

**Licensing Sub Committee D - 12 September 2017**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 12 September 2017 at 6.30 pm.

**Present:**           **Councillors:**       Nick Wayne (Chair), Satnam Gill (Vice-Chair) and Marian Spall

**Councillor Nick Wayne in the Chair**

**187       INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

**188       APOLOGIES FOR ABSENCE (Item A2)**

None.

**189       DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**190       DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**191       ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**192       MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 18 July 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**193       THE BREWERY, 41-46 CHISWELL STREET, EC1Y 4SB - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that the hours had been reduced and conditions agreed following consultation with the licensing authority and the noise team. These representations had been withdrawn. Four residents had also withdrawn their representations as a result of these amendments to the application. It was noted that licensable activities would only be provided in respect of pre-booked corporate events. It was considered that conditions 6 and 7 may not be enforceable and consideration would be given to removing these during deliberation.

## Licensing Sub Committee D - 12 September 2017

The applicant's representative stated that a 24 page document had been sent to all interested parties outlining the application and he considered that was the reason that there were no objectors in attendance. £1.5 million was to be spent on a renovation project for the property. There were no objections from responsible authorities and there were 33 conditions proposed which met the licensing objectives. He considered that this was a unique premises in a cumulative impact area. It was not a pub, nightclub or restaurant and it was limited to private use. Weddings and birthday parties were excluded. The premises was food led and not alcohol led. Hours had been reduced and there were no objections from responsible authorities. There was a dispersal policy. He stated that the Sub-Committee could take the view that the cumulative impact policy had not been engaged and the licence could be granted.

In response to questions it was noted that an acoustic consultant had been appointed who considered that the dispersal policy was comprehensive. He considered that the premises would have minimal impact with the conditions set out. It was noted that ISO was an International Standard. An external auditor reviewed their accreditation annually.

In summary the applicant's representative asked that the licence be granted.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of The Brewery, 41-46 Chiswell Street, EC1Y 4SB, be granted to allow:-
  - a) The supply of alcohol, for consumption on the premises from 11am to midnight Monday to Saturday and from 10am until 11pm on Sunday.
  - b) The provision of recorded music from 11am until midnight Monday to Saturday and from 10am until 11pm on Sunday.
  - c) Late night refreshment from 11pm until midnight Monday to Saturday.
  - d) The premises to be open to the public from 9am until half past midnight Monday to Saturday and from 9am until 11.30pm on Sunday.
- 2) That conditions outlined in appendix 4 and detailed on pages 109-111 of the agenda be applied to the licence with the following amendments:-
  - The deletion of conditions 5,6,7,8 and 9.
  - That condition 11 be amended to read – There shall be a closing down policy, dispersal policy and taxi policy in place.

### **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 within the Bunhill 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.

Following consultation with the licensing authority and the noise team, the hours had been reduced and conditions agreed and their representations had been withdrawn.

None of the interested parties were in attendance. The Sub-Committee noted that the hours sought were reflected in the Council's licensing policy.

The Sub-Committee heard evidence that this application was unique, was not a pub, nightclub or restaurant and was limited to private pre-booked corporate events. The Sub-Committee noted that weddings and birthday parties were excluded and the provision of alcohol was ancillary to food. An acoustic consultant had been appointed who would provide a comprehensive noise report.

The Sub-Committee welcomed the comprehensive operating schedule and concluded that with the imposition of conditions agreed with the responsible authorities, the grant of the licence would not add to the existing cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The Sub-Committee also concluded that the numerous conditions placed on the licence would address the concerns raised by local residents regarding noise and public nuisance.

The Sub-Committee also considered licensing policies 9 and 10 regarding high standards of management, licensing policy 18 regarding noise disturbance, licensing policy 19 regarding deliveries and licensing policy 21 regarding dispersal.

**194**

**CANAL NUMBER 5, CITY ROAD LOCK, ST PETER STREET, N1 8PZ - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that hours for the sale of alcohol had been reduced to 7.30pm Monday to Sunday. Opening hours were as set out in the report. The dispersal policy was tabled and would be interleaved with the agenda papers.

In response to questions it was noted that the hours did not conflict with the planning consent. The Chair reported that he had spoken to Councillor Klute (representation 155) in respect of the planning position only, as Councillor Klute had raised a concern in this regard.

