

**Licensing Sub Committee B - 21 June 2018**

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 21 June 2018 at 6.30 pm.

**Present:**           **Councillors:**   Flora Williamson (Chair), Graham (Vice-Chair) and Chapman.

**Also**               **Councillors:**   Claudia Webbe  
**Present:**

**Councillor Flora Williamson in the Chair**

- 1       **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Flora Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 2       **APOLOGIES FOR ABSENCE (Item A2)**  
None.
- 3       **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no declarations of substitute members.
- 4       **DECLARATIONS OF INTEREST (Item A4)**  
Councillor Phil Graham declared he was a ward councillor for Bunhill ward but had not had any involvement regarding application B3 – Thackeray's Coffee Club.
- 5       **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda. The Sub-Committee noted that Item B1 had been adjourned to a future meeting.
- 6       **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED**  
That the minutes of the meeting held on the 26 March 2018 be confirmed as a correct record and the Chair be authorised to sign them.
- 7       **OLD QUEENS HEAD, 44 ESSEX ROAD, N1 8LN - PREMISES LICENCE VARIATION (Item B1)**  
The Sub-Committee noted that this application had been adjourned to a future meeting.
- 8       **TOP'S PIZZA, 22 PENTON STREET, N1 9PS - PREMISES LICENCE VARIATION (Item B2)**  
The licensing officer reported that additional papers from the applicant had been tabled. They would be interleaved with the agenda. He stated that if the variation regarding late night refreshment was granted, Annex 2 Condition 3 would need to be deleted. A letter was sent from the applicant to the interested parties and no response to this letter had been received.

The applicant's representative stated that there had been no change in the hours requested but they would like alcohol to be available for collection and not just delivery. It was noted that alcohol could only be sold with a main meal. The application was not against licensing

policy. The other amendment to the current licence would be to increase the opening hours to the public to allow customers on the premises rather than just for delivery. There would not be a significant volume of people but the premises were currently unable to serve the public after 11pm. Discussions had been held with the police and there had been no objections by the responsible authorities. The operation had been at the premises for a year and there were 41 outlets nationally. There was a substantial operations manual. It was accepted that the premises fell within a cumulative impact area but there was a good operating schedule, the premises were not alcohol led and did not have vertical drinking. On sales could be removed from the application if this was a concern. The tables would be used as a waiting area. One of the objectors stated that they had no objection to the current hours and had complaints about the rubbish which was left. The applicant stated that he did not believe that this rubbish had been created by this business however, he offered a condition that they would clear the rubbish 25 yards either side of the entrance. Customers on the premises would generally order and leave within 10 minutes. The applicant offered a condition that a notice be displayed requesting customers to wait inside while their order is prepared.

In response to questions, there was no objection to alcohol being served with a main meal. Late night refreshment could be served off the premises if this was a concern. The applicant agreed to a condition that alcohol always be served at the same time as food. The display fridge was behind the counter and was not on display. Items on the menu could be refused if customers were drunk.

In summary, the applicant stated that the application was licensing policy compliant.

**RESOLVED**

1) That the application for a premises licence variation, in respect of Top's Pizza, 22 Penton Street, N1 9PS, be granted to allow:-

- 1) The sale of alcohol, off supplies only, Monday to Saturday from 11 am until 11pm and on Sundays from 11 am until 10:30 pm;
- 2) The provision of late night refreshment, Mondays to Thursdays from 11pm until 1am, Fridays and Saturdays from 11pm until 2am and Sundays from 11pm until midnight;
- 3) The premises to be open to the public:- Monday to Thursday from 11am until 1am, Fridays and Saturdays from 11pm until 2am and Sundays from 11pm until midnight;
- 4) Non-standard timings until 3am for late night refreshment and opening hours on the following days:-

Vaisakhi, Diwali, Valentine's Day, Eid, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day.

Conditions detailed on page 78 of the agenda shall be applied to the licence subject to the following amendments.

Current condition 2 to read. Regarding all off sales of alcohol, the following will be adhered to.

- a) Alcohol will only be sold as ancillary to a main meal from the menu.

Additional conditions:-

- A notice will be displayed on the premises requesting that customers wait inside while their order is prepared.
- By close of business each day, litter be cleared 25 yards from either side of the entrance to the premises.
- Alcohol to be supplied at the same time as the main meal.

