

Licensing Sub Committee A - 12 May 2015

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 12 May 2015 at 6.30 pm.

Present: **Councillors:** Raphael Andrews (Chair), Nick Wayne (Vice-Chair) and
Flora Williamson

Councillor Raphael Andrews in the Chair

- 49 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Andrews welcomed everyone to the meeting and asked members and officers to introduce themselves.
- 50 **APOLOGIES FOR ABSENCE (Item A2)**
None received.
- 51 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 52 **DECLARATIONS OF INTEREST (Item A4)**
Councillor Andrews declared that he was a Ward Councillor in Items B1 and B4. Councillor Williamson declared that she was a Ward Councillor in Item B5. They both stated that they had no previous involvement in these applications prior to the meeting.
- 53 **ORDER OF BUSINESS (Item A5)**
The order of business was as the agenda.
- 54 **MINUTES OF PREVIOUS MEETING (Item A6)**
That the minutes of the meeting held on the 8 January 2015 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.
- 55 **UNIT 1, 62 TURNMILL STREET, EC1M 5NP - APPLICATION FOR A NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that additional papers had been circulated in response to the representations. These detailed two additional conditions regarding beer strength and the amount of sales area used for the display of alcohol.
- The police officer reported that, over a 12 week period there were 130 crimes in the Clerkenwell area. He would expect to see hours within the policy framework hours. He noted the discrepancy regarding the basement plan submitted. He had concerns regarding the off sales and asked that, if a licence was granted there be no off sales and the licence be granted within framework hours.
- The licensing authority reported that the premises was in a cumulative impact area and considered that the applicant required maximum flexibility without prescriptive conditions. The licensing authority required a balance and an application that was consistent with the licensing policy. The applicant had cited a nearby premises with a newly issued licence but this premises only sold alcohol within framework hours and did not have off sales. There

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were concerns regarding the late evening offer and clarity was required regarding the maximum capacity, the off sales and operation of the basement bar.

Three local residents attended the meeting. They raised concerns that conditions were put forward at the meeting, giving residents no time to consider them. They stated that the neighbouring restaurant was not objected to as the application had not been seen by residents. Residents objected to this application on the grounds of public nuisance and crime and disorder. Hours should be in line with the policy framework hours. The pavement was crowded and there had been no effort by the applicant to minimise the noise, nuisance and rubbish. Off sales should be refused and hours brought in line with other premises with Sundays being 5pm. Consideration needed to be given to the maximum capacity, the times of deliveries, noise breakout from music and the number of smokers limited.

They reported that the applicant had sought maximum flexibility with meaningless conditions. The application should be rejected as it had not been made properly.

One local resident supported the application made by the police. She stated that she would have preferred a retail application as the whole of the area would be taken up by restaurants. She asked that the application be refused.

The applicant's representative offered two further conditions regarding a dispersal policy and an agreement to meet with residents every six months. The discrepancy on the plan was the shading in the bar area. This was not the intention. This was the second unit in the building. There would be offices above. The hours requested were those used in Albion restaurants in Shoreditch and the Southbank. They believed that could uphold the licensing objectives with these hours. The Albion had a retail area and would wish off sales in this area in order that purchasers could buy wine to take home. They were not creating an off licence and residents were welcome to speak with them regarding problems. Music had not been applied for. There were thirty covers for the bar area which was located in the basement. There would be no queues outside. This was not a nightclub and noise would not increase above background level. Conditions were taken from the standard conditions in the policy and he was not usually criticised for offering further conditions at a hearing. The applicant reported that this would be a community facility and would offer a range of services to residents and customers. They were happy to meet with residents to address concerns.

In response to questions, it was noted that the hours applied for covered both the retail and the restaurant. The applicant stated that late at night off sales could be reduced. The style of operation would mean that it would not add to the cumulative impact. A bottle of wine would cost at least £25 and there would be cheaper alternatives locally. The hours for off sales in the retail part of the premises were the same as in Shoreditch and were not a cause for concern in that area. There would be approximately 105 sq ft of space for alcohol space. Craft beers, lager, wine and one branded gin would be sold on the premises. No application had been made for tables and chairs outside the premises. There were unlikely to be queues on the pavement as this had not arisen in other premises. Customers could be held inside the premises if necessary. They did not consider that they would add to the cumulative impact as they had no complaints at their other premises. They requested that the longer hours be granted as they would like the flexibility in the main restaurant area. With the reduced hours, if customers arrived at 10pm and ordered food at 11pm they could not be served. Clerkenwell Road was busy and noise was not expected to be an issue. The dispersal condition was not finalised as it was considered that this would be more sensible on completion of the development and in consultation with local residents. They would have signage for customers purchasing off sales. They would not expect customers to drink outside if smoking and there would be proper management of customers.

