

London Borough of Islington

Licensing Sub Committee D - 10 March 2022

Minutes of the meeting of the Licensing Sub Committee D held by Zoom on 10 March 2022 at 6.30 pm.

Present: **Councillors:** Picknell (Chair), Nathan (Vice-Chair) and Poole

Councillor Angela Picknell in the Chair

139 INTRODUCTIONS AND PROCEDURE (Item A1)

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

140 APOLOGIES FOR ABSENCE (Item A2)

None.

141 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

142 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest

143 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda

144 MINUTES OF PREVIOUS MEETING (Item A6)

That the minutes of the meeting held on 2 November 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

145 THE DE BEAUVOIR DELI, 99 SOUTHGATE ROAD- PREMISES LICENCE VARIATION APPLICATION (Item B1)

The licensing officer reported that three responses from residents received and circulated to the Sub-Committee following agenda despatch. A local resident was present to observe. The application was for on sales only.

The applicant stated that they had applied for an extension so they could offer tapas and full dinner service from café. They served a very simple menu for local residents/workers/families. The applicant stated that alcohol would only be served with food.

The applicant stated that he had addressed concerns about public nuisance in his letter detailed in the agenda. He had been operating an off licence on Southgate Road and while this application was new, there should be no concerns to local residents and he hoped residents would use and enjoy the service.

In response to questions about continuing community outreach to residents, the applicant stated that a contact mobile phone number would be available for all local residents. The business phone number was available on the website and local residents were welcome to drop by seven days a week and always a duty manager would always be available. Local residents had raised concerns about the back garden and playing loud music. The applicant stated that they would not be doing this.

In summary, the applicant stated that there was less restaurant availability compared the application to two years along the parade of shops. He hoped that their offer in evening would be an asset to the area.

RESOLVED:

The Sub-Committee decided to grant the application for a variation of a premise licence in respect of The De Beauvoir Deli, 99 Southgate Road, N1 3JS to: -

1. Extend the sale of on sales of alcohol from the premises until 23:00 Monday to Sunday.

REASONS FOR DECISION:

This meeting was facilitated by Zoom.

The Sub-Committee read all the material and considered the oral submissions made by the Applicant.

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.

This was an application for the variation of an existing premises to extend the hours for the on sales of alcohol until 23:00 Mondays to Sundays.

The Sub-Committee took into consideration the fact that there were no representations from any of the Responsible Authorities. There were five written representations from members of the public. The applicant engaged with these residents and following that engagement, three of the residents withdrew their objections to the variation application.

The premises are not within a Cumulative Impact Area and as the application was in relation to on sales, Licensing Policy 4 does not apply.

The sale of alcohol will be ancillary to the dinner service. The Sub-Committee were satisfied that the nature of the business, the conditions of the licence and the management style of the applicant.

Taking all the above factors into account, the Sub-Committee were satisfied that the granting of the application would promote the licensing objectives.

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ATTIC STORAGE CENTER, 276 YORK WAY- PREMISES LICENCE NEW APPLICATION (Item B2)

The licensing officer reported that a summary of the submission had been circulated to members.

The Licensing Authority detailed the engagements that had been made with the agent/applicant. The Authority had tried to engage with the applicants' agent and asked them to provide supporting information. This had not been provided. The appendix referenced a training package for delivery staff but this had not been provided. There was concern about how this small business would operate 24 hours and how this would be managed. There had been a spike in residential parties since the pandemic began in the borough, so having alcohol delivered and how that would be managed was a concern. Documentation regarding how to prevent bulk deliveries to intoxicated customers had not been provided. The applicant's agent had not addressed the 24 hour licence or provided information about good practice, which were the main concerns. The operators were advised to resolve planning consent before a licensing application. The Licensing Authority strongly recommended that only core framework hours be granted.

The agent stated that the Licensing Authority had talked about antisocial behaviour in private premises and could not add this now to the original submission. S 182 guidance described public nuisance at the specific premises. Issues would mainly concern noise nuisance so they were therefore limited to these premises and persons working around them. The agent proposed an additional condition 'that deliveries would not occur when there was disorder or noise nuisance issues apparent at the time of delivery'. The policy stated that applications be considered on their merits and licences be granted where there was minimal impact due to the type of alcohol being sold. He considered that this application would not contribute to the problems in the area and conditions proposed by the noise team and the police would address concerns. The noise team had not proposed deliveries by non-motorised vehicles. The applicant had worked in the restaurant trade and was clear about the nature of the service and had also run an online business.

