

**Licensing Sub Committee A - 3 April 2017**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 3 April 2017 at 6.30 pm.

**Present:**           **Councillors:**           Michelline Ngongo, Diarmaid Ward and Satnam Gill

**Councillor Diarmaid Ward in the Chair**

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

Councillor Diarmaid Ward welcomed everyone to the meeting. Members of the Committee and officers introduced themselves. The procedure for the conduct of the meeting was outlined.

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

Apologies for absence were received from Councillor Gary Poole.

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

Councillor Satnam Gill substituted for Councillor Gary Poole.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED**

That the minutes of the meeting held on the 7 February 2017 be confirmed as a correct record and the Chair be authorised to sign them.

**161        LE COQ EPICIER, 1 CAMDEN PASSAGE, N1 8EA - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that five resident objections had been received and letters of support had been circulated by the applicant. It was suggested that police conditions 1 and 2, as detailed on page 30, be amended to restrict the numbers to 14 customers and to ensure that alcohol would be ancillary to food. He stated there were no planning issues.

In response to a question the applicant stated that it was intended to do wine tasting once a month but if it was successful it may be increased to once a week.

A local resident reported that he welcomed the small shop and the choice it brought to the area but was concerned with the alcohol licence. Saturation levels were close to being

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reached or had already been reached in that area. Concerns were raised about the clarity of the application, the amount of food that would be sold with alcohol and the number of events that would be held. There were no limitations of the amount of alcohol on display and it was considered that alcohol should remain in locked cupboards and out of reach. Concerns were also raised about the licence if the premises were sold. A second resident was concerned that the area was in a saturation zone and considered that this did not mean much if another licence was granted. It was requested that should the licence be granted it should only apply to these applicants only so it would not be passed on. Residents had to suffer the residue of licensed premises including empty bottles and glasses and stated that this was yet another outlet in a saturation zone which should be properly addressed.

The legal officer advised that this was an application for a premises licence and not a personal licence and therefore could not be restricted to the applicant.

The Sub-Committee asked the resident if they considered the same issues related to this premises, as it was a small specialist premises rather than a bar. The resident stated that they were not able to tell what the licence would lead to.

The applicant reported that they were a French delicatessen who had found small producers of French products which they would to sell. They would like to offer cheese and wine tastings. Wine would be a complementary element to the food. The applicant's supporter stated that Camden Passage had changed over the past seven years and instead of antique shops there were other shops. He considered that this shop in the Passage would benefit the area. They would not be selling lager.

In summary the applicant stated that he had a personal licence.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Le Coq Epicier, 1 Camden Passage, N1 8EA, be granted to allow:-
  - a) The sale of alcohol, on and off the premises from 10am until 8pm Monday to Friday, from 9am to 9pm on Saturday and from 10am until 7pm on Sunday.
  - b) The premises to be open to the public from 10am until 8pm Monday to Friday, from 9am to 9pm on Saturday and from 10am until 7pm on Sunday.
- 2) That conditions outlined in appendix 3 and detailed on page 30 of the agenda be applied to the licence with the deletion of conditions 1 and 2 as proposed by the Police to be replaced by the following condition:-
  - Alcohol products consumed on the premises will be ancillary to food with a maximum of 14 customers inside the premises.

### **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 and 8. The premises fall within the Angel and Upper Street cumulative impact area.

There were five local resident objections. The Licensing Sub-Committee carefully considered the written and oral submissions made by the residents and their concern that

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the granting of a new premises licence would or could in the future in their view, adversely impact on their environment in which they reside and the area generally. They expressed the opinion that the Cumulative Impact Policy should apply and that a premises licence should not be granted.

Licensing policy 2 created a rebuttable presumption that, applications for new premises licences that are likely to add to the existing cumulative impact would normally be refused, unless an applicant could demonstrate why the operation of the premises involved would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

Licensing Policy 8 stated that when dealing with new applications the Licensing Authority would give more favourable consideration to applications with closing hours of 11pm (Monday to Sunday) for off licences, and with closing hours of 11pm (Sunday to Thursday) and midnight (Saturday and Sunday) for restaurants.

Licensing Policy 2, sub-paragraphs 4 to 6 are relevant to this application. Sub-paragraph 4 states that the Cumulative Impact Area policy is not absolute and that the Licensing Sub-Committee needed to look at the individual circumstances of each case.

Licensing Policy 2, sub section 6 sets out examples that the Licensing Authority may consider as exceptional, namely:-

- Small premises with a capacity of fifty persons or less who intend to operate during hours specified in Policy 8 (referred to above.)
- Premises which are not alcohol led and operate only within the hours specified in Licensing Policy 8, such as coffee shops.

The application in question was for a small, niche enterprise, an upmarket French delicatessen that would sell French fine wines. Off sales would be limited to sealed bottles of wine and any wine sold on the premises would be ancillary to food.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8.

The Licensing Sub-Committee considered the fact that a set of conditions had been agreed by the Noise Team, the Police and the Applicant.