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Councillor Williamson thanked the residents for their work that they had made in their representations.

In summary, the licensing authority asked that if the application was granted there would be conditions regarding the dispersal policy, the management of the outside area, there be clarity regarding capacity and conditions relating to a predominantly food led venue.

The interested parties considered that this was a badly prepared application with no thought out conditions regarding rubbish and dispersal. This was a cumulative impact area and the onus was on the applicant. Although there were no residents above, there was a residential block in Britton Street. The premises had a glazed/curved design and would attract custom. Alcohol without food would be served in the bar area. There would be no controls if the premises were hired out for parties. There were already 57 licensed premises in the area and there was no need for more.

The licensee's representative stated that they would be happy to meet residents every six months. He refuted that this was a bad application. Conditions had not all been standard. These were conditions that would be adhered to and if breached the applicant could receive a fine. This premises was for restaurant style use with a small bar and café. With any change in style of operation, a variation would need to be submitted.

RESOLVED that

The application for a new premises licence in respect of Unit 1, 62 Turnmill Street, EC1M 5NP be adjourned to the 5 October 2015.

The Sub-Committee considers that further conditions are required and would ask that further information be provided by the applicant on the following matters:-

Use of the bar area for drinking only, hiring out of the premises, the use of framework hours, off sales in general, conditions in relation to reduction in noise, capacity, dispersal policy, deliveries, use of the outside area for smokers, consultation with local residents. The list is not limited to these points.

The Sub-Committee ask that the applicants provide the information requested to the licensing officer at least 30 days before the meeting.

56 **RED SEA, 196 SEVEN SISTERS ROAD, N4 3NX - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)**

In response to questioning by the Chair, the applicants stated that they did not need legal representation.

The licensing officer reported that an application had been submitted in November 2014 for licensable activities until 04:00 am. Following a closure notice and discussions with the police an amended application was submitted in February 2015.

The noise officer summarised the list of noise incidents detailed on pages 139 of the agenda. They requested that the application be refused due to the poor management of the premises.

The police officer reported that this area was a strain on police resources. There were a number of incidents which could be linked to the venue as detailed in the representation and it was considered that there were also a large number of other offences that might be linked. The management history had been shambolic and there had been no evidence of good management standards. He asked that the application be refused, however, should

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the application be granted he requested that the twenty one police conditions as detailed in the report be applied to the licence.

The applicants stated that since the noise incidents in August and September there had been a restructuring. The brothers had undertaken training. Cameras had been installed and there had been no incidents. They had a good relationship with neighbours and had done everything they needed to do. They knew the area and had learnt by their mistakes. Late hours had been a problem but in the last two months they had closed early and there had been no incidents.

In response to questions it was noted that the structure of management was now different to the previous business. A well trained brother had been brought into the business. They wanted a licence until 1 am so the community could watch football together. This was no longer an advice centre and was now a bar. Other bars caused problems in the area. They would control noise by asking people to be quiet. They had not received a reply regarding their planning permission application. They had not realised that they needed to obtain a licence. They had personal licences and would be applying for SIA licences. The noise would be from the TV and had a controlled volume. There was no intention to hold parties or to have amplifying equipment.

In summary, the police stated that two or three venues in the area kept the police very busy and each week they were in the area due to ongoing issues. These incidents could not be proven to be linked with the Red Sea but they could not say that their customers had not been involved.

The applicant reported that their brother had been brought into the business and he was very experienced. There had been no problems over the past two months. They would take on board all the conditions and they had cancelled their late night hours as this had caused problems. They asked that the licence be granted until 01:00 hours.

RESOLVED that

The application for a new premises licence in respect of Red Sea, 196a Seven Sisters Road, N4 3NX be refused.

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

The Sub-Committee heard evidence from the noise officer that there had been complaints about noise going back to 2010 including amplified music at 03:40am. The police stated that the venue was a strain on police resources and listed a number of incidents of drunken disorder, common assault, actual bodily harm and grievous bodily harm. The licensing authority expressed concerns about standards of management. The applicants explained that their brother, who had experience of management had been brought in. There had been no recent incidents and there had been a good relationship with the neighbours for the last two months.

The Sub-Committee considered that there had been a change in the use of the premises to a bar from an advice centre offering tea, coffee and sandwiches to Eritreans.

