

Licensing Sub Committee A - 23 February 2016

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 23 February 2016 at 6.30 pm.

Present: **Councillors:** Raphael Andrews, Angela Picknell and Nick Wayne.

Councillor Raphael Andrews in the Chair

97 INTRODUCTIONS AND PROCEDURE (Item A1)

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

98 APOLOGIES FOR ABSENCE (Item A2)

None.

99 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

None.

100 DECLARATIONS OF INTEREST (Item A4)

None.

101 ORDER OF BUSINESS (Item A5)

The order of business was as the agenda.

102 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting on the 15 December 2015 be confirmed as a correct record of proceeding and the Chair be authorised to sign them.

103 CANDID ARTS, 4 TORRENS STREET, EC1V 1NQ - APPLICATION FOR NEW PREMISES LICENCE (Item B1)

The licensing officer summarised a representation received from a local resident who was not present. He had stated that the application was contrary to the saturation policy and the applicant had failed to rebut the presumption. He had also stated that the planning issue had not yet been satisfied and he considered that the application be refused on that basis.

Local residents objected to the application. They raised concerns about amplified music emanating through the party wall. It was stated that on appeal the magistrate had asked the hearing to be reassessed under the new licensing policy taking into account the saturation zone. The premises were in a quiet residential street and this was an area that should have no night time economy. The residents also raised concerns about noise from patrons leaving the premises and noise escape from the courtyard that was part of the premises. There had been no change from the previous application and there had been no addressing of the saturation zone concern which had been a key requirement made by the magistrate.

The applicant stated that the application had been granted and appealed but there had been no further communication since that time. He stated that there were no party walls

adjoining the property of the local resident attending the meeting. They'd had 38 temporary event notices and had not received any complaints. The premises held exhibitions and not just parties. This was a charity space and there was no interest in holding loud music events. The number of people at the events would not change and events such as these had been held over the last two years.

In response to questions, the applicant stated that he considered planning permission had been granted in 1994. The licensing officer stated that there was a letter from the planning department, which the applicant had received today, which recommended that a certificate of lawful use was required. It was stated that it had been made clear at the hearing in 2012 that the Sub-Committee had asked the applicant to ensure the correct planning consent was in place. The Sub-Committee noted that licensing policy 6 stated that the planning permission was expected to be in place unless there were exceptional circumstances.

The Sub-Committee agreed to adjourn the meeting to discuss the issue regarding planning permission and returned to announce the decision.

RESOLVED

That the application be adjourned in order for the planning position to be regularised and the matter be relisted once resolved.

104 CITY FOOD AND WINE, 377 ST JOHN STREET, EC1V 4LD - NEW PREMISES LICENCE APPLICATION (Item B2)

The licensing officer reported that he had not received any further information from local residents.

The licensing authority reported that the grounds for the representation were public nuisance and crime and disorder and considerations under licensing policies 1, 2, 4, 5 and 9. The licensing authority considered that the premises would add to the cumulative impact area. In the application it had been stated that the premises were not in the cumulative impact area. This raised concerns. The hours proposed in the representation were those awarded on appeal for a similar application in the same area. It was suggested that should the application be granted, the conditions be attached as proposed. The applicant had agreed conditions 3 and 6 and conditions 4 and 5 were similar to those proposed in the police representation. Conditions 1 and 2 had not been accepted by the applicant.

The applicant's agent reported that the applicant had an existing shop in Central Street which currently operated as a small convenience store and there had been no issues. The application included a terminal hour that was in line with the licensing policy and 9am had been agreed by the applicant in consultation with the police. Police conditions had also been agreed. It was accepted that in the application it had been stated that the premises was not in a cumulative impact area which was a mistake. The police were the primary source for crime and disorder and had not objected. The applicant would continue to work with the police. The applicant would prefer a condition, not to sell anything less than a quarter bottle, instead of the proposed condition 2 from the licensing authority. If the sales area was to be increased over 15% there would have to be a future variation to the licence. There would be mainly local customers and most would be responsible drinkers. The area had a designated public places order so there would not be people drinking outside and the applicant would intervene if people hung around outside the shop. The applicant was willing to work with the authorities. The police had not objected and he was a responsible operator with no blemishes. The agent considered that the hours should not be restricted further as this would penalise the applicant.

In response to questions about the cumulative impact, the agent stated that the police had not objected and conditions had been agreed to address problems with street drinkers. The

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premises would not appeal to street drinkers with the alcohol the applicant would be selling. Other people causing a nuisance would be asked to politely move away, there would be appropriate notices and staff would not sell to people when drunk. A record of staff training would be kept, staff would be trained on how to deal with drunk customers and underage customers. There were 9 staff at the Central Street premises and 4 at this one. The agent did not consider that it would be necessary to lock away the alcohol behind shutters as it was an unnecessary expense for one hour in the morning. Notices would be displayed and netting or curtaining could be used to shield drinks. The applicant explained how he would deal with drunk and underage customers and also stated that he would write details in the refusals book. The applicant would liaise with the safer neighbourhood team should the licence be granted.

