

**Licensing Sub Committee A - 5 July 2016**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 5 July 2016 at 6.30 pm.

**Present:**        **Councillors:**    Flora Williamson, Michelline Safi-Ngongo and Diarmaid Ward

**Councillor Flora Williamson in the Chair**

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

Councillor Williamson welcomed everyone to the meeting, asked members and officers to introduce themselves

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

There were no apologies for absence.

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

There were no substitute members.

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

None.

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

The order of business was as the agenda.

**117        MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting on the 23 February and the 24 May 2016 be confirmed as a correct record and the Chair be authorised to sign them.

**118        KOJIMA, 100 ISLINGTON HIGH STREET, N1 8EG - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that three additional conditions and an amendment to condition 3 had been agreed between the residents and the applicant. These were tabled and would be interleaved with the agenda papers.

A local resident, speaking on behalf of the objectors, stated that this was not a good location for off sales as it was a highly residential area. They were concerned about the licence if the premises were sold. There needed to be a restricted display area to be conditioned. There was a concern that drinks from the chilled cabinet would be consumed immediately. They asked if the sale of the business could be linked to shareholdings by the applicant. The interested party stated that some residents did not want any expansion of

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alcohol in the area. Some residents considered a display area of 15% to be an acceptable figure. They requested that should a licence be granted it would only be granted until 8pm.

The applicant's representative agreed to add a condition regarding a shareholding of 25% remaining in the name of Mr Mossman. This was a small shop, it was hoped to create a vintage look and products would be displayed around the premises. The applicant was living in the residential flat above. The applicant's representative stated that he would accept 8pm rather than a refusal of the licence, although he would prefer 9pm. There had been no objections from the police or the noise team. As this was an off licence it was considered there would be less effect. Alcohol would be ancillary to the use as a Japanese retail shop. In the lease it was stated that alcohol could only be sold by Mr Mossman. 15% for display space for alcohol would be agreeable. Alcohol sold would be at high cost. There were many pubs and bars in the area where people were more likely to buy alcohol at a cheaper price. He stated that the premises would not be entering a late night economy. These premises were an exception in that alcohol was ancillary and this would be conditioned. They would continue to talk to residents.

The applicant stated that he was passionate about the area and had watched the decline in antique shops. He wished his shop to be a Japanese cultural experience. He would require the chiller as customers may wish white wines to be for their meal at home. The premises were not focussed on alcohol and would set an example of diversity in the area. He was very anxious to make the business work.

In response to questions, the applicant agreed for off sales to be in sealed containers. An email address could be made available for residents.

### **RESOLVED**

- 1) That the application for a new premises licence for Kojima, 100 Islington High Street, N1 8EG be granted to permit:-
  - a) The sale of alcohol, off the premises only, from 11:00 to 21:00 on Monday to Saturday and from 11:00 until 20:00 hours on Sunday.
  - b) Opening hours from 11:00 to 21:00 hours on Monday to Saturday and from 11:00 until 20:00 hours on Sunday.
- 2) Conditions as detailed on page 36 shall be applied to the licence with the following amendments:-
  - Condition 3 to read. Products shall be strictly limited to sake, shochu, Japanese wine, Japanese whisky and bottled or canned craft beers.

### **Additional conditions.**

- No more than 15% of the front of house trading area shall be used for the display of alcoholic drinks.
- The sale of alcohol shall be ancillary to the premises operating as a shop selling Japanese cooking equipment, food and drink.
- The premises licence cannot be transferred, save for to subsidiary to parent companies of the premises licence holder and will cease to be in force if Mr Mossman's shareholding drops below 25%.

### **REASON 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

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2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2 and 13.20 – 13.39 of the Home Office Guidance. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

There were four local resident objections. 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 8.

The applicant stated that the shop was to provide items of cultural and culinary relevance to people interested in Japan and the Japanese community.

The Sub-Committee heard evidence that alcohol sales would be ancillary to the shop selling Japanese cooking equipment, food and drink. These were a small premises measuring 435 sq feet. No more than 15% of the front of house trading area would be used for the display of alcohol. The Sub-Committee noted that Mr Mossman would be living above the premises and that the business was not alcohol led and that the alcohol that was displayed would be entirely Japanese and of specialist interest.

New conditions were agreed during the course of the hearing and the lead representative of the residents described the discussions as fruitful.

The Sub-Committee considered that the granting of the new premises licence with the agreed conditions was unlikely to impact on the existing cumulative impact in the area. The Sub-Committee considered that it was in the public interest, proportionate and appropriate to the promotion of the licensing objectives to grant the licence.

The meeting ended at 7.05 pm

**CHAIR**