The Sub-Committee took into account Licensing Policy 2. The premises fall under the Finsbury Park/Holloway cumulative impact area. Licensing policy 2 creates a rebuttable presumption that, applications for new premises licences that are likely to add to the

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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.

In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives. The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives of crime and disorder and public nuisance. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

It was proportionate and in the public interest to refuse the application.

57 TITANIC CAFE, 306 HOLLOWAY ROAD, N7 6NJ - APPLICATION FOR A PREMISES LICENCE VARIATION (Item B3)

The applicant was not present at the meeting. The interested party was in attendance and in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee agreed to hold the hearing in the absence of the applicant.

The licensing officer reported that the premises had planning permission for A3 use since 1995.

The noise officer reported that there had been a number of noise complaints between January and March 2015 and asked that if the licence was granted, the conditions as detailed in the report should be applied to the licence.

The police officer reported that the premises had been visited and was set up as a late night bar and it seemed, taking the amount of stock and noise complaints into account, had been operating without a licence.

The licensing authority reported that the premises currently had a licence until 7pm. There were concerns about the licence being breached and non-attendance at the meeting did not help allay these concerns. The licensing authority supported refusal of the licence.

The local resident reported that she lived in the adjacent block and noise problems had started about a year ago from music and also from customers gathering outside on the pavement. She felt threatened and intimidated by customers and had been woken up at different times of the night by noise. Extractor fans were also left on until the early hours of the morning.

In response to questions it was noted that customers were allowed in the premises by ducking beneath shutters. Customers left between 01:00 - 03:00 hours in their cars well after normal café hours.

RESOLVED that

The application for a premises licence variation in respect of Titanic Café, 306 Holloway Road, N7 7NJ be refused.

REASONS FOR DECISION

The applicant was not present at the meeting and had given no reason. The interested party was in attendance and in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee agreed to hold the hearing in the absence of the applicant.

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The Sub-Committee listened to all the evidence and submissions and read all the material, including the information supplied by the applicant. 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 2. The premises fall under the Holloway and Finsbury Park cumulative impact area. Licensing policy 2 creates a rebuttable presumption that, applications for premises licence variations 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 heard evidence from the police that the premises appeared to be operating as a bar before a licence had been granted. The noise officer had received a number of complaints from residents over the past few months about late night loud music and had written to the applicants. The licensing authority observed that the application would effectively change a café into a bar and expressed concern about the existing management of the premises.

The interested party said that nuisance had increased enormously this year with noise from extractor fans in the evening, drunken people leaving abusing residents and noise caused by loud music from the premises.

In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives. The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objective of public nuisance. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

It was proportionate and in the public interest to refuse the application.

58 JUBO LIMITED, 50 EXMOUTH MARKET, EC1R 4QE - APPLICATION FOR A PREMISES LICENCE VARIATION (Item B4)

The licensing officer reported that representation 4 in the report had been withdrawn.

The licensing authority reported that her concerns had been dealt with. This was a food led venue with an under 50 capacity. She requested that there be a 30 minute drinking up time included in conditions.

The applicants stated that the application was for a food led restaurant. Conditions put forward by the police and noise officer had been agreed. Off sales were restricted to customers with a take away meal or to customers finishing up their meal.

In response to questions it was noted that this was a premises licence variation. Alcohol would be sold with a meal or a take away. The hours would be the same as currently. There would be a maximum of two tables, 4 covers outside as there was a loading bay directly outside and space was restricted.

The applicant stated that they hoped to join pubwatch or similar organisation.

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RESOLVED that

The application for a premises licence variation in respect of Jubo Ltd, 50 Exmouth Market, EC1R 4QE be granted.

- a) To approve internal alterations at the premises by removing the bar server and relocating it to the front of the premises.
- b) To allow the sale of alcohol for consumption off the premises 10:00 to midnight on Monday to Saturday and 12:00 to 23:30 on Sundays.
- c) To remove conditions 2 and 3 of the current premises licence.
 - i) Conditions of the current premises licence shall be applied to the licence subject to the removal of conditions 2 and 3.
 - ii) Conditions as outlined in appendix 4 as detailed on page 226 of the agenda with the following additions shall be applied to the licence.
 - There shall be a 30 minute drinking up time.
 - Alcohol shall only be sold or supplied with a table meal or a take away meal.
 - Smokers outside the premises shall be limited to a maximum of 5 persons.