In summary, the applicant asked that the licence be granted and urged the Sub-Committee to take note of representations and impose conditions. The licensing authority raised concerns about how the non-sale of alcohol would be enforced with the alcohol on display during the first hour in the morning.

RESOLVED

- 1) That the application for a new premises licence in respect of City Food and Wine, 377 St John Street, EC1V be granted:-
 - a) To permit the sale by retail of alcohol, for consumption off the premises, between 11 am and 8pm;
 - b) Opening hours to be 8am to 11pm.
- 2) Conditions as outlined in appendix 3 as detailed on pages 73/74 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 Policies 1 and 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 the police objection had been withdrawn and that the applicant had agreed to conditions 3-6 as proposed by the licensing authority. The Sub-Committee noted that these are small premises and that the applicant has had four years' experience of running an off licence on Central Street. The applicant submitted that he would work with the local police and that he would take measures to deal with street drinkers and underage sales. The Sub-Committee noted that the Central Street premises provided regular training for staff and maintained a refusals book. The Sub-Committee was satisfied that the applicant would provide a well-managed and well run premises in accordance with licensing policy 9.

The Sub-Committee noted that the applicants suggested amendment to condition 2 as proposed by the licensing authority – that there shall be no sales of spirits in vessels less than a quart. The applicant submitted that the provision of shutters or a locked cabinet to secure alcohol when not on sale was costly in the circumstances of the proposed layout of the premises and the hours of operation.

The Sub-Committee concluded that the premises would not add to the cumulative impact with the operational hours and conditions as proposed by the licensing authority. The Sub-Committee were satisfied that the restricted hours would address the licensing objectives of public nuisance and crime and disorder. The Sub-Committee noted that there was particular concern about two types of street drinking in the area and that the licensing authorities conditions 1-5 would address these concerns. The Sub-Committee was also satisfied that it was proportionate for alcohol on display to be secured outside of the permitted hours in view of the restriction on the sale of alcohol between 11am and 8pm, when the premises would be open from 8am to 11pm.

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CHICKEN EXPRESS, 57 NEWINGTON GREEN ROAD, N16 9PX - APPLICATION FOR PREMISES LICENCE VARIATION (Item B3)

The licensing officer reported that this item had been adjourned in order for the applicant to attend.

The applicant stated that this had been a family business for 19 years and there had been one incident in 2005 in the premises when a young woman and her husband had an argument. There had been a large investment in the premises and there was a demand for the extra hours from the local community.

In response to questions the applicant stated that she had no problems regarding noise nuisance. She'd had no other problems in the shop. There was an incident detailed in the representation which she had been unaware of. The police did not attend and it was not related to the premises. She knew and spoke to the community support officers. Customers had asked the applicant to extend the hours. Some customers worked late and others used the bus stops at Newington Green and purchase food when exchanging buses. The police had looked at the application and had not objected.

In summary, it was stated that this was a local community business which wanted to succeed. Money had been invested in the premises and an extra hour would help the business to move forward.

RESOLVED

- 1) That the application for a premises licence variation in respect of Chicken Express, 57 Newington Green, N16 9PX be granted to permit
 - a) The provision of late night refreshment, Sundays from 11pm to midnight, Mondays to Thursdays from 11pm to 1am and Fridays and Saturdays from 11pm until 2am and
 - b) The premises to be open to the public, Sundays from 12:00 noon to midnight, Mondays to Thursdays from 12 noon until 1am and Fridays and Saturdays from 12 noon until 2 am.
- 2) Conditions as outlined in appendix 3 as detailed on page 105 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 noted that the matter had been previously adjourned for the applicant to attend in person.

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The Sub-Committee heard evidence from the applicant that she has been operating a family business at the premises for 19 years. There had only been one incident in 2005 involving a young woman arguing with her husband. The Sub-Committee noted the incident in the resident's objection and was satisfied on hearing from the applicant that this matter did not involve a customer and the police did not attend her premises in connection with the incident.

The Sub-Committee noted that the premises have been recently refurbished and that the applicant submitted that she would have customers during the extended hours of operation from both local residents and people using the buses at Newington Green.

The Sub-Committee noted that the applicant had reduced the hours sought in consultation with the police. The Sub-Committee was satisfied that the applicant would provide a high standard of management in accordance with licensing policy 9 and with the conditions proposed in the operating schedule the licensing objectives would be promoted.

The meeting ended at 8.10 pm

CHAIR