

MINUTES OF LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY
1 DECEMBER 2020 at 2pm

Councillors Present:	Smythe, Snell (Chair)
Officers in Attendance:	Clifford Hart - Senior Governance Services Officer Amanda Nauth - Licensing and Corporate Lawyer Subangini Sriramana- Acting Principal Licensing Officer
Responsible Authorities:	PC David Atkins - Metropolitan Police Licensing Service David Tuitt - Business Regulation Team Leader (Licensing Authority)
Also in Attendance:	Applicant's Solicitor - WS Law - Robert Botkai, Sarah Grant Applicants : Ms Trish Bojczuk & Mr Steve Turpin
Other persons:	Catherine Hanly - Resident

1. Election of Chair

1.1 Councillor Snell 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

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

5. Application for a Premises License: Hanoi Pho - 179 Mare Street, Hackney E8 3QE - London Fields Ward

- 5.1 The Chair advised that this item had been dealt with and approved under delegated authority and therefore was not required to be considered at the hearing.

6. Application for a variation of a Premises License: Finsbury Park Service Station - 314 Seven Sisters Road, N4 2AP - Brownswood Ward

- 6.1 The Chair advised that additional concerns from the Police had been circulated on 30 November 2020, together with additional conditions submitted by the applicant's solicitor .
- 6.2 Subangini Sriramana - Acting Principal Licensing Officer introduced the report
- 6.3 Mr Robert Botkai - the applicant's solicitor, commented:
- That the facility was in operation already 24 hours a day with alcohol sales ceasing at 11pm.
 - That the existing licensing conditions were extensive and may have applied to a previous 24 hour licence which had been carried over.
 - That one existing condition prevented alcohol being sold of over 6% proof.
 - Additional conditions had been put forward (as circulated prior to the hearing) for consideration and summarised as: sales of alcohol only being available through the night time window and with no entry to the premises; no sales of individual cans of beer or larger; no sales of miniature bottles of alcohol of 35 cl or less.
 - An additional condition was outlined that during festivals of sale of no more than 4 cans to any one individual, no sales of glass vessels, and ceasing of all alcohol sales if requested by the Metropolitan Police.
 - There were two existing premises at 302 and 308 Seven Sisters Road which had 24 hour opening, one currently sporadic in its operation, and the ability to purchase single cans of 'white ciders', strong beers and miniatures - something which was not on sale at this premises.
 - That the types of alcohol for sale at other local premises did attract those persons who were alcohol dependent, and street

drinkers, and sales from these premises was contributing to ASB and disruptive behaviour in the area.

- Reference by the Responsible authority - Mt Tuitt in his appendix B 2 to a 2017 study of late night convenience stores, supermarkets licensed to sell alcohol, and confirmation that the study had centred on five areas of the Borough excluding this area, and the conclusion of the study advising no adverse detrimental effect on ASB or disruptive behaviour.
- That there was no reference in Mr Tuitt's objections in terms of cumulative impact on ASB, or no evidence to suggest this. It was also highlighted that there were no public and environmental health representations.
- That the overall Police objections had been answered by the additional conditions outlined.
- That the email sent by the Police in regard to high crime and disorder gave no specific references to incidents, times, dates, or severity, and it would be expected that any such references would be substantiated by factual evidence.
- Regarding resident concerns in respect of drug dealing, there was no evidence to suggest these activities, and no incidents of ASB at the store, or street drinking in the vicinity of the store.
- That the sales of alcohol through the night window were easier to control, and the night staff were able to see and report any signs of ASB.

6.4

The Sub-Committee raised the following points which were responded to as indicated;

- what had been the level of liaison with the Police Authorities concerning the additional conditions submitted and confirmation from Mr Botkai of discussions with the Police during the consultation period, with the concerns/reservations remaining
- Clarification given by the legal adviser to the sub - committee - (Amanda Nauth) to points raised by the Chair regarding the 2017 study, and whether any changes had been fundamentally made to the existing policy in terms of the responsible authorities submitting evidence to substantiate ASB, and her response that the sub-committee should take account of the policy in considering whether an exception should be made based on the submitted evidence, and whether the Sub-Committee would in that sense be prepared to depart from existing policy;
- Clarification by Mr Botkai with regard to the issue of representations received regarding ASB that there was no evidence to suggest such activity emanated from this premises.
- That the location was not in a cumulative impact area (CIA) but had it been there would need to be evidence to the effect of there being an impact as a result of the activity - and this was indeed not the case.

6.5 David Tuitt, Licensing Authority representative, referred to his submissions, as set out in appendix B 2 of the objections. He added that the additional measures proposed by the applicant were welcomed.

