

Licensing Sub Committee C - 16 June 2015

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 June 2015 at 6.30 pm.

Present: **Councillors:** Gary Poole (Chair), Michelline Safi-Ngongo and Gary Doolan.

Councillor Gary Poole in the Chair

- 66** **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Poole welcomed everyone to the meeting and informed those present that the procedure was as detailed in the agenda.
- 67** **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 68** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 69** **DECLARATIONS OF INTEREST (Item A4)**
None.
- 70** **ORDER OF BUSINESS (Item A5)**
The order of business was as the agenda.
- 71** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on the 14 April 2015 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.
- 72** **18 CLERKENWELL GREEN, EC1R 0DP (Item B1)**
The licensing officer reported that conditions had been received from the applicant yesterday. These would be interleaved with the agenda papers. The licensing officer informed the Sub-Committee that the new conditions had been submitted very late in the day and appeared to be significantly different to those in the report. He asked the Sub-Committee to consider whether they wished to consider them, bearing in mind they had not been considered by the responsible authorities. He advised that the meeting could be adjourned in order that the applicant could resubmit a new application and give all the parties the opportunity to give the new conditions full consideration.
- The applicant's representative reported that the new conditions had been drawn up to meet the concerns of residents and aimed to restrict the licence. He appreciated the short notice given to all parties.
- The Sub-Committee adjourned for five minutes to consider the additional conditions.
- On return the applicant's representative reported that he agreed with all of the conditions in Appendix 3 of the report excluding condition 6. He reported which of the tabled conditions were new, stated that the police condition regarding CCTV could be used and also offered

Licensing Sub Committee C - 16 June 2015

an additional condition that the licence would be surrendered when Wallacespace vacated the building.

The licensing officer stated that he had not been able to go through the conditions but raised concerns regarding the number of patrons in the premises. He also reported that a resident had requested that the terrace on the 4th floor not be used and doors and windows be kept closed. He also stated that the planning officer had stated that the ground floor and basement had been granted change of use in 2011 to part A1 (shop), part A3 (café) alongside existing B1 use.

A local resident raised a concern regarding the planning permission granted and reported that there was an expectation for planning permission to be in place prior to a licensing application. The legal officer advised that the premises could not be used until the correct planning use had been put in place.

A resident did not consider that the applicant had met the burden of proof regarding cumulative impact and stated that there would be increased traffic from both pedestrians and vehicles. She stated that other similar businesses in the area had licences until 9pm and had no licences for the use of their terraces. She asked that the licence be restricted to 9pm and only on Mondays-Fridays, that there be no events or parties, alcohol be ancillary to food, that the maximum number of persons be restricted and that the applicant should demonstrate that there would be no cumulative impact. It was reported that offices were mainly shut at the weekends and a grant of this application would be the thin end of the wedge. Condition 6 in the appendix should be amended in order that food or a full meal be required with alcohol. It was considered strongly that the use of the terrace would be a dangerous precedent. The Sub-Committee also noted that the Green was the centre of a conservation area.

In response to questions, residents reported that the applicant had made an effort to respond to concerns although had not amended conditions regarding their main concerns ie the volume of people, the use of the terrace area or a reduction in hours.

The applicant's representative reported on the quality of the venue and the quality of the food and business offer. There were terraces to the fourth floor, either side of the penthouse. The terraces could hold a maximum of 15 people. This was a selling point and offered a small amount of outdoor space when space was at a premium. The terraces were already used daily and would continue to be used with or without an alcohol licence. The premises were not used as office space but for people using rooms for meetings and training courses and for networking afterwards with a drink. The longer hours would enable clients to have a meal in the evening after their day. The volume of people using the premises could already reach 300 in number and to have alcohol on the terrace would be a major selling point for the business. No glasses would be allowed on the terrace; drinks outside would be served in plastic containers. He considered that conditions 6 and 9 in the Appendix were not enforceable and asked that the second sentence of condition 6 and condition 9 be deleted.