This was a small business proposal and if successful would be scaled up to a bigger premises. The Licensing Authority had included crime and anti-social behaviour which was not part of the original representation. The agent stated he could email the alcohol policy to members if required. He reminded the Sub-Committee that Planning and Licensing were two separate regimes and he noted the concerns about the 24 hour operation. There were currently only two staff and the applicant wanted the opportunity to see what worked at different times of the day. The operating schedule was capable of promoting the licensing objectives. All other responsible authorities were content that the application should be granted whilst the Licensing Authority had disagreed with the change of use, which was not a legitimate reason. He asked that the Sub-Committee step outside their policy on core hours and grant the application.

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In response to a question about how much alcohol was being offered for sale, the applicant stated that there would only be a small storage area so there would not be that much alcohol to sell. While the business name was 24/7, it was only a small business and would not be open 24 hours a day. On planning issues, the applicant had spoken to the planning team and they considered that B8 was the correct classification for the business. The remedy was to submit a certificate of lawful development to see if B8 was the appropriate classification. The business could not trade without the necessary planning consent. The premises would relocate if it was successful. Regarding the appropriate training for delivery drivers, the applicant stated that as the business grew, more drivers would be required. The agent stated that training that would be delivered to the drivers which included a bespoke package on public nuisance and disorder. The Sub-Committee raised concerns that delivery drivers could not be expected to take a view about a drunken or noisy party and the applicants' agent said he would accept a further condition if more specific training was required.

On electric vehicles, the agent confirmed that should the business expand and move location, and it was a requirement for electric vehicles, this condition would be welcomed. The applicant stated that she used to work as a restaurant manager but moved to an online clothing business. This was her first experience regarding the sale of alcohol. The Sub-Committee asked why policy documentation had not been submitted when requested and in response the agent stated that the standards of management operating manual and the delivery policy were available and could be sent to the Sub Committee. The Sub-Committee considered that these documents would have been useful to see prior to the meeting.

In summary, the Licensing Authority stated that this was an application for an off licence. There was a cumulative impact policy for off sales and applicants would be expected to demonstrate high standards of management and training. The application was for 24 hours, outside core hours. The Licensing Authority had not heard anything from the licensee that had persuaded him that the licence could be operated outside framework hours.

The applicant confirmed that the business would be shared by four people. Her business partner had already received their training for their personal licence and she would be applying for a personal licence. She would be managing sales. She would operate the premises within the law.

RESOLVED:

The Sub-Committee decided to refuse the application for a new premises licence in respect of Attic Self Storage, 276 York Way, N7 9PQ.

REASONS FOR DECISION:

This meeting was facilitated by Zoom.

This was an application for a new 24 hours off licence for deliveries.

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The Sub-Committee read all the material and considered the oral submissions made by the Applicant and the Licensing Authority

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.

Licensing Policy 4

The Licensing Authority has adopted this special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitation, 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

Licensing Policy 8

The Policy requires that when assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- can demonstrate comprehensive knowledge of best practice
- has sought advice from the responsible authorities
- has implemented any advice that been given by the responsible authorities
- is able to understand verbal and written advice and legal requirements
- can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- is able to run their businesses lawfully and in accordance with good business practices
- can demonstrate a track record of compliance with legal requirements
- can explain how they will brief staff on crime scene preservation Where there is a history of non-compliance associated with the management of the premises the Licensing Authority is unlikely to grant a new or variation application, or permit premises to continue to operate without further restrictions on review, unless there is evidence of significant improvement in management standards.

The Sub-Committee agreed with the concern expressed by the Licensing Authority that the Applicant and/or the representative had failed despite repeated requests from the Licensing Authority to properly engage with it. Despite numerous requests from the Licensing Authority for copies of the Delivery Policy, Menu and Operating Manual, this and other information requested was not provided to the Licensing Authority.

The policies had still not been provided at the Committee hearing.

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The Sub-Committee was concerned about the apparent lack of experience in management of the kind of business undertaking envisaged in the application. The Sub-Committee found that the Applicant had not demonstrated a comprehensive knowledge of best practice, had not listened to the requests and advice from the responsible authorities and had not demonstrated that she is able to run the business lawfully and in accordance with good business practices.

In conclusion that Sub-Committee was of the opinion that the requirements of Licensing Policy 4 and 8 were not satisfied.

The Sub-Committee accordingly determined that the refusal of this application was the proportionate and reasonable decision in order to promote the licensing objectives.

The meeting ended at 8pm

CHAIR