6.6 The Chair and Committee sought and received clarification from the applicant's solicitor Mr Botkai on the following points:

- That in terms of evidence of crime/ASB - this was anecdotal, and raised internally during a general working group discussion regarding activity in this area.
- Given the location of a hostel facility in close proximity to Seven Sisters Road, which could seriously undermine the licensing objectives of the location, but that this had not been evidenced in the representations at B2 as there was no categorical evidence as such to say that this was the case.
- That the 2017 study had not looked at the Blackstock Road area as part of cumulative impact inclusion.
- Concern and clarification that the 2017 study had not given any evidence of late night sales having a detrimental effect on crime and ASB in this area, and that this study was being referenced in terms of an objection to the proposal.
- That the said study should have been circulated as part of the evidence to support a point, and that without the study being circulated it should not be referenced nor taken account of in any deliberation.

6.7 PC Dave Atkins - Metropolitan Police Licensing Service, referred to his submission and advised that :

- That in terms of other premises in the vicinity, 302 was open 24 hours, as was 308 - but that 308 ceased sales of alcohol at 11pm.
- That an additional licence of 24 hours and alcohol sales as proposed would exacerbate existing street drinking in that area, and further possible detrimental effects on ASB which had been the concern of the Safer Neighbourhoods team (SNTs), together with the evidence submitted and circulated from PC Hussain on 30 November.

6.8 The Chair and Sub- Committee sought clarification on certain issues raised, and responses were given by PC Atkins as follows:

- Clarification that conditions submitted had been discussed prior to the hearing.
- Concerns as to whether the Police would have the capacity to be able to notify the applicant 48 hours prior to festivals, to cease alcohol sales given that it may not always be the licensing

team, but rather the local area officers carrying out these roles and possible capacity issues.

- The further concerns submitted by the Police were quoted by PC Atkins for the benefit of the hearing (originally stated in February 2020). The substance of the comments could not be further explained as regards the initiative undertaken due to the absence of the SNT at this hearing due to unforeseen work commitments.

6.9 Ms Hanly 'Other Person' (Appendix C4) made submissions in objection to the application, which in summary were as follows:

- Living in close proximity to the premises there was considerable issues with street drinking, drug taking, and ASB. the issues with drinking in the vicinity of the entrance to Finsbury Park and that the park was open 24 hours a day so the drinking issue and congregation of people there was continual;
- The location of the hostels in the vicinity as well as homelessness in the area;
- The matter of extensive festivals for three months during the summer - 2020 not so due to COVID, with street drinking going off the scale;
- Existing issues with the petrol station during this time being a massive draw from people leaving the Park, and the sale of alcohol/cigarettes allowing for people remaining in the area and not moving off after the events were concluding;
- The existing private foot patrols having a presence to try to assist in terms of ASB and street drinking - paid for by the festival organisations to try to combat the issues and concerns;
- That any additional application for 24 hour drinking would only serve to worsen an already known issue of street drinking/ violence and ASB.

6.10 The Sub-Committee discussed the relevance of the 2017 study in respect to the decision under consideration. The Applicant's legal representative challenged the value of the study and argued it was misleading. However, following consultation with the Licensing and Corporate Lawyer, it was agreed that the broad themes of the study were pertinent to the proposed amendment's impact on ASB.

6.11 Following all submissions, and clarifications as outlined the Chair led a discussion of the application, during which the following points were raised:

- The evident concerns of local residents particularly during the latitude festival period and the issues associated with loitering, prolonged street drinking and ASB, and the requirement for private security during this period, but given the concerns that this was a year round issue whether indeed there should be private security during the whole year;

- That it was a fact that in recent years it had been practice not to grant alcohol sales 24 hours a day and that the Council's licencing policies had to be upheld by granting such a request;
- That there had been no evidence thus far to suggest any benefit to the local community, and that by granting the licence this would be against such agreed policies;
- The applicant's solicitor agreed that the application could be amended to permit alcohol sale to midnight on Friday and Saturday.;
- Clarification from the applicant that the company was a responsible one in its operations;
- Clarification sought and given that the sale of alcohol at this premises was a restricted range and could not be compared with the considerable range of alcohol sold at both 302, and 308 Seven Sisters Road, which was were a lot of the problems emanated from;
- In terms of the workability of the proposed conditions from a Police perspective whilst conditions may be workable viz a vi 48 hour notice local police may not be able to check local licences to then enforce such conditions, coupled with the sheer volume of licensees in the Borough;
- Further Police clarity that whilst 11pm ceasing of sales of alcohol during festivals would assist, overall resident concern for the rest of the year, together with the observations of the Police Safer Neighbourhood Teams needed to be taken account of;
- The Chair's comment that it was sensible having a condition in ceasing alcohol sales during any events, supported in part by the applicant, though clarity would be needed as to what constituted an event - i.e would it be necessary during a fun fare;
- clarification of the core hour operation in line with licence condition LP3 as already granted and that the extension of operation would only apply Friday and Saturday 11- 12 Midnight.