Two interested parties spoke against the application. It was stated that this was a very special space and special circumstances applied with its location next to City Road lock. The area of tow path outside was very narrow and was very heavily used. It was surrounded by a residential area and was also a space important for wildlife. It was unlit and already subject to unwanted noise and anti-social behaviour. It was a difficult space by the side of the canal particularly in good weather. The trip boats were extremely busy and it was not a safe environment for alcohol drinking. There had been an event on the 27 July which caused noise disturbance with a large number of people. It was already a difficult area. Camden had cordoned off the area around the lock. It was stated that none of the other locks had bars which served alcohol with open access to the canal. This was an inappropriate area and potentially dangerous. If granted, there should be conditions that alcohol be served with a table meal, there be no off sales and no vertical drinking. It was asked how many staff would be in the premises and how drinking would be monitored. This was a special and unique area and there were concerns that it would not be cordoned off. A second resident stated that the premises backed onto a school and noise reverberated around the whole basin. The premises were surrounded by residential properties and there were already licensed premises in the vicinity so there was no need for an additional one. The attraction was to be outside and enjoying the views. There was a lot of capacity outside and in good weather the inside of the premises would be empty.

The Chair stated that he had visited the premises earlier in the evening and had met one of the objectors in passing. They had a brief conversation about the meeting arrangements.

## Licensing Sub Committee D - 12 September 2017

In response to questions it was noted that the premises were a café and could operate a bring your own policy if it was not licensed. A resident stated that there had been issues with the tables and asked to circulate photos of the area. It was agreed by the applicant that photos of the tables and chairs could be circulated at the meeting.

The applicant's representative stated that noise conditions had been agreed with the noise team and their representation had been withdrawn. The style of the premises had been set out in the report and a dispersal policy had been tabled. Conditions had been agreed and hours reduced to 7.30pm which was an early time and had taken into account resident concerns. Alcohol would be ancillary to food and would only be sold to customers taking a table meal. The premises did not have a large capacity and there was no provision for entertainment or music. It was not accepted that the outside seating area obstructed the footway and the photos taken by the resident objector was taken when the furniture was in transit and not in the standard position. It was stated that the 10 resident representations did not major on noise concern. This was not a silent and tranquil area and need was not a relevant consideration. It was a dark area and a vibrant premise would assist with light and noise which would help to prevent crime. Customers who drank alcohol with their meal would not be in such an inebriated state to fall in the water. The Canals Trust were supportive of the application. Refuse would not be left outside after 4pm. There had been problems with the previous licensee but it was considered that it was better to have an active business in the area who would pick up litter from around the area. The planning issue had been dealt with and the Sub-Committee should be reassured that the matter had already been scrutinised. The applicant needed to secure long term viability for the business. A temporary event notice on the 27 July had given rise to a complaint and lessons were learned. The event terminated early and conditions were now proposed to prevent noise complaints. CCTV had been installed. The applicant had worked with the police and there had been no representation from the police who would be concerned with the crime and disorder objective. The outside seating area would be closed at 8pm and if there were any issues there was the ability to review the licence.

In response to questions it was noted that there were 22 seats upstairs, 26 seats downstairs and no more than 30 inside. There were 8-10 staff on the premises. The applicant agreed to a condition separating the boundary for the outside area from the footway if this was considered necessary. At the temporary event held on the 27 July a group of customers kept standing and were asked to sit down. The event closed early at 9.30pm. The applicant suggested that, to prevent this from happening in the future he could keep groups inside or refuse bookings.

In summary, the licensing officer stated that applicants applying for future temporary event notices would be asked to comply with the conditions on their licence. If the noise team was concerned they could refuse a temporary event notice.

The interested parties raised concerns that the licence would pass with the property. They did not consider there was enough room to pass by. They stated that each representation talked about a noise disturbance and the community were aware of the issues involved. There was no evidence that the Canal Trust was happy and this should be disregarded as part of the submission. This was the wrong application in the wrong place and the premises would be the only café serving alcohol next to a working lock.

The applicant's representative stated that if the licence passed on with the property it could be reviewed if necessary. She had previously stated that the representations had not majored in noise issues but considered a range of issues. She commended the professional noise officer's comments and stated that the proposed noise conditions should offer some comfort. With regard to the fact that there was no evidence which stated that the Canal Trust agreed with the application, the applicant's representative also stated that there was no evidence that this would be the only café which served alcohol opposite a lock.

