

Licensing Sub Committee A - 14 July 2015

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 14 July 2015 at 6.30 pm.

Present: **Councillors:** Angela Picknell, Alex Diner (Item B1) and Satnam Gill
Raphael Andrews (Item B2).

Alex Diner in the Chair (Item B1)
Raphael Andrews in the Chair (Item B2)

62 INTRODUCTIONS AND PROCEDURE (Item A1)

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

63 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Nick Wayne.

64 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Gill substituted for Councillor Wayne. Councillor Diner substituted for Councillor Andrews for Item B1 – St Luke's Community Centre.

65 DECLARATIONS OF INTEREST (Item A4)

None.

66 ORDER OF BUSINESS (Item A5)

The order of business was as the agenda.

67 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting held on the 12 May 2015 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.

68 ST LUKE'S COMMUNITY CENTRE, 90 CENTRAL STREET, LONDON, EC1V 8AJ - APPLICATION FOR A NEW PREMISES LICENCE (Item B1)

The licensing officer reported that this was a new licence application following substantial refurbishment. The hours and activities applied for were the same as the previous licence except that the sale of alcohol was to start one hour later. The police and noise conditions had been agreed by the applicant.

The applicant reported that the community centre offered a range of services for local residents including a café, a lunch club and had space for weddings and other events. They required a licence for the sale of alcohol for these events. They had strict rules and conditions, had good relations with neighbours and had received very few complaints.

In response to questions it was noted that rooms for events were leased to local residents within the Cripplegate geographical area. Staff drinking would not be tolerated and such issues would not have occurred in the last two years. Sub-letting would not be something that the centre would wish to do. Food was available with alcohol. This was to be a community centre and not a drinking club. The café terrace was cleared by 9pm.

Licensing Sub Committee A - 14 July 2015

RESOLVED

a) That the application for a new premises licence in respect of St Luke's Community Centre, 90 Central Street, EC1V 8AJ to allow:-

- i) The sale of alcohol, Monday to Sunday from 11:00 to 23:00.
- ii) The performance of plays, Monday to Saturday from 10:00 to 23:00 and on Sundays from 12:00 to 22:30.
- iii) The showing of films, Monday to Saturday from 10:00 to 23:00 and on Sundays from 12:00 to 22:30.
- iv) Indoor sports, Monday to Saturday from 09:00 to 23:00 and on Sundays from 09:00 to 22:30.
- v) Live music, Monday to Saturday from 10:00 to 23:00 and on Sundays from 12:00 to 22:30.
- vi) Recorded music from Monday to Saturday from 07:00 to 23:00 and on Sundays from 09:00 to 22:30.
- vii) Performance of dancing, Monday to Saturday from 10:00 to 23:00 and on Sundays from 12:00 to 22:30.

Opening hours Monday to Saturday from 07:00 to 23:30 and Sunday 07:00 to 23:00.

b) Conditions as outlined in appendix 4 as detailed on pages 54 and 55 of the agenda with the following amendment shall be applied to the licence.

Condition 23 to read. The premises garden on the ground floor will be closed and be cleared of patrons by 20:00 hours. The café terrace on the first floor (facing the road) will be closed and cleared of smokers by 21:00 hours. The garden on the ground floor can be used as a smoking area for patrons up to 23:00 hours. (22:30 on a Sunday) and monitored by the Centre's staff for noise nuisance caused by patrons. Patrons should be asked to leave these areas if they are persistently noisy.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material including the representations made by the residents. 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 premises currently held a licence but had undergone a refurbishment so a new licence was sought with similar hours and activities. The sale of alcohol for the new licence commenced one hour later than the previous licence.

The Sub-Committee heard evidence from the applicant that the community centre offered a range of services for the community including a café and lunch club and a licence for alcohol was required for this reason and for weddings and other events at the premises. The centre had strict rules and conditions for hirers.