6.12 There being no further points of clarification the Chair asked that the other persons, the applicant's Solicitor, and the Licensing Authority to make their closing remarks.

6.13 Mr Botkai on behalf of the applicant advised that:

- That the concessions/amendments to the application by way of the proposed variation for alcohol sales Friday and Saturday to Midnight only somewhat mitigated a number of issues **/concerns** expressed during the discussions on the proposed application;
- A reiteration of the issue of the quoted study, and the need to disregard this in deliberation of the application, given the quasi judicial nature of the licensing process; and
- A commitment to work with the Licensing Authority and Metropolitan Police, and local residents going forward

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6.14 Ms Hanly (**other persons**) stated that no assurances had been given to there being any improvement by the proposals. There had been nothing

suggested to alleviate or address the evident exiting problems of ASB, street drinking, and drugs issues in the area. However the opportunity to express resident concerns had been welcomed.

6.15 David Tuitt - Responsible Authorities, and PC Dave Atkins - Police Authority
- had no further comments to add.

6.16 There being no further points raised by any of the parties the Chair advised that the formal meeting would now close and the Sub-Committee would retire to consider its decision. The applicant would be advised of the decision within 5 working days.

Mr Botkai thanked the Sub-Committee for its consideration.

The Chair thanked all parties for their attendance.

The formal meeting concluded at 15:22hrs

Following private deliberation it was:

6.17 RESOLVED

Application to Vary a Premises Licence – Finsbury Park Service Station, 314 Seven Sisters Road, London, N4 2AP – APPROVAL

The decision of 1st December 2020

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;
- The protection of children from harm;

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

The hours for licensable activity are:

Supply of Alcohol (off the premises):

Sunday to Thursday 06:00 - 23:00 hours
Friday to Saturday 06:00 - 00:00 hours

And the following additional conditions:

The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.

The licence holder will, on receipt of a request in writing (email will suffice) from the police take the following steps at the premises for such times as may be agreed, on days when the police consider that a major event is taking place in Finsbury Park. Such requests from the police must be on at least 48 hours' notice:

- i) Alcohol sales in respect of cans of beer or cider to be limited to no more than 4 cans per person.
 - ii) The premises will not externally advertise local promotions of alcohol.
 - iii) No sales of alcohol in bottles or glass containers are made during this period.
 - iv) Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.
- There shall be no sale of single cans of beer, larger or cider from the premises.
 - There shall be no sales of spirits in vessels with a volume of less than 35CL.

Reasons for the decision

The application has been approved as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined.

The sub-committee noted that the premises is situated in a busy residential area opposite Finsbury Park, and in the Summer months the park holds a number of festivals and concerts. It was noted that the applicant held an existing premises licence, and they are an experienced operator who have 61 sites of which 37 are operated on a 24 hour basis.

The sub-committee took into consideration the representations from the Licensing Authority, the Metropolitan Police, and Other Persons. It was noted that apart from the Licensing Authority and the Metropolitan Police no other Responsible Authorities had made representations.

The Metropolitan Police stated that they had concerns that festival goers will have more access to alcohol, which could be disruptive, and may cause a public nuisance.

They had concerns that the additional hours may also exacerbate the situation with street drinkers. The Metropolitan Police also had concerns following festival events about the implications on public safety with individuals continuing to drink on at Finsbury Park Station and on the public transport network.

The sub-committee considered that the Licensing Authority had concerns that the alcohol sales could lead to incidents of anti-social behaviour including street drinking, and could lead to crime and disorder.

The sub-committee took into consideration the objections from Other Persons in relation to anti-social behaviour and the impact on the local residents in the area which would also undermine the work undertaken by the local community Police.

The sub-committee felt that the applicant's amended application seeking an additional hour on Friday's and Saturday's from 06:00 to midnight (00:00), together with the above additional conditions, proposed by the applicant, gave them some comfort that it would reduce the risks of late night street drinking, and any anti-social behaviour that would mitigate any impact on local residents in the area.

Having taken all of the above factors into consideration the Licensing sub-committee were satisfied, when granting the variation of this premises licence, that the licensing objectives would continue to be promoted.

Public Informative

The applicant is encouraged to engage in meaningful dialog with the local residents regarding issues relating to the premises, and to play their part in reducing any impacts such as noise and anti-social behaviour.

7. Temporary Event Notices

7.1 There were no Temporary Event Notices.

End of Meeting

Duration of Meeting: 2pm - 3.22pm

Chairperson: Cllr Snell

Contact:

Name Clifford Hart

Telephone

Email Clifford.hart@hackney.gov.uk