

Licensing Sub Committee C - 3 February 2015

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 3 February 2015 at 6.30 pm.

Present: **Councillors:** Gary Poole (Chair), Michelline Safi-Ngongo, Satnam Gill.

Councillor Gary Poole in the Chair

- 48** **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Poole welcomed everyone to the meeting, asked members and officers to introduce themselves and informed those present that the procedure was as detailed in the agenda.
- 49** **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 50** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 51** **DECLARATIONS OF INTEREST (Item A4)**
None.
- 52** **ORDER OF BUSINESS (Item A5)**
The order of business was as the agenda.
- 53** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED that
The minutes of the meeting held on the 9 December 2014 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.
- 54** **BREWDOG (FORMERLY GIRAFFE RESTAURANT), 29-31 ESSEX ROAD, N1 - PREMISES LICENCE VARIATION (Item B1)**
The Sub-Committee noted that this item had been withdrawn.
- 55** **DISCO DOG (NOW KNOWN AS DETROITERS) OLD STREET STATION, EC1 - APPLICATION FOR NEW PREMISES LICENCE (Item B2)**
The licensing officer informed the Sub-Committee that conditions had been agreed with the police and the applicant. Plans that had been submitted included toilets for the customers. The plan and the conditions agreed with the police were tabled and would be interleaved with the agenda papers.
- The police reported that conditions had been agreed with the applicant and they had therefore withdrawn their representation.
- The licensing authority spoke against the application as detailed in the representation. She raised concerns that the premises would be used as a bar between the hours of 12 and 9pm and that the 8am start time for the sale of alcohol needed consideration in view of the late night economy in the area. She also considered that there were health and safety

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issues regarding the premises and that they would need to be approved by building control. There were concerns regarding the capacity of the premises.

Robert Sutherland, solicitor and the applicant Juno Ahearne spoke in support of the application. The Sub-Committee were informed that the start time for the sale of alcohol had been revised to be Monday to Thursday, 10:00 am, Friday, 9am and Saturday and Sunday 8am. Alcohol would be ancillary to food at this time. Between the hours of 12 noon and 9pm the premises would operate as a restaurant and would be food led. There was concern that a restriction to having a plated meal during this time would mean that a group of people would come to the premises and if one did not eat the licence would be breached. It was asked to allow this flexibility during the quieter hours of 12 noon and 21:00 hours. It would remain food led. Although the applicant requested 9pm the Sub-Committee could give 8pm or the time they considered appropriate. A building control condition was not a problem. There were 54 covers on the plan but if the numbers were crucial to the Sub-Committee these could be limited to 50 persons. Door supervisors would be present Thursdays to Saturdays from 9pm until half an hour after close.

In response to concerns regarding the start time of 8am on Saturday/Sunday morning in that sensitive location it was noted that the applicant had spent time in Detroit and wished to serve a high end version of their hot dog throughout the day. The applicant stated he would like to serve drinks at this time but the time would not be a deal breaker. He would like to serve alcohol to customers at the end of a hard week. He had extra expense with the door supervisors and the CCTV. He loved the premises and was hoping to create a legacy. He was looking to sell to local trade and would not sell alcohol to people when drunk. A start time was not contrary to policy and the numbers in the restaurant were small and seated. If the Sub-Committee was not persuaded the solicitor asked them to impose the hour they would be comfortable with.

In response to questions the applicant reported that a dispersal policy had not been included as it was a food led premises and patrons would gradually leave the premises as they would in a restaurant. There was no issue regarding the noise as the premises were underground and residents were more likely to be affected by traffic noise. The premises was likely to be in existence for only 12 months due to TfL redesign work to the station.

In response to concerns raised that, for the majority of hours, it was intended that the premises would sell alcohol without food because one person in a group might want a drink, the applicant stated that his intention was to develop a meeting hub and where customers wanted a drink from 4- 6pm they would want that option. They had concerns that by refusing one customer in a group they would lose the whole group of customers. It was requested that the restaurant condition be relaxed between the hours of noon and 9pm.

In summary the licensing authority reported that she was in favour of a food led venue and the applicant reported that their food offering was for a high end of market hot dog.

RESOLVED that

- a) The new premises licence in respect of Detroiters, Old Street Station, EC1 be granted to permit:-
 - i) The supply of alcohol for consumption on the premises from 10:00 to 23:00 on Monday to Thursday, 09:00 to 23:00 Friday and Saturday and 09:00 to 22:30 on Sunday;
 - ii) Late night refreshment 23:00 to 23:45 Friday to Sunday.
 - iii) Opening hours of the premises from 08:00 to 11:30 Mondays to Thursdays, midnight Fridays and Saturdays and 11 pm on Sunday.

