

London Borough of Islington

Licensing Sub Committee C - 16 December 2021

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 16 December 2021 at 6.30 pm.

Present: **Councillors:** Alice Clarke-Perry (Chair), Ben Mackmurdie and Angelo Weekes.

Councillor Alice Clarke-Perry in the Chair

122 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.

123 APOLOGIES FOR ABSENCE (Item A2)

None.

124 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

125 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

126 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

127 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 3 August 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

128 BADIANI, 14 CAMDEN PASSAGE, LONDON, N1 8ED - NEW PREMISES LICENCE (Item B1)

The licensing officer introduced the applicant. She stated that a letter from the applicant to the interested parties had been circulated outlining the proposals and the conditions proposed. One resident responded in objection. No residents were in attendance.

The applicant stated that Badiani had come to London five years ago and operated eight venues across London. He recognised that he was in a cumulative impact area and stated that the premises predominantly sold gelato, the hours would be

framework hours and there would be less than 50 patrons. They would sometimes offer a special gelato with a glass of prosecco. They have agreed to a number of conditions including that the primary activity of the premises would be for the sale of gelato. They would promote the licensing objectives and would take into account the special measures that were in place.

In response to questions it was noted that the sale of alcohol was ancillary to food and this was a proposed condition. They would sometimes provide a special gelato e.g tomato or truffle and would serve these with a glass of prosecco or wine but this was ancillary to the core business. They may provide an Irish coffee but this did not appeal to children. Their hours were from midday. They had two tables and four chairs outside which were brought in at closing.

In summary, he wished to reassure members that he did not want to add to the cumulative impact and the offer was primarily gelato with coffees, wine and prosecco. Alcohol was not the core business.

RESOLVED

- 1) That the application for a new premises licence, in respect of Badiani, 14 Camden Passage, N1 8ED be granted to allow:-
 - a) The sale of alcohol, on and off the premises from 12:00 until 11pm Monday to Sunday.
 - b) The premises to be open to the public from 8am to 11pm Monday to Sunday.
- 2) That conditions detailed on pages 42 to 44 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 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 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.

Seven local resident objections had been received. Conditions were agreed with the police and noise team.

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

The Sub-Committee heard evidence that the company had come to London five years ago and operated eight sites in the city. Alcohol was sold but was ancillary to the main purpose of the business which was the sale of gelato. The applicant was aware that the premises was in a cumulative impact area but believed that the exceptions set out in the policy applied as the premises would have below 50 guests and would be operating within framework hours.

The applicant confirmed that alcohol would always be ancillary to gelato sales and anyone wishing to purchase alcohol would have to buy food. The type of alcohol on offer would not be attractive to children and was not the core of the business model. The applicant stated that the business wished to offer special gelato such as truffle or tomato flavoured and that part of the offer would normally include a glass of prosecco. The primary offer would be gelato, coffee or crepe.

The Sub-Committee concluded that with the conditions accepted by the applicant, the granting of a licence would not add to the cumulative impact and would promote the licensing objectives. The committee noted that a condition had been agreed that the primary nature of the business would be as a gelateria, that there would be no vertical drinking and that alcohol would be ancillary to food.

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.

129

FOOD ALL LAB, 19 CAMDEN PASSAGE, LONDON, N1 8AE - NEW PREMISES LICENCE (Item B2)

The licensing officer stated that conditions had been agreed with the responsible authorities and there had been nothing further to add to the report.

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The applicant stated that this was an Italian grocery which sold fine foods from Italy. They would follow all proposed conditions, they had less than a 50 person capacity and would operate within framework hours, opening between 9 and 10am and closing by 8pm. Food was served at the table and they would like to serve fine wine, craft beer and drinks such as limoncello along with the food offering. They had a limited seating area and food would be available. Staff would be trained in Challenge 25 and they had a good relationship with the local businesses and residents. They cared about the Angel area and were aware about the Licensing Policy.

In response to questions it was noted that private events would be pre-booked events and were mostly educational about the origins of cheese, wine and charcuterie. There would be no external public allowed. They were never open before 7am, did not serve alcohol before 11am and always served food with alcohol. The licence was required from 7am for off sales. There were between 12 and 25 people at the events and they could stop at 10pm if necessary.

In summary, this was a fine food grocery and the price point and quality of the product would not affect the cumulative impact. Staff were aware of the licensing policy and were trained on the conditions. The restriction of hours to 8pm was good for the community and the applicant cared about the atmosphere of Camden Passage.

RESOLVED

- 1) That the application for a new premises licence, in respect of Food All Lab, 19 Camden Passage, N1 8AE be granted to allow:-
 - a) The supply of alcohol, on and off the premises, Monday to Sunday from 7am to 8pm.
 - b) The premises to be open to the public, Monday to Sunday from 7am to 8pm.
- 2) That conditions detailed on pages 74 to 77 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 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 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.

Five local resident objections had been received as well as an objection from a ward councillor and a local business. Conditions were agreed with the police, noise team and trading standards.

The Sub-Committee heard evidence that the premises would be run as an Italian grocery selling fine foods imported from Italy. The applicant confirmed that the premises had a capacity of less than 50 and that the premises would be opening between 9am and 10am and would close at 8pm. The applicant confirmed that they have a few tables and chairs and can seat ten people and would like to be able to sell fine wine, craft beer and some Italian liqueurs.

The applicant stated that alcohol would always be served with food and that the core business was a fine grocery. The premises had a very nice relationship with neighbouring businesses and residents and cared a lot about Angel. The applicant stated that if the premises held private events this would be for a maximum of 20-25 people and these would be pre-booked only. The price and quality of the alcohol offer should not affect the cumulative impact.