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

The Sub-Committee noted that one representation had been withdrawn. The licensing authority stated that concerns had now been addressed and it was satisfied that the premises was a food led venue.

The Sub-Committee heard evidence from the applicant that the premises was not a public house and that alcohol would be ancillary to a meal, whether in the restaurant or with a take away meal. There was a loading bay outside which restricted the capacity for tables and chairs. There was room for only 2 tables with 4 covers and there would be no standing room.

In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Bunhill and Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for premises licence variations 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 with the additional conditions and taking into account the applicant's representations and the operating schedule, the premises would not add to the cumulative impact on any of the licensing policy objectives in the area.

59

THE SHOP, 26 CROUCH HILL, N4 - APPLICATION FOR A NEW PREMISES LICENCE (Item B5)

The officer from public health was unable to attend. The licensing officer read out additional information on their behalf. It was stated that there were a high level of licensed premises in the area, one licensed premises to every 59 residents. There were 30 licensed premises

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in close proximity and 22% of alcohol related ambulance callouts were in the area. This was an area where street drinking was common.

The police were concerned that the hours requested were outside the framework hours and there had been no consideration of the Designated Public Places Order (DPPO) in the application. The police stated that conditions should be placed on the licence if granted. It was noted that the applicant had not agreed with two of the police conditions.

The applicant stated that they agreed that no more than 15% of their premises would be used for alcohol. The alcohol was behind the counter as you walked in the premises. They revised the hours to Sunday to Thursday 8 am to 11pm and Friday and Saturday 8am to midnight. They reported that condition 5 and condition 2 of the police conditions were accepted. The applicant stated that there would be three personal licence holders and a total of five or six staff. They had an additional business in Blackstock Road.

In response to questions they stated that they needed the hours of midnight on Friday and Saturday as customers liked to grab a drink and go home. The shop was also a grocery shop with a fresh bakery and fruit and vegetables. The applicant stated he had a clean record for twelve years, they were familiar with the area and understood their client base. The shop had been closed for two years and would be a benefit to the area. They stated that all alcohol would be behind the counter and would not be self serve. It was noted that this was not shown on the plan submitted with the application. The correct plan would need to be submitted prior to operation. The three personal licence holders would work in rotation. They were experienced in dealing with anti-social behaviour at their other premises.

The police reported that they had met at their Blackstock Road premises following an after hours sale at 1:10 am. The applicant reported that their brother had sold after hours. He had left the country and would have no involvement in the business. They had learnt by his mistake.

The applicant stated that the conditions were extensive and asked that the licence be granted.

RESOLVED that the application for a new premises licence in respect of The Shop, 26 Crouch Hill, N4 be granted:-

- a) To supply alcohol for consumption off the premises from 09:00 – 23:00 hours on Monday to Saturday and 10:00 to 23:00 hours on Sunday.
- b) Conditions as outlined in appendix 3 as detailed on page 248 and 249 of the agenda with the following additions shall be applied to the licence.
 - There shall be a personal licence holder on the premises after 19:00 hours.
 - The premises cannot be used until the correct plan has been submitted to the licensing authority.

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

The Sub-Committee heard evidence from the licensing officer, who read out a statement from public health, concerning the high level of ambulance call outs in the area relating to alcohol consumption. The police expressed concerns about the hours of operation and the availability of alcohol on street drinkers. Conditions had been agreed by the applicant but

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not proposed conditions about the hours of operation and keeping the alcohol in locked fridges/cabinets outside licensing hours. The applicant stated that the condition concerning the keeping of alcohol in locked fridges/cabinets was agreed. They were experienced operators and familiar with problems that could arise.

When questioned about the plan, the applicant admitted that the plan did not show accurately the arrangements for alcohol display. All alcohol would be behind the counter. The applicant agreed to submit an accurate plan.

The Sub-Committee considered that with an amendment on hours to bring the hours within the framework hours set out in licensing policy 8, there would not be a significant impact on the licensing objectives. An accurate plan had to be provided before the licence was granted.

60 **QUALITY CHOPHOUSE AND BUTCHER, 88-90 FARRINGDON ROAD, EC1R 3EA - APPLICATION FOR A NEW PREMISES LICENCE (Item B6)**

The Sub-Committee noted that the representations for this application had been withdrawn.

61 **THEATRE DELICATESSEN, 119 FARRINGDON ROAD, EC1 - TEMPORARY EVENT NOTICE (Item B7)**

The Sub-Committee noted that the application for the temporary event notice had been withdrawn.

The meeting ended at 10.05 pm

CHAIR