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London Borough of Islington

Licensing Sub Committee B - 18 May 2022

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 18 May 2022 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Anjna Khurana and Marian Spall

Councillor Phil Graham in the Chair

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

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

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

Apologies for absence were received from Councillor Valerie Bossman-Quarshie.

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

Councillor Anjna Khurana substituted for Councillor Valerie Bossman-Quarshie.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

6 **MINUTES OF PREVIOUS MEETINGS (Item A6)**

RESOLVED:

That the minutes of the meetings held on 17 March 2022 and the 7 April 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

7 **A - Z NIDZ LTD, 29 SEVEN SISTERS ROAD, N7 6AN - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that two residents had made representations but were not in attendance. The applicant had sent an email with a supporting statement.

The Licensing Authority stated that she had nothing to add to her representation on pages 34 and 35 of the agenda. She thought it was up to the Sub-Committee to ask what involvement the previous licence holder had with the licence. The previous licence had been reviewed and revoked and the Sub-Committee needed to ensure that the licence holder had no involvement in the business. Any conditions

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that the police may wish to add to the licence, should it be granted, were supported.

The Police stated that the applicant had engaged when the application had been submitted. The applicant had explained the situation and proposed a number of conditions. She had accepted a condition that the previous licence holder would not be involved with the business. He considered that the Sub-Committee should arrive at a decision after speaking to the applicant.

The Trading Standards officer stated that business rates were still being paid by the previous licensee and the same employees were still working in the premises. Officers attended the premises on the 9 March 2022 and found one of the employees with one packet of illicit tobacco on his person. She considered that there had been no changes since the appeal, she was not satisfied that the business had changed hands and objected to the application on these grounds.

In response to questions, it was noted that the previous revocation had occurred due to a number of issues including, poor management around the sale of high strength alcohol near a drug and drink dependency unit, drug paraphernalia had been discovered next to sweets and there was also an illegal special treatment nail bar in the rear room. The designated premises supervisor was never on the premises. The lease was currently held in the name of the previous licence holder.

The applicant stated that she was a Director in 2016 but following differences of opinion she resigned in 2017. She then had less involvement and as she was separating from her husband she would want this business to be her sole source of income. She would only take over the business if she had an alcohol licence. She would not want to be linked with the previous licence holder and she had new ideas for the management of the business and was aware of how she would help the community. She would change the staff if necessary. She would retrain staff every six months and would train staff as she had been trained at her previous job in Asda. She had accepted all police conditions. She would not sell miniatures or high strength alcohol. She would be running the premises with her sister who would also be a designated premises supervisor. She wanted to run things differently. She understood the issues around drugs and the special treatment licence. She would be there five days a week.

In response to questions, the applicant said she had been looking for new staff and would change them if necessary. She would not want any issues and if there were any problems she would call the police. The Sub-Committee raised concerns that the staff had not already been changed and that she was still heavily linked with the previous licence holder. Everything was still in the name of the previous licence holder. The applicant stated that she would have to pay twice if everything was transferred into her name and then if she did not get an alcohol licence she would have to transfer it back into his name as she would not want the premises if she did not get the licence. She said that her solicitor had the paperwork if they needed it. Her solicitor could have attended the meeting but had told her the price that she would charge to attend and so the applicant had decided to send a supporting email

instead. She stated that she would like to be judged as a brand new applicant. She knew management processes and would have a refusal log book. She would run it in the same way as she had been trained.

In summary, the Licensing Authority said that it was not for them to get involved in personal circumstances but to ensure that premises were properly run and operated in order to promote the licensing objectives. The police had put in a representation as the application had not been clear but would not be certain whether it was advisable to issue a licence until lease paperwork had been transferred. The trading standards officer stated that she still did not have much confidence in how the business would be run and knew that it was the same employees in the premises when she had visited on the 9 March 2022.

The applicant stated that the business was still in the name of the previous licence holder. She had met with the police in April. She wanted the business as she needed a source of income. If she had the licence she would run the business the way she would want to run it as the sole owner.

RESOLVED

That the application for a new premises licence, in respect of A-Z Nidz Ltd, 29 Seven Sisters Road be refused.

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 fall within the Holloway Road and 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 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.

Two local resident objections had been received. There had been representations made by the police, trading standards and the licensing authority.