## Licensing Sub Committee D - 12 September 2017

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Canal Number 5, City Road Lock, St Peter Street, N1 8PZ be granted to allow:-
  - a) The sale of alcohol, for consumption on the premises from 11am to 7.30pm Monday to Sunday.
  - b) Opening hours to be:- 8am to 8pm Monday to Sunday.
- 2) That conditions outlined in appendix 3 and detailed on pages 156 and 157 of the agenda be applied to the licence with the following amendments:-
  - That barriers shall be erected within the curtilage of the premises around the two external seating areas.
  - Pre-booked parties of 8 or more shall be accommodated inside the premises only.
  - Condition 9 to read. The outside seating areas shall be closed to customers at 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.

Ten local resident objections had been received. There had been a representation made by the noise team which had been withdrawn following conditions having been agreed with the applicant.

The Sub-Committee noted that hours for the sale of alcohol had been reduced to 7.30pm. The premises were not in a cumulative impact zone and the hours sought were within the hours specified in licensing policy 8. The Sub-Committee also noted that the hours did not conflict with the planning consent.

The Sub-Committee heard evidence from residents that the premises were unique being in a location next to City Road lock. They raised concerns regarding the narrow towpath that was extremely busy in terms of footfall. They had issues regarding noise escape from the behaviour of customers and cited a problem with noise when a temporary event took place on the 27 July 2017. They considered it was an inappropriate area but if the licence was to be granted, alcohol should be provided with a table meal and there should be no off sales or vertical drinking.

The Sub-Committee heard from the applicant that resident concerns had been taken into account and noise concerns had been addressed by agreeing to the conditions proposed by the noise team. The application did not include any provision for music or regulated entertainment. The applicant explained the circumstances surrounding the noise complaint in July when a temporary event notice had been used where a group of customers were making too much noise and he had taken action by terminating the event early. The applicant stated that groups could be accommodated inside the premises to minimise noise disturbance.

The Sub-Committee noted that conditions had been agreed by the applicant that there would be no vertical drinking and that alcohol would be served ancillary to a table meal. There had been no application for off sales.

## Licensing Sub Committee D - 12 September 2017

The Sub-Committee was minded to put additional conditions on the licence which would promote the licensing objective of the prevention of public nuisance.

The Sub-Committee concluded that in granting the application, within the framework hours and with the proposed conditions, that the licensing objectives would be promoted.

When making their decision, the Sub-Committee considered licensing policy 8 regarding licensing hours, licensing policy 20 regarding outside areas, licensing policy 9 and 10 regarding standards of management and licensing policy 18 in relation to noise.

### **195 HOPSMITHS, 29 CROUCH HILL, N4 4AP - NEW PREMISES LICENCE (Item B3)**

The Sub-Committee noted that this item had been withdrawn from the agenda as all representations had been agreed.

### **196 167 UPPER STREET, N1 1US - NEW PREMISES LICENCE (Item B4)**

The Sub-Committee noted that the interested party had attended and had spoken to the applicant. Following the discussion he had withdrawn his representation so there were now no outstanding representations.

#### **RESOLVED**

- 1) That the application for a new premises licence, in respect of 167 Upper Street, N1 1US be granted to allow:-
  - a) The supply of alcohol, for consumption on the premises from 11am to 11pm Monday to Thursday and from 11am until midnight Friday and Saturday.
  - b) To provide late night refreshment from 11pm until midnight Friday and Saturday.
  - c) Opening hours to be:- 7am to 11.30pm Monday to Thursday, from 7am until half past midnight on Friday and Saturday and from 9am until 11.30pm on Sunday.
- 2) That conditions outlined in appendix 3 and detailed on pages 217 and 218 of the agenda be applied to the licence.

#### **REASONS FOR DECISION**

The Sub-Committee considered 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 within the Upper Street and Angel 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 two representations were received in respect of the application. The noise service agreed conditions with the applicant and withdrew their representation on this basis. There was an outstanding representation from a local resident. The resident attended the meeting and the Sub-Committee was informed that the resident had discussed the application with the applicant and had withdrawn his representation. As there were no further objections to the application, the Sub-Committee agreed to grant the licence as sought.

**197**      **GUNAY SUPERMARKET, 231 SEVEN SISTERS ROAD, N4 2DA - PREMISES LICENCE VARIATION (Item B5)**

The Sub-Committee noted that this item had been adjourned to a future meeting at the request of the applicant.

The meeting ended at 8.30 pm

**CHAIR**