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MINUTES OF THE MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 17 JUNE 2021

Councillors Present: Cllr Brian Bell, Chair and
Cllr Gilbert Smyth , Cllr Emma Plouviez

Officers in Attendance: Amanda Nauth, Licensing and Corporate
Lawyer
Subangina Sriramana, Acting Principal Licensing
Officer
Peter Gray, Governance Services Officer

Also in Attendance: Aldi - Units 3-5 Kingsland
Shopping Centre Kingsland, High Street
E8 2LX:
Lisa Gilligan (Solicitor)
Sophie Quinn(Aldi Representative)
29-31 Kingsland High Street, E82JS:
Andrew Bamber (Licensing Consultant)
David Crank, Solicitor
Barry Carsfield, Pegasus
Gary Grant, Barrister
Responsible Authorities:
David Tuitt (Licensing Authority)

1. Election of Chair

1.1 Councillor Brian Bell was duly elected to Chair the meeting.

2. Apologies for Absence

2.1 There were no apologies for absence.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Licensing Sub Committee Hearing Procedure

5.1 The hearing procedure as set out in the agenda pack was explained to all participants.

5. Application for a Premises Licence: Aldi - Units 3-5 Kingsland Shopping Centre, Kingsland High Street, London, E8 2LX

6.1 Subangini Sriramana introduced the report in respect of an application for a premises license to supply alcohol, off premises.

6.2 Lisa Gilligan made submissions in support of the application, highlighting the following:

- That CCTV was in operation at the premise, in the area of alcohol sales
- All sales of alcohol was age verified
- The premises had door security
- There was social distancing at the premises, with safe customer numbers
- There would be no public nuisance arising and the activity would not have a negative impact on the promotion of the licensing objectives or add to cumulative impact in the area
- The premises's main activity was as a supermarket and was not alcohol led

6.2 David Tuitt submitted, in opposition to the application and as outlined in Appendix B to the report, that the proposed activity could have a negative impact on the promotion of the licensing objectives, in particular, the prevention of public nuisance, given the nature of the surrounding area. The premises were located within the Dalston Special Policy Area, an area highlighted as suffering from the negative cumulative impact caused by the concentration of licensed premises in the area. David Tuitt confirmed that there had been no representations from other responsible authorities in regard to the application.

6.3 The Chair stated that there were ongoing problems with gatherings of people and street drinking in the Dalston area. Lisa Gilligan told the Sub-Committee that there had been engagement with the Police to ensure that they were satisfied with the proposed conditions. Many of the products sold were the supermarket's own brand, ensuring traceability. She submitted that the conditions would ensure that the area would not be negatively impacted, in particular during later hours. She reiterated that the sale of alcohol was not the primary focus at the premises. Lisa Gilligan confirmed that there would be security guards at the premises. Cash tills would have the facility to validate start times.

6.4 Councillor Gilbert Smyth stressed the need for the hours at the premises to align with Hackney Licensing Policy and to be in line with core hours. Lisa Gilligan confirmed that the hours would be amended accordingly, opening sales at 8am.

6.5 The Chair outlined a number of required amendments to the conditions. Councillor Gilbert stressed that signage at the premises should be clear. The Sub-Committee stressed the need to have security guards at the premises at all times. Sophie Quinn confirmed that there would be security guards at the premises at all times.

6.6 In summing up, Lisa Gilligan highlighted the following:

- That licensing objectives would not be undermined if the license was granted
- That hours proposed would be in line with Licensing Policy
- That the application should be considered on its own merits
- That management at the premises was responsible

Decision:

The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- The hours for licensable activities, shall be, as agreed:

The opening hours of the premises:

Monday - Sunday 07:00 - 23:00 hours

Supply of Alcohol (off the premises):

Monday - Sunday 08:00 - 23:00 hours

- Condition 6 shall be amended and read as follows:

“The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as to identification standard. The precise positions of the cameras will be agreed with the police”.

- Condition 7 shall be amended and read as follows:

“The system will incorporate a recording facility, and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available to the police on request”.