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b) Conditions as outlined in appendix 3 as detailed on page 124 of the agenda with the following amendments shall be applied to the licence.

Condition 1 to be deleted.

Condition 5 to be replaced with a CCTV condition as tabled at the meeting.

Condition 11 to read. The premises shall operate as a restaurant and alcohol shall only be sold to persons who have purchased a tabled meal and consumption will be ancillary to the consumption of the meal on the premises.

Condition 15 to read. The capacity of the premises shall not exceed 50 people.

Conditions 2-4 as tabled at the meeting, from the licensing officer, shall be applied to the licence.

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 and Home Office Guidance paragraph 13.29. 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, or be subject to certain limitations, 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 were concerned about the hours of commencement and also that for the majority of the day, alcohol could be served without food in this sensitive location with a number of clubs and bars where there was a prospect that people would migrate from closing bars and clubs in the early hours of the morning.

The Sub-Committee recognised that the applicant had expressed willingness to accept any conditions that the Sub-Committee considered appropriate.

The Sub-Committee heard that the reason for requesting the sale of alcohol without food was that might be members of a group sitting at a table who did not want to eat as well as drink. The Sub-Committee was not satisfied that the application and the proposed conditions rebutted the presumption that there would be likely to add to the cumulative impact on the licensing objectives of crime and disorder and public nuisance. However, appropriate conditions would be effective in preventing these problems, including a later start at weekends for the sale of alcohol, limiting the numbers to 50 persons and a restaurant condition at all times.

The Sub-Committee considered that the additional conditions were proportionate and in the public interest.

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CRFC LTD, 59-61 ROSEBERY AVENUE, EC1 - APPLICATION FOR NEW PREMISES LICENCE (Item B3)

The licensing officer reported that there had been no objections from the responsible authorities. Although this premises was in a cumulative impact area, it was a small premises with core hours and this could be included within the exceptions to the licensing policy.

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The applicant advised that this was to be an upmarket fish and chip restaurant with alcohol sold ancillary to food. All conditions were agreed. The opening hours were now to be slightly reduced to 10pm Sunday to Thursday and 10.30 pm on Fridays and Saturdays.

RESOLVED that

a) the premises licence for CRFC Ltd, 59-61 Rosebery Avenue, EC1 be granted to allow:-
i) the sale of alcohol for consumption on the premises only from 11:30 to 22:00 Monday to Thursday, 12:00 to 22:00 on Sunday and 11:30 to 22:30 on Fridays and Saturdays.
ii) opening hours to be from 11:30 to 22:00 Monday to Thursday, 12:00 to 22:00 on Sunday and 11:30 to 22:30 on Fridays and Saturdays.

b) the conditions as detailed in Appendix 3, on page 144 of the report shall be applied to the licence.

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 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 this was a small premises, with a capacity of 12 covers and was not alcohol led. The premises were operating within in the hours set out for restaurants and cafes in licensing policy 8.

The Sub-Committee considered that the applicant rebutted the presumption and also noted that the application would be considered exceptional within licensing policy 2, paragraph 6.

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ETHIOPIAN RESTAURANT, 128 HOLLOWAY ROAD, N7 - APPLICATION FOR NEW PREMISES LICENCE (Item 4)

The licensing officer reported that this was a small restaurant, not alcohol led. A resident representation was tabled and would be interleaved with the agenda papers. The applicant had offered to meet with the objector but they had turned down the opportunity.

The applicant reported that this was an upmarket restaurant that was not alcohol led and she would like to be able to sell alcohol with a meal. She had previous experience and had invested £90,000 in the business.

In response to questions it was noted that the opening hours were standard for restaurants.

RESOLVED that

a) The premises licence be granted for Ethiopian Restaurant, 128 Holloway Road, N7 to allow:-
i) The sale of alcohol for consumption on the premises from 11 to 23:30 on Sunday to Thursday and from 11:00 until midnight on Friday and Saturday.
ii) Late night refreshment from 23:00 until 23:30 on Sunday to Thursday and from 23:00 until midnight on Friday and Saturday.
iii) the opening hours for the premises to be from 11:00 until midnight on Sunday to Thursday and from 11:00 until 00:30 on Friday and Saturday.

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b) The conditions as detailed in Appendix 3, on page 178 of the agenda, shall be applied to the licence.

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 Holloway Road and Finsbury Park 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 there were no representations from responsible authorities although one resident had expressed concern.

The Sub-Committee noted that this was a small upmarket restaurant, operating standard hours as set out in the licensing policy 8 for restaurants and cafes. They were satisfied that the conditions set out in the operating schedule succeeded in rebutting the presumption that the grant of the premises licence would be likely to add to the cumulative impact in the area.

The meeting ended at 7.45 pm

CHAIR