

Licensing Sub Committee C - 22 August 2023

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 August 2023 at 6.30 pm.

Present: **Councillors:** Angelo Weekes, Asima Shaikh and Joseph Croft.

Councillor Angelo Weekes in the Chair

45 INTRODUCTIONS AND PROCEDURE (Item A1)

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

46 APOLOGIES FOR ABSENCE (Item A2)

None.

47 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

48 DECLARATIONS OF INTEREST (Item A4)

Councillor Shaikh declared she was a ward councillor for Finsbury Park ward and Councillor Croft stated that he lived in Finsbury Park ward.

49 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

50 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

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

51 ASDA EXPRESS, 6-9 STATION PLACE, N4 2DH - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that conditions had been agreed with the police and the licensing authority, there were no additional papers since the publication of the report and no residents were in attendance.

The applicant's representative stated that this was a new premises licence for a shop underneath the railway arches at Finsbury Park. They requested a licence for the sale of alcohol between 8am and 11pm. The nearest similar store was at Tottenham Hale. Asda had never been reviewed and they had over 21 million customers each week. This was a testament to their procedures, policies and training. This would be a convenience store, they were aware of the cumulative impact and so had added a raft of conditions. The alcohol was a very small part of the business with just over 68 bays. Four of these would be

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given over to alcohol including low alcohol products. Alcohol was ancillary to the use as a convenience store but would be an important part of the business. The premises was to open at 7am but alcohol would be locked at this time. They would not be selling super strength beers or premium alcohol, no single cans or white ciders. They would also not be selling sherry or port as street drinkers were moving towards these as their drink of choice. There would be security with body cam. This was a store aimed at the commuter market. There would be three personal licence holders, CCTV, training in conflict management and Challenge 25 which included the use of test purchases to ensure staff challenged young people. There would be panic buttons for staff. Conditions had been agreed relating to Finsbury Park events and Emirates. This was not a standard application. There were no representations from the Police or Licensing Authority and they had not objected to these hours. A ward councillor had objected on the grounds of cumulative impact and the applicant's representative stated that every step would be taken to ensure that there would be no impact. This was a responsible retailer application and was designed to ensure that sales were part of a normal shop.

In response to questions, it was stated that people expect to buy alcohol with their normal shopping in the morning. The tills could block the sale of alcohol until 8am and the Licensing Authority had considered that this was an appropriate start time. In response to this being a particularly high risk area the applicants representative stated that they had shops in other risk areas such as Tottenham Hale from 6am until midnight. They expected to open a number of community stores in the near future. They had looked at a number of strategic locations around transport hubs for stores and the commuter aspect was considered where customers would pick up meals on the way home from work. It was accepted that 8am was early but customers did wish to purchase alcohol with their meal at that time. They were aware that this was a high crime area but had applied specific measures including body cameras and they were responsive to change. They made sure they would not sell alcohol that was attractive to street drinkers and would have a different pricing structure to an Asda superstore. They had a national pricing policy and did not price alcohol any differently to the Tottenham Hale store. There was no evidence to say that they would be cheaper than other stores. They did not offer any buy one get one free drink promotions and had committed to this. The Sub-Committee raised concerns about how staff would be able to differentiate customers who were carrying out a normal food shop on match days from others and how it would be monitored. The Sub-Committee asked if it would be sensible to delete a 'normal food shop' from the condition and the applicant's representative stated that this would be a matter for the Sub-Committee to consider. It was noted that the sale of alcohol could be barred at the till. Regarding security, it was noted that there were four risk categories of store and this was considered an 'ultra store'. It was standard to use one security supervisor on match days but the need for a further person would be risk assessed. It was a small store and one person would be able to see the whole premises. It was further noted that late night refreshment and longer hours in December were no longer being sought. In response to a comment from a member of the Sub-Committee about the number of similar supermarkets in the area, the applicant's representative reminded members that need was not a consideration. The premises was in a cumulative impact area but additional measures were in place to ensure that problems would not be exacerbated. They wanted to give customers the choice to buy alcohol with food.

In summary, the applicant's representative stated that a decision should be evidence based. This was a good company with over 500 stores and there had been no problems. Alcohol was a small part of this business and there was a package of measures included to minimise street drinking. Conditions had been agreed with responsible authorities and if the police had concerns they would have submitted a representation. There was very little in the way of evidence, there would be no negative affect on the cumulative impact area and the Sub-Committee could grant in those terms.

RESOLVED

- 1) That the application for a new premises licence, in respect of Asda Express, 6-9 Station Place, N4 2DH, be granted to allow:-
 - a) The sale of alcohol, off the premises, Monday to Sundays from 9am to 11pm.
 - b) The premises opening hours to be Mondays to Sundays from 7am to 11pm
- 2) That conditions outlined detailed on pages 48-50 of the agenda be applied to the licence with the following amendments:-

Condition 14a) to read. No sales of alcohol to be undertaken during the four hours before the advertised start of the event and until one hour after the event finishes.

Condition 15 to read. No sales of alcohol in glass containers to be undertaken during the period 4 hours before kick off or start of event until 1 hour after the game/event finishes.

Additional conditions:-

- There be a minimum of one SIA security staff present during opening hours and two on match days and when large scale events are held at Finsbury Park.
- There will be no signage relating to alcohol sales visible from outside 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 took into consideration Licensing Policies 2 & 3. The premises fall within the Holloway 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.