- **The Second** Condition 9 on the Applicant’s list of conditions shall be amended and read as follows:

“There will be no sales/supplies of beers, ales, lagers or ciders of 5.5% ABV or above, save for premium beer or ciders in glass bottles”.

- Condition 17 shall be amended and read as follows:

“There shall be security staff on duty at all times alcohol is on sale under this license. The premise license holder will at all times maintain adequate levels of such staff. Details of staff and other security measures will be disclosed to the police and licensing authority”.

Reasons for the decision

The sub-committee took into consideration the representations made by the Licensing Authority that they had concerns about public nuisance and that the premises would add to the cumulative impact in the Dalston SPA. The Licensing Authority noted that the applicant had agreed to align the hours with Policy LP4 during the discussion. However, the premises are situated within the Dalston SPA which is the main concern, and therefore it is subject to Policy LP10.

The sub-committee heard from the applicant's representative that the applicant's proposed conditions had been agreed with the police, and she argued that there was no evidence to suggest the application will undermine the licensing objectives or add to the cumulative impact. The hours of operation are not within those associated with the peak hours for crime in the area. The application as amended does not now propose earlier or later hours than the Core Hours identified by Policy LP4. The applicant's representative contended that the alcohol area is covered by security guards, CCTV and they will have security tags on the alcohol. The applicant also uses signage to restrict sales before licensable activity starts.

The sub-committee took into consideration submissions from the applicant's representative that this application can be considered exceptional. The sale of alcohol is not the primary activity; the primary use and purpose of the premises is to operate as a supermarket. The store will not be open during the early hours of the morning.

After hearing from the applicant, applicant's representative, and from the Licensing Authority, the sub-committee was satisfied that the amended conditions and hours would mitigate any negative impact that granting the licence would have on the Dalston SPA. It also justified the sub-committee making an exception to grant this licence within the Dalston SPA. The sub-committee also took into consideration that there were no representations from other responsible authorities or local residents in the area.

The sub-committee took into consideration that the applicant was an experienced and responsible operator nationwide with a good track record.

Having taken all of the above factors into consideration, the Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston SPA.

7. Application for a Premises License: 29-31 Kingsland High Street, E8 2JS

7.1 Subangini Sriramana introduced the report in respect of an application for a premises license for the supply of alcohol off premises.

7.2 Gary Grant made submissions in support of the application, referring the Sub-Committee to the additional bundle submitted, containing the statement from the expert consultant. He highlighted the following:

- The premises would be the forth Amazon Fresh in the UK
- The unit was small at 197 square feet and was not alcohol led/ Miniature spirits would not be sold at the premises/ the premises was primarily a grocery store
- The alcohol section was sectioned off
- A member of staff would be present at the premises for the first month
- There were to be security gates at the premises

- The hours for the sale of alcohol were in line with Licensing Policy 4
- Planning permission was in place for the premises
- The customer base was already present and the premise would not attract new customers
- The premises was not expected to attract problem drinkers
- CCTV was in operation
- The premise would not add to cumulative impact in the area
- There had been no other objections from responsible authorities

6. David Tuitt submitted, in opposition to the application and as outlined in Appendix B to the report, that the proposed activity could have a negative impact on the promotion of the licensing objectives, in particular, the prevention of public nuisance, given the nature of the surrounding area. The premise was located within the Dalston Special Policy Area which was an area highlighted as suffering from negative cumulative impact caused by the concentration of licensed premises in the local area. David Tuitt welcomed that the hours of operation at the premises aligned with Licensing Policy 4. He confirmed that there had been no other representations from other responsible authorities.

6.3 Councillor Gilbert Smyth asked for more detail around the operation of the gate at the premises and expressed concern that this may attract younger people, using parents' phones to enter the premises. He asked that the hours for the supply of alcohol on sundays align with Licensing Policy 3. Gary Grant confirmed that there were two gates at the premises with the second gate to the alcohol section. There would always be a member of staff at the second gate. David Walters confirmed that the shop could be closed at any time and that there was an operational plan in place. Andrew Bamber confirmed that the premise was secure and that only one person could enter the premises at a time and staff would supervise the area. Gary Grant confirmed that the sunday hours could be aligned with Licensing Policy 3.