The Sub-Committee heard evidence from the responsible authorities about the applicant's connection to the previous licence holder and the premises. The Sub-Committee noted that the applicant was previously a Director of Singhsburys Superstores Ltd and there was still a strong link between the applicant and the previous licence holder. The Sub-Committee noted that the lease of the premises was still held by the previous licence holder and they were still responsible for payment of business rates. The staff employed at the premises prior to the revocation of the licence, were still working at the premises. The Sub-Committee noted trading standards concerns that a packet of illicit tobacco was found on the premises after the revocation and that the applicant proposed to retain the same members of staff.

The Sub-Committee noted concerns raised by residents regarding street drinking and anti-social behaviour associated with drug dealing in the vicinity of the premises which had substantially reduced since the premises ceased selling alcohol. The Sub-Committee also noted the proximity of the premises to an alcohol treatment centre on Seven Sisters Road.

The Sub-Committee heard evidence from the applicant that she was separating from the Director of Singhsburys Superstores Ltd and wanted the premises as her sole source of income but only on the basis that the premises had a licence to sell alcohol. The applicant submitted that the conditions suggested by the police were agreed and that she would fully train the staff at the premises. The applicant stated that if the current members of staff didn't work in accordance with her training she would get rid of them. The applicant requested that the Sub-Committee should see her as independent from the current business.

The Sub-Committee also considered licensing policies 8, 14 and 29. The Sub-Committee was not satisfied that the applicant had demonstrated a commitment to the necessary high standards of management. The applicant had previously been involved in the management of the premises and had not taken any steps to deal with recent breaches even though she has expressed an interest in taking over the business. The Sub-Committee noted that the applicant was prepared to retain the members of staff in the face of their previous behaviour and the concerns raised by trading standards.

The Sub-Committee was satisfied that it was appropriate and proportionate to refuse the grant of the premises licence. The applicant had failed to demonstrate that the premises would have no negative cumulative impact on one or more of the licensing objectives. The applicant had not satisfied the Sub-Committee regarding future arrangements for the business and that its future operation would change.

8 **HOLLOWAY FOOD STORE, 59-61 SEVEN SISTERS ROAD, N7 6BH - PREMISES LICENCE REVIEW (Item B2)**

The police representative stated that this review had been submitted following an incident on the 13 February, which led to a summary review, and long running

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management issues as detailed on pages 178-182 of the agenda. On the 13 February an intoxicated member of the public entered the shop and instead of seeking help, staff took matters into their own hands. There was a violent fight and the member of public was stabbed by an employee with, what has been described, a Rambo knife. Another staff member was waving a pole. When police attended, two members of staff had fled the scene and one was caught in possession of drugs. Police had not been called. The police were informed that the knife would be retained and provided but when asked for the knife, staff did not know where it had been. The following day, a member of staff, assaulted another member of the public. There were clear failures of management, there had been a failure to train staff and notify police when there had been incidents. This was not to be expected where there was a 24 hour licence in operation. There had been no further incidents so for this reason the police had proposed licensing conditions and asked that the hours be modified to framework hours of 8am to 11pm. This was considered to be a fair and reasonable solution. The Sub-Committee were shown CCTV of the incident on the 13 February.

In response to questions, it was noted that the knife had not been recovered, despite the Sub-Committee being informed, at the summary review, that the knife was available in the kitchen of the premises. There was still an ongoing criminal investigation of the incident awaiting the decision of the crown prosecution service.

The Licensing Authority supported the review and recommended the conditions and the modification to hours. The licensee must ensure that these violent incidents were not repeated. They could undertake not to have knives or weapons in the shop for sale. The Trading Standards officer said that she supported the review. Officers had removed illicit alcohol from the premises and they had asked the licensee to join the No Knife Scheme but this had been refused. They proposed trading standard conditions be added to the licence and would also like a condition that the premises did not sell knives in the future.

In response to questions the trading standards officer stated that the premises had refused to implement the no knife scheme on a visit in January 2022, before the visit in question. Illicit alcohol had also been discovered on this visit.

The licensees' representative gave an apology on behalf of the licensee in relation to all of the failings and in particular the incident on the 13 February. Both staff involved no longer worked at the premises. The licensee had taken steps to improve and is willing to change. An incident log and refusals book were now being maintained. He was happy to commit to no sale of knives, in fact he understood that no knives had been sold for many years. There were only two knives kept on the premises and one of these was for the preparation of water melons. Illicit alcohol had been found on the premises but this had been a one off incident. The alcohol had been purchased from a cash and carry and was uk duty no paid. It was subsequently withdrawn from the premises and there had been no repeats of that. The licensee was happy to continue with Challenge 25. There was a range of options open to the Sub-Committee rather than to revoke the licence and he considered that more stringent conditions were inevitable. There had been no

