

Licensing Sub Committee B - 22 January 2015

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 January 2015 at 6.30 pm.

Present: **Councillors:** Alice Donovan, Osh Gantly and Michelline Ngongo.

Councillor Alice Donovan in the Chair

- 28** **INTRODUCTIONS AND PROCEDURE (Item 1)**
Councillor Alice Donovan welcomed everyone to the meeting, asked members and officers to introduce themselves and outlined the procedures for the meeting.
- 29** **APOLOGIES FOR ABSENCE (Item 2)**
Apologies were received from Councillor Spall.
- 30** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**
Councillor Ngongo substituted for Councillor Spall.
- 31** **DECLARATIONS OF INTEREST (Item 4)**
None.
- 32** **ORDER OF BUSINESS (Item 5)**
The order of business was as the agenda.
- 33** **MINUTES OF PREVIOUS MEETING (Item 6)**
RESOLVED
That the minutes of the meeting held on the 25 November 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 34** **BARBICAN LONDON, LAMB'S PASSAGE, EC1 - NEW PREMISES LICENCE (Item 1)**
The licensing officer reported that a due diligence document had been tabled by the applicant that could be incorporated into the conditions of the licence. This document would be interleaved with the agenda papers. The Sub-Committee were informed that the noise conditions had been agreed between the noise officer and the applicant.

Carl Bruder, legal adviser, supported by Graham Phillips from Sanguine Hospitality, spoke in support of the application. He stated that the restaurant was in the basement of a hotel complex with 61 bedrooms. Sanguine had been a responsible operator since 1997 and managed 20 hotels throughout the country. Management had spoken to police and built in appropriate conditions. Their premises had not been reviewed and for this application they had liaised with all responsible authorities. They would want all guests to have a good sleep so good noise insulation was essential. A 24 hour licence for hotel guests was usual practice. There would be no vertical or outside drinking.

In response to questions it was noted that conditions covered the noise objections in one of the letters received by an interested party. There was to be a screened off smoking area at the rear. Breakfast would also be served in the restaurant and it was hoping that hotel guests would use the restaurant for dinner in the evening.

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RESOLVED that

1) That the application for a new premises licence in respect of Barbican London, Lambs Passage, EC1 be granted to:-

a) Supply alcohol for consumption on and off the premises from 08:00 to 23:00 on Sunday to Thursday and from 08:00 to 00:00 Friday and Saturday for the general public and for 24 hours, 7 days a week for residents of the hotel and their bona-fide guests.

b) Allow the performance of plays, films, live music, performance of dance and provision of late night refreshment from 08:00 to 23:00 Sundays to Thursdays and from 08:00 to 00:00 Fridays and Saturdays for the general public and for 24 hours, 7 days a week for residents of the hotel and their bona fide guests.

c) Allow recorded music 24 hours Monday to Sunday.

d) Allow opening hours of the premises to be from 08:00 to 23:00, on Sunday to Thursday and from 08:00 to 00:30 Friday and Saturday and for 24 hours 7 days a week for residents of the hotel and their bona fide guests.

e) Allow licensable activities and opening times to continue from the terminal hour on New Years' Eve to the commencement hour on New Years' Day.

2) That conditions as outlined in appendix 3 as detailed on pages 33 and 34 of the licence, with the following amendment, shall be applied to the licence.

b) Condition 1 to read. The operation of the premises shall be designed to minimise the potential for crime and disorder and the due diligence policy document presented to the Sub-Committee meeting on the 22 January 2015 shall be implemented.

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 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 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 noted that the hours applied for were within the guidelines detailed in licensing policy 8.

The Sub-Committee noted that the operators have been running similar premises throughout the UK since 1997 and no enforcement action had been taken against them to date which gave the Sub-Committee confidence that the management practices would promote the licensing objectives.

The Sub-Committee noted the concerns expressed by the interested parties and were satisfied that the conditions, including the due diligence policy submitted to the Sub-Committee, would address these concerns.

The Sub-Committee also considered licensing policies 9 and 10 regarding standards of management and licensing policy 18 regarding noise disturbance.

35 **43 STROUD GREEN ROAD, N4 3EF - NEW PREMISES LICENCE (Item 2)**

The licensing officer informed the Sub-Committee that the premises required planning consent and due to the structural work required may be impractical. It was recommended that this item be adjourned until further information was known.

RESOLVED

That the application for 43 Stroud Green Road, N4 3EF be adjourned.

36 **CARDWELL NEWS, 6 CARDWELL TERRACE, N7 0NH - PREMISES LICENCE VARIATION (Item 3)**

The licensing officer reported that the interested party was not in the country and was not able to send a representative to the meeting.

Robert Jordan, licensing agent, representing the applicant, Atul Hirji Vipari Shah, spoke in support of the application. He reported that conditions had been put forward. The applicant had been in place since 2011. At the original application there had been many objectors and only one had put in a representation on this occasion. There was a staff training programme in place. There had been no complaints relating to these premises. The conditions proposed would meet the licensing objectives.

In response to questions it was noted that there had been no enforcement action taken against the premises. Local residents had requested later opening hours. The premises already had the licence from 07:00 hours, in line with the opening hours. The area did not have problems with street drinkers.

In summary it was reported that any objections from the resident had been answered with conditions.

RESOLVED

1) That a premises licence variation for Cardwell News, 6 Cardwell Terrace, N7 0NH be granted to allow the sale by retail of alcohol, off supplies only, Mondays to Sundays from 07:00 until 23:00.

2) That condition 2 of the current licence and conditions 5-15 as detailed on appendix 3 on page 85 of the agenda shall be applied to the licence. All other conditions to be deleted.

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 there was one interested party objection to the application and that the premises were not in an area of cumulative impact. The Sub-Committee also noted that there had been no objections made by the responsible authorities.

The Sub-Committee noted that the hours requested were within the guideline hours detailed in licensing policy 8.

The Sub-Committee heard evidence that the licensee had been in the premises since 2011 and he was looking to increase the hours because of a demand from local residents. There had been no complaints made in relation to the premises since he had been the premises licence holder.

The Sub-Committee considered that the grant of the licence with the additional conditions would uphold the licensing objectives.

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The meeting ended at 7.45 pm

CHAIR