Objections had been received from three residents and one ward councillor. Conditions had been agreed with the police and the noise team and the applicant.

The Sub-Committee was concerned that the area had a history of vulnerable people frequenting it who were homeless and drug users. The area was known for alcohol related anti-social behaviour especially as a result of drinking in the street and also other crimes such as robbery. Concerns were raised around the safety of children as the premises is located close to the entrance of Finsbury Park rail and tube station.

The Sub-Committee heard from the applicant that they were expanding their business to include Express Stores that sold alcohol ancillary to food. They had identified Finsbury Park as a prime location due to the proximity to the station. This would be a small convenience store and alcohol would only be 6 ½% of the total display which included no alcohol and low alcohol drinks. The intention was to sell alcohol to the commuter market, those people picking up a meal with a bottle of wine. They would not sell super strength alcohol or single cans, spirits in miniature or sherry and port, which were becoming popular amongst street drinkers. There would be three premises licence holders and there would always be a qualified person on duty. They made representations about their comprehensive training programme which included conflict management, Challenge 25 and internal test purchasing to ensure that staff implemented what they had been taught.

The Sub-Committee had regard to licensing policy 6 which details that premises selling alcohol for consumption off the premises in close proximity to or in high-risk areas would have a starting time of 10am. The Sub-Committee were mindful of the character of Finsbury Park and the anti-social behaviour and crime in the area.

The Sub-Committee considered licensing policy 15 which detailed specific measures were required to prevent alcohol induced crime, disorder and antisocial behaviour inside, outside and in the near vicinity of premises. These included the use of CCTV, door supervisors and refraining from selling high strength alcohol. The location of Finsbury Park formed a triangle of anti-social behaviour and drug dealing with the neighbouring boroughs of Hackney and Haringey. The Sub-Committee also considered licensing policy 16 with regard to door supervisors and considered that it was necessary to impose a condition requiring one door supervisor at all times and two on match days and at big events to negate the impact of the premises on the cumulative impact area.

The Sub-Committee concluded that the granting of the licence with the additional agreed conditions would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the amended conditions, 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.

52 344A ESSEX ROAD, N1 3PD - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that conditions had been agreed with the police and the noise team. In response to a letter from the applicant, two representors had withdrawn their representations, one representation was to remain and one resident had not replied.

A full set of conditions were tabled at the meeting.

The applicant's representative stated that this premises had previously been licensed on the hours applied for but now had extensive conditions. There were no outstanding objections from the responsible authorities and the premises was outside the cumulative impact area. The hours proposed were consistent with framework hours. The premises would not operate as a public house but as a wine storage space and shop with wine tastings in the basement. They would be offering specialist organic natural wine and not the type of alcohol normally associated with anti-social behaviour and street drinking. The applicant had engaged with all interested parties and two had subsequently been reassured and had withdrawn the representations.

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In response to questions, it was noted that there would be retail upstairs and ticketed events downstairs. Residents walking past would see a small retail offering. The wine offered was from small producers. Wine prices could range from £10 to a few hundred pounds. Wine boxes could be posted in a similar manner to the Wine Society. Delivering wine was not a primary business plan and it was stated that the Sub-Committee could impose a condition regarding non-motorised vehicles if they considered it appropriate. It was noted that the premises would be operating Challenge 25. The premises would be used for some storage for the public house on Halliford Street. This was a five-minute walk and items could be delivered between the two properties by trolley or bike. Events would not be of a type that would encourage raucous behaviour. There would be signage to ask patrons to leave quietly. Customers would not be permitted to smoke outside. They would look at measures to ensure that customers would not encroach the whole of the pavement area and there was a condition that ensured that the premises would not operate as a bar.

RESOLVED

- 3) That the application for a new premises licence, in respect of 344a Essex Road, N1, be granted to allow:-
 - c) The supply of alcohol, on and off the premises from 9am to 11pm on Monday to Sunday on the ground floor;
 - d) The supply of alcohol on and off sales from 10am to 11pm Monday to Saturday and from 11am to 10pm on Sundays on the basement floor.
 - e) The premises to be open to the public from 9am to 11pm Monday to Sunday.
- 4) That conditions tabled at the meeting shall be applied to the licence with the following amendments:-

To add the following wording to Condition 23. A maximum of 6 smokers shall be permitted to stand outside the frontage at any one time and shall not be permitted to take alcohol outside.

Condition 27 to read. There shall be no combustion vehicles used for local deliveries of alcohol from the premises at any time.

Condition 10 to read. The premises shall operate in its current guise as a wine merchant and event space and not operate as a bar.

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.

Four local resident objections had been received. Conditions were tabled at the meeting which had been agreed with the police and the 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 this would be a small wine shop with storage and wine tasting in their basement which specialised in organic natural wine. All wine events would be ticketed with no more than 50 guests and would be held in the basement. The

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premises was outside the cumulative impact area. There would be six smokers allowed outside.

The Sub-Committee were concerned that smokers would carry their drinks outside and disturb residents so considered that a condition be added to safeguard against this. The Sub-Committee were also concerned about noise from motorised delivery vehicles and added a condition to safeguard against noise nuisance. The Sub-Committee amended a further condition to ensure that the licence was future proofed against becoming a pub/bar.

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 granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

The meeting ended at 8.30 pm

CHAIR