mainly Georgian wines but hoped to expand to other Eastern European wines in the future. She stated that the minimum retail price of a bottle of wine would be £7.

The Sub-Committee concluded that the granting of a licence with the conditions, as amended, 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 and in the public interest.

165 **WHITECROSS OFF-LICENCE, 134 WHITECROSS STREET, EC1V 8QJ - NEW PREMISES LICENCE (Item B2)**

The licensing officer introduced the interested parties and the applicant and reported no further updates since the publication of the report.

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Two residents had submitted objections to the application. One resident stated that they were not against commercial activity but there needed to be a balance between this and the amenity of residents. There were four nearby shops already selling alcohol. They had spoken to the applicant's representative who had advised that the premises would be selling only organic wine. There was a nearby park and primary school, the area attracted street drinkers and the hours of 8am to 11pm were concerning. The second resident agreed with these concerns and stated that he would like to see a restriction on the long hours. He stated that this was a mixed community with a lot of children and families, a high density area with anti-social behaviour and residents already had increasing concerns about the cumulative impact. He would be pleased to see that only organic alcohol would be sold. It was also stated that the applicant owned a local restaurant and there had been issues in the alley between this restaurant and the flats.

In response to a question from the applicant's representative it was confirmed that the residents objections were at pages 75 and 76 of the agenda. The applicant's representative stated that the applicant owned three restaurants in the area and had over 16 years at the location. He wished to sell mainly organic food and wine but did not wish to be restricted completely to selling organic wine only. The shop would be opening as a bakery at 8am, selling items such as fresh sourdough bread. They would not wish to sell alcohol so early in the morning so agreed to amend the hours from an 8am commencement time to 11am. The premises had been empty for four years and it was not believed that the premises would attract street drinkers as the price mark would not be affordable. There had been no representations from the responsible authorities and there were many conditions proposed. The review process was available if required.

In response to questions, it was confirmed that the applicant was willing to agree a start time for the sale of alcohol of 11am. The business was expected to be similar to a Wholefoods business selling mainly organic products including organic wines and beers. Alcohol was expected to be 10% of sales. A bottle of wine was expected to cost in the region of £14/£15. The bakery part of the business would commence at 8am. They would not sell any cheap drinks of high strength alcohol but did not wish to be restricted to only organic alcohol.

In summary, one resident stated that she was reassured by what she had heard and was looking forward to the bakery. The change in hours was welcome but would prefer a condition that stated that the premises would sell mostly organic food with some alcohol.

RESOLVED

That the application for a new premises licence, in respect of Whitecross Off-Licence, 134 Whitecross Street, EC1 be granted to allow:-

- 1) The sale of alcohol, off supplies, Monday to Sunday from 11am until 11pm.
- 2) The premises to be open to the public, Monday to Sunday from 8am until 11pm.

- 3) That conditions detailed on pages 83 to 85 of the agenda be applied to the licence.

REASONS FOR DECISION

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

Seven 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 heard evidence that the applicant owned three restaurants in the local area and had been in the area for over sixteen years. He wanted to sell mainly organic food and wine similar to a Wholefoods business. He agreed to amend the licensing hours from 8am to an 11am start.

The Sub-Committee heard evidence from a resident about the anti-social behaviour in the area and concerns about street drinking in the proximity of a park and primary school. However, she was pleased with the revised start time and welcomed the presence of an organic bakery. She would welcome a restriction of alcohol to be mainly organic wines.

The Sub-Committee noted that alcohol would be only 10% of all sales, high strength alcohol would not be sold and 15% of the total sales area would be used for the sale or display of alcohol.

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 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 and in the public interest.

166 **CRUDOUGH PIZZERIA, 10 NAVIGATOR SQUARE, N19 3TD - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the interested party was not present at the meeting. A revised plan had been distributed to members to replace the plan submitted at page 110 of the agenda.

The applicant stated that there had been some confusion with the address and there was A3 planning consent for this premises. Conditions had been agreed with the Licensing Authority and the Noise Team. The rear garden would be closed at 10pm and this would address resident concerns. There had been no complaints from residents. There would be half an hour drinking up time with a close time of 11pm. There was a designated spot for delivery drivers and there would be a sign to help prevent drivers remaining.

In response to questions, it was noted that delivery drivers would deliver alcohol. The premises would ask for ID at the point of sale and they would be using recognised delivery companies who were trained in Challenge 25 requirements.

RESOLVED

- 1) That the application for a new premises licence, in respect of Crudough Pizzeria, 10 Navigator Square, N19 be granted to allow:-
 - a) The sale of alcohol, on and off supplies, Monday to Sunday from 12 noon until 11pm.
 - b) The premises to be open to the public, Monday to Sunday, from 12 noon until 11pm.
- 2) That conditions detailed on pages 113 and 115 of the agenda shall be applied to the licence.

REASONS FOR DECISION

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This meeting was held under regulations made under the Coronavirus Act 2020 and it 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 Junction 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.

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 noted that the resident had concerns about the use of the rear garden and anti-social behaviour. The Sub-Committee noted that there was a proposed condition to limit the use of the garden to 10pm and that the last sale of alcohol would be no later than 10.30pm. It was confirmed that delivery drivers would be trained on Challenge 25, would be using non-motorised delivery vehicles and the applicant would be using recognised delivery companies.

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 conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence as sought was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

The meeting ended at 7.45 pm

CHAIR