Of particular relevance to the Licensing Sub-Committee was the fact that proposed/agreed conditions included the following:-

- alcohol sales were ancillary to food and the premises would be able to hold a maximum of 14 customers.
- All off sales would be limited to sealed bottles of wine
- Alcohol would only be consumed on the premises
- Wine tasting events would be for invited guests only and during such events, the premises are to be closed to walk in trade
- All alcohol products must have originated from France.

The Licensing Sub-Committee concluded that granting the new premises licence with the conditions set out above, would not add to the existing cumulative impact or otherwise impact adversely on the promotion of the licensing objectives, and taking all evidence into

account, was appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

**162 E MONO, 13 STROUD GREEN ROAD, N4 2AL - NEW PREMISES LICENCE (Item B2)**

The police informed the Sub-Committee that, as the premises was on the border of two Boroughs it was difficult to obtain crime statistics and he considered that the situation was worse than the statistics suggested. He would not want a grant of the licence until 3am but would suggest midnight during the week or 1am on Fridays and Saturdays. He reported that in the past six months there were 76 violent offences in the ward. At least 50 of these were related to alcohol. The target clientele for these premises would be people who had been drinking.

The noise team were concerned about the toilet facilities. It was noted that there was a toilet shown on a plan provided but this appeared to be in a separate building and was not considered suitable or sufficient for customers.

The licensing authority stated that they agreed with the police and that they would ask for reduced hours. The applicant had not fully engaged with the authority and as the night tube ran through Finsbury Park, customers were likely to be those drinking in the centre of London. They raised concerns regarding the position of the toilet marked on the plan as customers would need to go through a food preservation area to use it.

The applicant's representative stated that the premises was a kebab van with a seated area in front. The seated area would be removed after 11pm. There would be take away food only after 11pm and the applicant would not want to provide a toilet area in this case but if it was considered necessary the applicant would provide a public urinal. They did not agree that there be a reduction in hours as suggested by the police and the licensing authority. The core hours were outlined in the licensing policy however the Licensing Act wanted flexible hours for responsible businesses to ensure a positive aspect for late night venues. The premises would provide jobs. Licensing hearings often considered the negative aspects of licensing. The dispersal of customers could be managed by staff who would encourage customers to leave the area. Notices would be displayed asked customers to leave the area quietly and CCTV would be in place and could be provided on request. The applicant's representative asked that they be given a licence on Friday and Saturday until 3am.

In response to questions, the applicant's representative reported that toilet facilities were not expected in a small shop. This was a kebab van. Staff would be managing any queue. They would not be serving alcohol and would be serving late night refreshment only. The police were not specific about problems from these premises. If the licence was not granted they would be selling cold food to show that these premises could be run properly. Crime and disorder was caused by alcohol and late night refreshment premises should not be penalised. The applicant did not wish to add alcohol to the licence. If they served cold food they would provide falafel, houmous and salad. This had been done in other areas to prove that premises could operate without a problem. The applicant said he would provide a portacabin toilet for the exclusive use of customers if the licence was granted

In summary, the police stated that customers may get more annoyed if the premises sold cold food only and he could see that this might cause problems.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of El Mono, 13 Stroud Green Road, N4 2JD be granted to permit the provision of late night refreshment, Sunday to Thursday from 11pm until midnight and on Friday and Saturday from 11pm to 1am.

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- 2) That conditions outlined in appendix 3 and detailed on pages 57 and 58 of the agenda be applied to the licence with the following additions.
- A portacabin toilet shall be provided
  - Tables and chairs outside the premises shall be removed at 11pm.

### **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 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.

Representations were submitted by the police, noise team and the licensing authority.

The Sub-Committee noted that the hours sought were outside the core hours specified in licensing policy 8.

The Sub-Committee was concerned that the granting of the new licence as sought would undermine the licensing objectives.

The Licensing Sub-Committee noted that both the LA and the Police had indicated in their written submissions that they would be supportive of the application if the hours for the provision of late night refreshment were within the core hours as set out in Licensing Policy 8.

The Licensing Sub-Committee accepted the concerns of the Noise Officer, that there was inadequate provision in the application for toilet facilities for patrons of the business and that this could impact adversely on the licensing objectives and cause a public nuisance.

The Sub-Committee concluded that granting the application as set out above, within the core hours and with the requirement that a portacabin toilet be provided, would not adversely impact on the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

### **163 STAR FOOD AND WINE, 138-140 BALLS POND ROAD, N1 4AD - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the applicant had withdrawn this item verbally but confirmation in writing had not been received.

The applicant was not present at the meeting and the Sub-Committee agreed to hear the application in their absence.

The police and the licensing authority had nothing further to add to their representations.

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### **RESOLVED**

That the application for a new premises licence, in respect of Star Food and Wine, 138-140 Balls Pond Road, N1 4AD, be refused.

### **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 representations made by the Licensing Officer, that the Licensing Authority had been informed that the application was going to be withdrawn.

No written confirmation had been received by the Licensing Authority.

There was no appearance on the part of the applicant.

The Sub-Committee considered the written representations made. No further oral submissions were made by the Responsible Authorities.

The application was refused.

The meeting ended at 7.45 pm

**CHAIR**