

Application for a Premises Licence - 29-31 Kingsland High Street, London E8 2JS - APPROVAL

The decision of 17th June 2021

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 have 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).