6.4 Councillor Brian Bell asked for clarification of the DPS arrangements at the premises. Gary Grant confirmed that Pegasus had been the initial applicant but the license would not be activated until it was transferred to Amazon. This had been because of particular commercial sensitivities. David Walters as regional manager would be the initial DPS for Amazon at the premises. However they were intending to appoint a local manager and this would require a further transfer application.

Decision

The Licensing Sub-committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- Condition 9 shall be amended and read as follows:

“CCTV systems will be in operation and will cover the area of the premises that the public have access to with the ability to capture a clear facial image of every person who enters the premises. The images will be retained for a minimum of 30 days and will be made available to the authorities”.

- Conditions 15 and 19 shall be deleted.

And the following additional conditions proposed by the applicant's tenant:

- At all times that alcohol is being sold from the premises there shall be either a personal licence holder or a senior trained member of management staff on duty and capable of being identified by other staff members.
- At all times the designated alcohol area is open and alcohol is available for sale, a dedicated member of staff shall be present to supervise the alcohol area and carry out Challenge 25 age verification checks on customers entering that area.
- This premises licence has no effect until the licence has been transferred to Amazon EU S.a.r.l.
- The premises will not sell/supply miniature bottles of spirits of 50ml or less save for premium products which have been agreed with the Police or as part of seasonal gift packs (email authority will suffice).
- The licence holder shall risk assess the need for SIA door supervision and door supervisors shall be deployed in accordance with the risk assessment. The risk assessment shall be made available for inspection by police or authorised council officers.

Reasons for the decision

The sub-committee took into consideration the representations made by the Licensing Authority that they had concerns about public nuisance and the cumulative impact which new licenses add to the Dalston SPA. It was noted that this applicant is seeking to align the hours with Policy LP4. The Licensing Authority recognised that this is a unique proposal with a barrier controlled entry. However the premises are situated within the Dalston SPA which is the main concern, and therefore it is subject to policy LP10.

The sub-committee heard submissions from the applicant's representative that it is a relatively small premises with a small alcohol area. The alcohol area is sectioned off from the rest of the store, and will be supervised by a dedicated member of staff at all times. When it is not operating, the alcohol area can be barred completely from the rest of the store.

The applicant's representative stated that a member of staff needs to allow patrons into the alcohol area, and it is a one way system in and out of the area. It is a narrow space and patrons cannot enter in groups. He believed it would not be attractive to street drinkers.

There is no access to the premises unless the patron has an account. The alcohol sold is not cheap or super strength, and he argued it would not attract preloaders.

It was also noted that there were no representations from other responsible authorities or local residents in the area.

After hearing from the applicant's representative, and from the Licensing Authority, the sub-committee was satisfied that the conditions that the applicant agreed to would mitigate the negative impacts that granting the licence would have on the Dalston SPA. The sub-committee felt the representations justified them making an exception to grant this licence within the Dalston SPA.

The evidence of the applicant's expert witness in support of the Amazon Fresh application was very clear and persuasive, confirming following his assessment from unannounced visits to the other premises in London that the staff were knowledgeable about age verification and alcohol sales, the premises did not permit street drinkers, and they had robust security measures in place.

The sub-committee took into consideration that the applicant appeared to be a responsible operator, and had experience of operating "Amazon Fresh" premises in areas such as Wembley, Ealing, and White City. Two of these stores were granted premises licences within cumulative impact areas. The sub-committee noted that although the initial application was made by the agent, once the lease to Amazon is completed, they will then be operating the premises directly.

Having taken all of the above factors into consideration, the application for a premises licence for off-sales has been approved because the licensing

sub-committee was satisfied that the licensing objectives would not be undermined in the Dalston Special Policy Area (Dalston SPA).

7. Temporary Events Notice

7.1 There were no temporary event notices.

Meeting Duration: 2pm - 3:30pm

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