In response to questions it was noted that the applicant agreed to include 'private members club' in the tabled condition 6. The applicant stated that the business was client focussed. Clients already used the terrace area. Businesses used the premises at the hours that were convenient for them and if they used the premises until 7pm and then chose to have dinner with wine, then the proposed licence would give them this option. There were no tills on the premises, the offering was pre-arranged and clients were invoiced. There was no double selling and clients were not able to bring their own alcohol onto the premises. Bright light rooms were provided as a training/meeting space. There were 16 rooms in the premises. Food was provided and the concept was to help creative, bright thinking for

Licensing Sub Committee C - 16 June 2015

leadership training, team training or meetings. This would not be an efficient use of space if not fully occupied. Fresh food was provided on site which was self-service. Self closing doors could be put on the doors of the terrace if noise was an issue. The applicant would surrender the licence for the terrace if required but would not wish to. Holidays were usually quieter as clients were away. The licensed sections for all floors, with the exception of the penthouse, were in the middle of the building. It was noted that no restriction in hours was detailed on the planning decision. From the roof terrace you were unable to see into neighbouring properties, only shadows. Alcohol sales would be minimal, 1 – 2 %.

In summary, the residents considered that this was a business, which offered parties and bar mitzvahs and concern was expressed that this would be a back door application. They did not consider that the applicant had rebutted the presumption of cumulative impact. They had concerns about the reverberation of noise around Clerkenwell Green, had concerns about the planning issue and asked that the application be adjourned or thrown out. The quality of the service and food was not relevant. The residents had heard that the business needed to be commercially viable which could be at the detriment of residents and it was considered that the applicant could use temporary event notices. The volume of noise from a terrace would be louder from clients who had consumed alcohol than if they had not done so. A nearby business had recognised this and closed their terrace at 8pm. Other operations of a similar nature did not operate at weekends including some public houses. The application was shambolic, there would be a cumulative impact and residents asked that the application be rejected or adjourned with the application submitting a new application with normal hours.

The applicant's representative reported that this was a superb business and was run extremely well. He reported that the impact on the area was minimal. There was no application for music or dancing, the pavement area was restricted. All names were recorded. There were two terraces and the applicant had offered self closing doors in order that there be no noise escape from the inside of the room. This would be used even if alcohol prohibited and would make a minimal difference to residents. He believed it would be disproportionate to not include the terrace. The hour until 10:30 pm was for diners. He considered that there would be no impact and that residents would not be any the wiser if a licence was granted.

RESOLVED

- a) That the application for a new premises licence in respect of 19 Clerkenwell Green, EC1 be granted:-
- i) To permit the sale of alcohol for consumption on the premises from 17:00 to 21:00 on Mondays to Fridays.
 - ii) To allow the following opening hours: 08:00 to 23:00 on Mondays to Fridays and 16:00 to 23:00 on Saturdays and Sundays.
- b) Conditions as outlined in appendix 3 as detailed on pages 60 - 62 of the agenda, the conditions as tabled by the applicant with the deletions of conditions 31 and 32, and with the following additions shall be applied to the licence.
- There shall be no use of the terraces in the penthouse for licensable activities.
 - This premises licence shall operate only as long as the premises are occupied by WallaceSpace and shall be surrendered on the business vacating the building.
 - Condition number 6 of the tabled conditions shall include the words 'private members club'.
 - The word 'usually' shall be deleted from original condition 6.
 - Original condition 9 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 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 applicant presented the Sub-Committee with additional conditions for inclusion in the licence. The intention being that the additional conditions was to mitigate the concerns previously expressed by the residents.

The Sub Committee noted that the applicant's main business was arranging functions and meetings and that the consumption of alcohol would be limited to certain parts of the building and would not be sold directly to the public. The applicant offered a further condition that the licence would operate only as long as the premises were occupied by Wallacespace and that it would have to be surrendered if and when Wallacespace stopped occupying the premises.

The Sub-Committee heard submissions from two resident representatives. The residents expressed particular concern over the fact that the applicant was requesting permission for alcohol to be consumed on the outside terraces and the fact that the applicant sought permission to sell alcohol up until 10.30pm. Further concerns were expressed about the request to sell alcohol on Saturdays and Sundays. The concerns were that this would increase the noise level that residents would have to endure both during the week and at weekends when most businesses in the area were closed.

The Sub-Committee was concerned with the possibility that the application as amended would still have the potential to cause public nuisance.

The Sub-Committee concluded that the granting of the application with the conditions specified above adequately dealt with the public nuisance concerns. The Sub-Committee was satisfied that the licence as granted would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee, while noting and seriously considering the representations made by the residents, was of the opinion that the licence in the form granted, was both reasonable and proportionate.

The meeting ended at 8.10 pm

CHAIR