### **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 2 & 3. The premises fall within the Kings Cross cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Possible exceptions to the extended Kings Cross Cumulative Impact Policy are when an application with a comprehensive operating schedule meets all the following criteria:-

- The premises are not alcohol led
- Premises with hours of operation consistent with framework hours
- Premises supplying alcohol for consumption on the premises with robust arrangements to prevent vertical drinking.

Three local resident objections had been received. There had been no representations made by the responsible authorities.

The Sub-Committee was satisfied that the granting of the application for a variation with the added conditions, specifically the conditions that alcohol be sold as ancillary to a main meal, that the service of the alcohol is to be at the same time as the service of the main meal, and that litter would be cleared 25 metres on either side of the entrance to the premises at closing time, would not negatively impact on any of the licensing objectives.

The Sub-Committee accordingly decided to grant the application subject to the additional conditions.

## **9      THACKERAY'S COFFEE CLUB, 14 CHARTERHOUSE SQUARE, EC1M 6AX - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the application was for alcohol on Saturdays and Sundays until 8.30pm and not 11.30 as published on the front sheet of the report. Tabled papers in support of the application would be interleaved with the agenda papers.

The Chair of Florin Court stated that this was always intended to be a café and was in a cumulative impact area. There were walls on all sides which amplified the noise from the premises and created a public disturbance. He considered that the management did not have the expertise to manage a bar and customers could go to other pubs on the square. The premises were also currently obstructing a right of way. In the evenings the noise from the premises was considerable. He stated that a number of people had objected, no attempt had been made to supervise the outside area and a licence should not be granted for entertainment.

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In response to questions the resident stated that he had not held a formal meeting with residents but a number of people had approached him with complaints. The licensing officer reported that temporary events notices had been granted and no complaints had been made. The noise officer had not considered it necessary to put in a representation. The resident stated that other residents were aware that the Licensing Sub-Committee meeting was being held to consider the application.

The applicant stated that he had worked for nine years in Islington and when submitting the application had worked with the licensing team and had produced a robust operation schedule for a cumulative impact area. The outside seating area would be made unusable by 8pm, there would be no vertical drinking and there would be 24 hour CCTV and security patrols. The outside seating effectively sealed off the road to drivers who caused a nuisance to residents. They had carried out noise testing. The food element discouraged fast drinking and he had run cafes and public houses which offered food.

The master of Charterhouse Square, speaking in support of the application stated that a circular had been circulated incorrectly stating that the café would operate until 11pm which had caused residents concern. She considered that the applicant was a good operator and had a good relationship with the community. Noise concerns related to the night club activity. She had received no complaints and had received support from Florin Court residents. The applicant stated that there would be regular litter rounds.

In response to questions the applicant stated that there had been four temporary events in the past six months. Live music, a two or three piece jazz band, was expected to play once or twice a week over the nicer part of the year, less in the winter. Recorded music would be background. The temporary event notices mirrored the proposed arrangements and had been held over 21 days. They had received no negative feedback from residents and only positive. He considered that residents would be pleased to see more fresh food with the offer of a glass of wine.

In summary, the Chair of Florin Court stated that there would be a cumulative impact. The level of security had declined. Live music was disruptive. Customers would create a disturbance. A number of residents had raised objections with him.

The applicant stated that one resident who lived overlooking Florin Court had stated that there had been no noise disturbance. This would be a continental style café and residents would be considered.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Thackeray's Coffee Club, 14 Charterhouse Square, EC1M 6AX be granted to allow:-
  - a) The sale of alcohol, on and off sales, Mondays to Fridays 12 until 8.30pm and Saturdays and Sundays from 10am until 8.30pm.
  - b) The playing of recorded music, Mondays to Sundays from 7am until 8.30pm.
  - c) The performance of live music, Thursdays to Saturdays from 5.30pm until 8pm, Sundays from 12 until 2pm and Sundays from 5.30pm until 8pm.
  - d) Opening hours to be:- Monday to Saturday from 7am until 9.30pm and Sundays from 7am until 9pm

Conditions detailed on page 110 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 2 & 3. The premises fall within the Clerkenwell cumulative impact area.

The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

One local resident objections was received. There had been no representations made by the responsible authorities.

The Sub-Committee heard evidence from the applicant and designated premises supervisor in support of the application as well as evidence from the Chair of Florin Court of the freehold company against the application.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee concluded that the application more than adequately covered all the licensing objectives and accordingly concluded that the new application should be granted.

The meeting ended at 7.50 pm

**CHAIR**