

London Borough of Islington

Licensing Sub-Committee A – 26 November 2013

DRAFT

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 26 November 2013 at 6.30 pm.

Present: **Councillors:** Jilani Chowdhury, Phil Kelly and Gary Poole.

COUNCILLOR GARY POOLE IN THE CHAIR

250 **INTRODUCTIONS (ITEM A1)**

Councillor Poole welcomed everyone to the meeting and asked members and officers to introduce themselves.

251 **APOLOGIES FOR ABSENCE (ITEM A2)**

Received from Councillor West.

252 **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

Councillor Kelly substituted for Councillor West.

253 **DECLARATIONS OF INTEREST (ITEM A4)**

None

254 **ORDER OF BUSINESS (ITEM A5)**

The Sub-Committee noted that agenda item B1, Express Supermarket, 81 Hazelville Road, N19 3NB, had been adjourned, at the request of the applicant. Notification had been received that afternoon.

255 **MINUTES OF THE MEETINGS HELD ON 3 AND 7 OCTOBER 2013 (ITEM A6)**

RESOLVED

That the minutes of the meetings held on 3 and 7 October 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

256 **5 CLERKENWELL ROAD, EC1M 5PA – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2013 (Item B2)**

The Noise Officer referred to the Noise Team's recommendations on page 78 of the report and reported that these had been agreed by the applicant, apart from condition 13, although this had since been discussed further and agreed in an amended format with the applicant. The amended condition agreed by the Noise Officer and the applicant now read : "No rubbish will be moved, removed, or placed in bins outside the premises on Sundays or bank holidays between the hours of 21:00 on Saturday and 07:00 on Sundays and between 21:00 the day preceding any bank holiday and 07:00 hours on the following bank holiday, nor between the hours of 21:00 and 07:00 hours on any other days of the week".

The Noise Officer also highlighted that the current recommendations 14 and 15 on page 78 of the report were repeated at conditions 20 and 21. This had been discussed with the applicant and agreement had been reached to delete recommendations 14 and 15.

Mr Tim Watts, a Director of Nilton Limited (Trading as "Temptations") and representing the applicant, stated that he was sorry that the residential complainant was not present at the meeting in

order that he could offer some reassurance on the concerns they had expressed. He appreciated that there would be noise if the premises was operating as a late night bar, but they were a café, envisaging one bottle of wine or beer on a table, with food. Temptations were an independent company and believed in being part of the community and giving something back. Mr Watts stated that he was proud of what his company did and wished to support a community spirit. As part of this, he visited St Mary's School on occasion to talk about business with the young people. Although they were a new premises in Clerkenwell, they had operated a similar premises at Highbury Corner for some time with no problems. On the issue of rubbish disposal, the premises complied with Islington's timescales. If they were not permitted to put their food waste and rubbish out on Sundays, they would have to store the bags of rubbish on the premises, but would prefer not to have to do this from a hygiene point of view.

In response to a question from a member of the Sub-Committee as to the steps they had taken to engage with the local community, Mr Watts stated that they had not, since it was mostly office buildings in the vicinity of their premises. If there had been residential premises above their own, he would have taken steps to write to the residents, but there were none.

The Chair highlighted the fact that the premises was based in a community impact zone and that it would be important for the Sub-Committee to understand any mitigating factors that the licence holder had taken to ensure that they were not contributing further to this. Mr Watts maintained that his premises was a café/restaurant, providing a glass of wine with a meal. It was not a drinking establishment. In response to a further question, Mr Watts said that, although the premises was near to clubs and a drinking area, they would not be selling alcohol until midday and people coming from clubs would be able to get breakfast but no alcohol. He did not anticipate people would try to enter his premises from clubs. There would be no hot refreshments served after 11.00pm.

The Chair stated that members were concerned that noise nuisance would be caused by bottles being put out for collection/recycling at 7am or 8am on Sundays. The Noise Officer acknowledged that this matter had not been considered during her discussions with the applicant. Mr Watts stated that he would be happy to agree that no bottles would be put out from the premises on Saturdays or Sundays.

In response to a question, Mr Watts confirmed that an application had been submitted for outside tables and chairs and confirmed that there would be no drinking of alcohol outside the premises. The Sub-Committee noted that condition 14 required that frontage tables and chairs would have to be rendered unusable and cleared of patrons by 23:00 hours.

The Sub-Committee left the room to deliberate at 6.55pm and returned at 7.00pm.

RESOLVED:

(a) That a new premises licence in respect of 5 Clerkenwell Road, London EC1M 5PA be granted to permit:

- i) the premises to sell alcohol from Monday to Sunday from 12:00 to 23:00.
- ii) opening hours from 06:00 to midnight Monday to Sunday.

(b) That the conditions outlined in appendix 4 as detailed on page 78 of the agenda be applied to the licence subject to the following amendments/additions:

- i) the deletion of conditions 14 and 15 on page 78
- ii) a revision to condition 13 to read "No rubbish will be moved, removed, or placed in bins outside the premises on Sundays or bank holidays between the hours of 21:00 on Saturday and 07:00 on Sundays and between 21:00 the day preceding any bank holiday and 07:00 hours on the following bank holiday, nor between the hours of 21:00 and 07:00 hours on any other days of the week".
- c) an additional condition as follows:

Bottling-out from the premises is prohibited on Sundays and bank holidays

Reasons for decision

The Sub-Committee listened to all the evidence and submissions and read all the material, including the written representation from a local resident. 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 Policy 002. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 002 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.

The Sub-Committee concluded that the grant of the premises licence would be unlikely to impact on the existing cumulative impact in the Bunhill and Clerkenwell cumulative impact area. The Sub-Committee noted Mr Watts' statement that the premises were located in an area surrounded largely by offices and they were satisfied that the added condition concerning bottling out would avoid any early morning noise nuisance on Sundays and Bank Holidays. The premises would serve as a café/restaurant, providing seating and alcohol with meals. There would be no late night refreshments.

The meeting closed at 7.10pm.