Licensing Sub Committee A - 14 July 2015

In relation to the representations made by the residents, the applicant said that he had been shocked to read them as there had been no recent complaints. The catering manager confirmed that there had been no such problems while she had been managing the facilities and believed that these referred to historic incidents.

The Sub-Committee noted that the café terrace was cleared by 9pm. However, the Sub-Committee was concerned about possible nuisance from the use of the café terrace by smokers until closing time and therefore amended condition 23 to clear the terrace of smokers by 9pm.

The Sub-Committee were satisfied that, with the additional conditions agreed with the police and the noise team and the amended condition about the use of the café terrace, the application was unlikely to add to the existing cumulative impact in the area and that was proportionate and in the public interest to grant the licence.

69 **ASIAN AND EURO DELI, 599 HOLLOWAY ROAD, N19 4DJ - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)**

The licensing officer tabled the responses received from interested parties in response to a letter sent by the applicant. These would be interleaved with the agenda papers. It was noted that an email had been sent from Councillor Burgess proposing two conditions; alcohol should only be sold with food and that there should be a cleaning regime for the alleyway.

The applicant's representative reported that that a dedicated mini cab service would be available and was happy to check and clean the alleyway four times a day and provide litter bins. Conditions had been agreed, including the police and noise conditions. It was considered that the landlord may be able to lock the passageway so the problems regarding litter would be solved. It was reported that the licensing objectives would be upheld. The premises did not have late hours and there would be no late night refreshment on Sundays.

In response to questions it was noted that there would be six people seated inside the premises and two people outside if permitted. The applicant would display notices asking customers not to cause a nuisance to neighbours. The deli would have a fridge and food would be heated in the microwave. Meals would be purchased from a wholesaler. A personal licence had been applied for. There would be training for staff. The opening hours were 7am but alcohol would not be sold until 10am.

In summary the applicant's representative stated that the deli would bring a positive impact to the area and there was the power of the review of the licence if there were any problems.

RESOLVED

a) That the application for a new premises licence in respect of Asian and Euro Deli, 599 Holloway Road, N19 4DJ be granted:-

viii) To permit the premises to sell alcohol, on and off supplies, from Monday to Saturday from 10:00 until 23:00.

ix) To allow the provision of late night refreshment from Monday to Saturday from 23:00 until 23:30.

Opening hours to be from 07:00 until 23:30 Monday to Saturday and from 07:00 until 22:30 on Sunday.

b) Conditions as outlined in appendix 3 as detailed on page 89 to 91 of the agenda with the following amendments shall be applied to the licence.

Licensing Sub Committee A - 14 July 2015

- Conditions 5, 6, 8, 14 and 24 shall be deleted.
- The passageway shall be checked and cleaned four times a day.
- Any outside tables and chairs shall be cleared by 20:00 hours.

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 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 objectors had sent in responses to a letter sent from the applicant which stated that they were mainly happy with the restrictions proposed for the premises licence. A representation from a ward councillor asked that the alcohol should be served only with food and there should be a cleaning regime for the alleyway. Conditions had been agreed with the police and the noise team.

The Sub-Committee noted that this was to be a deli with seating for 6 persons inside the premises and space for a further two chairs outside the premises. The Sub-Committee noted that the applicant had agreed with the police conditions which stated that alcohol would only be available to a person seated taking a table meal and off sales would only be supplied with a take away meal.

The applicant stated that they agreed with all the proposed conditions and stated they would check and clean the passageway four times a day. They also considered that the landlord may be able to lock the passageway which would resolve the problem of litter. This was not an application for late licence.

The Sub-Committee concluded that with the additional conditions agreed there was unlikely to be an adverse impact on the licensing objectives nor would the grant of the licence add to the cumulative impact in the area. The premises were small, had operating hours specified in licensing policy 8 and the Sub-Committee was satisfied that the deli was not alcohol led and was therefore exceptional within licensing policy 2.

The meeting ended at 7.35 pm

CHAIR