The Sub-Committee concluded that with the conditions agreed, the granting of the licence would not add to the cumulative impact and would promote the licensing objectives. The Sub-committee noted that a condition was agreed that off sales would always be ancillary to food and on sales would only be made to seated customers ordering a table meal.

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 proposed opening hours 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.

130

SWIFT STORES, 800 HOLLOWAY ROAD, LONDON, N19 3JH - NEW PREMISES LICENCE (Item B3)

The licensing officer reported that conditions had been agreed with the police previously and noise conditions were agreed yesterday. These had been amended from those in the report and had been circulated to members. An email from the applicant had been sent to the interested parties. None of them were attending the meeting but their representations had not been withdrawn.

The applicant's representative stated the opening hours were from 7am to 11pm and the hours for the sale of alcohol were proposed from 8am until 11pm. He outlined the amended noise conditions which included a move towards using electric vehicles for deliveries to ensure there was no disturbance of neighbours. It was expected that there would be no more than 12 deliveries a day. There were no remaining representations from the responsible authorities and he stated that the Sub-Committee consider licensing guidance which stated that the police were the main source of advice with regarding crime and disorder. Photographs in the agenda pack were provided to give an idea of the offering. There was a large fresh produce section. This was a part of Iceland which were at the forefront of best practice. There were a number of training conditions and it was considered that products were healthy and affordable for low income families. Alcohol was ancillary to the business. There were a number of conditions proposed to help prevent sales to street drinkers including alcohol strength and rules regarding the sale of small bottles of spirits. Conditions would help prevent anti-social behaviour. Hours requested were within framework policy hours. Hours for Aldi were restricted by Sunday trading hours as a large store. With regard to the cumulative impact policy, a refusal of a licence must also undermine one of the licensing objectives. This was a national operator, with a bespoke operating schedule, there was agreement with the responsible authorities and there was a commitment and investment in the area. There were conditions applied which designed out the ability to attract street drinkers.

Swift was a supermarket concept from Iceland Foods which offered a range of frozen and fresh food. They provided food for the whole community including those on lower incomes and those with not so much storage space. Hours catered to people going to and from work. They had sustainability policies in place, were looking to a move away from internal combustion vehicles only and looked towards creating less waste. There were conditions relating to the list of alcohol products being made available to the Police.

In summary, it was stated that the decision must be evidenced and proportionate. The police and trading standards had withdrawn representations. It was hoped that these measures would address concerns and would promote the licensing objectives.

RESOLVED

- 1) That the application for a new premises licence, in respect of Swift Stores, 800 Holloway Road, N19 3JH, be granted to allow:-

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- a) The supply of alcohol, off supplies only, Monday to Sunday from 9am until 11pm.
 - b) The premises to be open to the public, Monday to Sunday from 7am until 11pm.
- 2) That conditions detailed on pages 164 to 168 of the agenda be applied to the licence with the noise conditions replaced by those circulated at the meeting and as detailed below:-
- The delivery of licensable goods to the premises shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday.
 - No deliveries of licensable goods to the premises shall be made on a Sunday or Bank Holiday.
 - The collection of refuse shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No waste collections shall be made on a Sunday or Bank Holiday
 - The premises will operate a no idling policy.
 - The licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises
 - A policy regulating deliveries to customers from the premises will be devised and implemented, taking into account parking and other restrictions in place and ensuring that as far as practicable such deliveries do not cause a public nuisance. The policy will make reference to how the premises licence holder will move away from deliveries requiring internal combustion where possible and towards clean energy or similar delivery methods. The policy will be revisited and updated periodically as required to ensure it takes into account any changes relevant to it.

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 Archway 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

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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.

Objections had been received from the Better Archway Forum and a local ward councillor. Conditions had been agreed with the police and noise team.

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

The Sub-Committee heard evidence that extensive conditions had been agreed with the police and the noise team and that therefore there were no remaining objections from responsible authorities. The applicant's representative stated that the premises would be a proper convenience grocery store with a large fresh offering. The company is at the forefront of responsible alcohol vending and a great deal of discussion had taken place with responsible authorities before the application was put in. The premises would not appeal to street drinkers and conditions had been agreed in this regard. Alcohol would not be displayed near the window, no more than 10% of the floor space would be given over to alcohol, there would be no super strength cider, lager or beer, spirits would be behind a kiosk and miniatures would only be sold as part of gift sets. The range, price and location of alcohol on the premises would be against street drinkers and would not fuel anti-social behaviour.

The applicant's representative confirmed that due to the size of the premises Sunday trading laws did not apply to them as they might to nearby supermarkets. The applicant was an experienced trader with a bespoke and robust operating schedule and agreement had been reached with the responsible authorities.

The Sub-Committee concluded that the fact that the responsible authorities were satisfied with the application and the conditions agreed, together with the experienced nature of the operator and the applicants demonstration of its awareness of the issues in the Archway area was sufficient to show that the premises could fall within the exceptions to the cumulative impact policy.

However, the Sub-Committee remained concerned with the hours sought on the application in particular, the requested sale of alcohol from 7am even though the applicant was aware that licensing policy 6 provides framework hours of 9am-11pm in the Archway area. The policy raises concerns regarding street drinking and the proximity of the hospital and although the applicant had put forward conditions in relation to street drinking, the Sub-Committee was concerned that the earlier start time of 7am would add to cumulative impact in the area.

131 **ALDI, 681-689 HOLLOWAY ROAD, N19 5SE - PREMISES LICENCE VARIATION (Item B4)**

The Sub-Committee noted that this item had been withdrawn at the request of the applicant.

The meeting ended at 8.00 pm

CHAIR