problems at the premises in the past three months. The licensee was agreeable to all conditions proposed with the exception of two: condition 20 and 24. Regarding condition 20, the licensee was concerned that should 16 and 17 year olds be refused admission, this would cause problems late at night. He proposed an alternative that, under 16s not be allowed in after midnight. Regarding condition 24 he asked that a year be given in order to train a personal licence holder. With regard to the modification of hours he considered that the licensee had shown that he could be trusted with a 24 hour licence over the past three months. If a reduction in hours was considered necessary a temporary restriction between the hours of 2am and 8am be applied to sufficiently demonstrate that the licensee could manage a 24 hour licence. If there were any issues then it would be open for responsible authorities to bring the licence forward for review.

In response to questions, it was noted that the man with the knife had not worked in the premises since the incident. The licensee's representative stated that the incidents were not linked to the purchase of alcohol and the members of the public were already intoxicated. The member of staff came out of the premises to diffuse the situation. He did not know the people involved and they were isolated incidents. Regarding the illicit alcohol that had been found on the premises, the name of the wholesaler had been provided to trading standards. It was confirmed that illicit alcohol could sometimes be sold from a genuine cash and carry wholesaler. The knife used to cut the water melons was locked away after 7pm. Knives had not been sold for many years and only plastic cutlery was sold from the premises.

In summary, the police stated that, due to the seriousness of the incidents, the licence be modified and amended to framework hours. Crime and disorder had not been reported to the police, which was a breach of condition, and incidents had shown how the premises dealt with drunk customers. They had no issue with the conditions 20 and 24 being amended as requested by the licensee's representative. The licensee's representative stated that the premises was engaging with the responsible authorities and he hoped that the improvement gave an indication that the licensee was a responsible licence holder and could run a 24 hour licence.

RESOLVED

- 1) That the premises licence, in respect of Holloway Food Store, 59-61 Seven Sisters Road, N7 6BH, be modified to restrict the sale of alcohol to the hours of 8am to 11pm.
- 2) The following conditions shall also be applied to the licence:-

Conditions detailed on page 191 of the agenda and the tabled police conditions with the following amendments:-

Annex 3.1 condition to be removed from the current licence.

Condition 20 (tabled conditions) to read: The licensee will maintain a policy restricting the admission of children under the age of 16 on the

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premises: the sign will read After 11pm no persons under the age of 16 shall be permitted on the premises unless accompanied by an adult.

Additional condition: No knives shall be sold on the premises.

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 noted that the review brought by the police was supported by the licensing authority and trading standards.

The Sub-Committee noted the timeline of events presented by the police and that the licensee was appointed as the designated premises supervisor (DPS) on the 4 November 2020. The Sub-Committee also noted the serious incident that triggered the review that took place on 13 February 2022, the further incident on 14 February 2022 and licence breaches at the premises.

The Sub-Committee noted that there had been no further incidents at the premises since 14 February 2022 and the two members of staff involved were no longer at the premises.

The Sub-Committee noted the modified conditions submitted by the police that were agreed by the licensee except for condition 24 and the proposed reduction in hours. The Sub-Committee noted the police agreement to the modification of condition 20.

The Sub-Committee was satisfied that because of the steps taken by the licensee to address the management of the premises that it was not appropriate or proportionate to revoke or suspend the licence. However, the imposition of modified conditions was both appropriate and proportionate. The recent incidents at the premises were serious and occurred outside of framework hours. The Sub-Committee concluded that the restricted hours were necessary to promote the licensing objective relating to crime and disorder.

The Sub-Committee noted the licensee's proposal for a temporary change in hours so that alcohol would not be sold between 2am and 8am for one month and if there was a problem the responsible authorities could bring the matter back for a further review. The licensing Sub-Committee decided that the proposed temporary change was not sufficient to promote the licensing objectives and that it was not satisfactory to put the onus on the responsible authorities to bring a further review.

The Sub-Committee decided to impose condition 24 with immediate effect as it was appropriate and proportionate for a personal licence holder to be on the premises in view of the premises history, the requirements for high management standards and

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promotion of the licensing objectives. The Sub-Committee was satisfied that the licence holder would not need 12 months to comply with this condition.

The Sub-Committee was satisfied that the modified conditions including the reduced hours would promote the licensing objectives.

9 **VOTE OF THANKS**

The Chair of the Licensing Committee passed his thanks to the licensing team and committee and legal officers for their work over the past year. He hoped that all officers would enjoy the coming year with the new Chair of the Licensing Committee.

The meeting ended at 8.30 pm

CHAIR