

Licensing Sub Committee B - 19 June 2017

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 19 June 2017 at 6.30 pm.

Present: **Councillors:** Alex Diner (Chair), Aysegul Erdogan (Items B1 and B4), Gary Poole (Item B3) and Flora Williamson
Also Present: **Councillors:** Gary Poole (Item B1).

Councillor Alex Diner in the Chair

153 INTRODUCTIONS AND PROCEDURE (Item A1)

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

154 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Diarmaid Ward.

155 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Gary Poole substituted for Councillor Aysegul Erdogan for Item B3 and Councillor Flora Williamson substituted for Councillor Diarmaid Ward for the meeting.

156 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

157 ORDER OF BUSINESS (Item A5)

The order of business would be Item B3, B1 and B4. It was noted that Item B2 had been agreed by all parties and had been withdrawn.

158 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 21 February 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

159 TITANIA, 113 HOLLOWAY ROAD, N7 8LT - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that this item had been deferred from the 1 June. New conditions 27- 29 had been agreed with the acoustic officer since the report had been published. The police had agreed the hours and conditions. The noise officer had concerns regarding the acoustic report and had asked that it be disregarded.

The noise officer reported that, where there was perceived to be a risk of homophobic hate crime, the licensee would need to manage that risk.

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The licensing authority stated that there had been engagement prior to the application. The applicant had stated that they would apply for core hours but when the application was submitted the hours applied for were later hours. The applicant had met with the residents. The authority considered that this was a bar and not a nightclub and did not consider that core hours for a nightclub would be appropriate. The other premises the applicant had in the West End was operated until midnight. The authority was not opposed to the grant of a licence but the hours would need to be reduced.

In response to questions it was reported that, at the residents meeting, the applicant stated that they wanted nightclub hours. The licensing authority did not consider that the cumulative impact of these hours had been dealt with in the application. The licensing authority did not consider a social club was the same as a nightclub and did not consider that the applicant had rebutted the presumption of the cumulative impact policy in relation to hours.

The public health authority informed the Sub-Committee that 43% of ambulance related ambulance call outs in the area occurred after 11pm. This was a cumulative impact area and within a 250m radius of the premises there were 32 alcohol-related callouts between January and December 2016. They were concerned about the late night impact of this premises in a cumulative impact area.

In response to a question to the public health authority it was noted that they were concerned regarding an 11pm cut off hour based on the collected public health data.

Two local residents and Councillor Gary Poole spoke against the application. Councillor Poole reported that the applicant had not recognised the cumulative impact policy. He stated that the proposal for a LGBT club was a smokescreen. There was no exception to the cumulative impact policy with regard to this premises. Good management and another premises elsewhere was not a consideration under the policy. This was a nightclub application and the premises would be adding to the impact in the area. One resident reported that they had not objected because of the previous problems with the premises or because they wanted to harm nightlife but considered that there needed to be a balance with the needs of residents. Even though the previous club had closed, residents were still routinely woken up by pub goers and people in cars with loud music. No noise report could indicate this noise. The premises would have a capacity of over 160 people and would have hours long past midnight. This would have a negative impact on the area. He asked the Sub-Committee to balance the application with the amenity of residents. Another resident raised objections as the application was in a cumulative impact area. The applicant had not provided evidence that the premises would be an exception to the policy. An exception may be that the premises was not alcohol led. This premises had an emphasis on alcohol and not food. Good management should be a minimum standard. The more alcohol the more likelihood of noise from patrons. The hours were a significant extension to the hours of the premises in Westminster. There had been no noise survey agreed and there was a high density of residents in this area. There were no exceptional circumstances relating to this application.

In response to a question it was confirmed that good standards of management were not considered an exception in the policy.

The applicant's representative stated that the premises had planning permission. The application was not a smokescreen for the future. The premises would be run as a social club for the lesbian community. This was a far cry from the previous premises that was there. The applicant had met with residents and licensing officers and it was clear that residents were not happy with an application beyond 11pm. The applicant had never stated that she would accept these hours. Conditions and reduced hours had been agreed with

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the police. There were many gay bars for men but none for women and Titania in Westminster was now closed for redevelopment. Since it had been closed a number of women had been left isolated and required a similar premises to go to. This application was for a private members club with a fob key so there would be no waiting outside. The police, who were the crime and disorder experts, were happy with the application. The police had sought reviews for the previous premises. This was more of a nightclub than bar with a dance area downstairs. The dispersal plan was detailed in the papers. The cumulative impact was considered to have been addressed in the detailed operating schedule. It was stated that 98% of patrons would use public transport so would not use cars. The tube ran throughout the night on Friday and Saturday nights. There had been no issues regarding drunkenness at the Titania in Westminster.

In response to questions it was noted that the Westminster premises had operating hours until midnight on Friday and Saturday evenings. There was concern expressed that these hours were significantly longer for this application with the same business model. The applicant's representative stated that there were two other ladies' venues in Westminster that remained open until 2 or 3 in the morning and patrons could move onto these. In this Holloway premises there would be no other place for patrons to go. This would be a social club but with a dance area and the same issues applied to the later hours. It was considered that a later licence was necessary as the patrons would have nowhere else to go and the extra hours were designed for them and their safety. In response to a question about noise the applicant's representative stated that the survey had stated that many patrons would get Taxis from the premises. There would be one door supervisor. The Sub-Committee raised concerns that the previous premises had more than one door supervisor but could not manage the noise nuisance. The applicant's representative informed the Sub-Committee that there was a detailed dispersal policy which detailed how the area would be policed by the supervisor. It was noted that the premises was on a red route. It was noted that the cumulative impact policy had not been addressed in the operating schedule but was detailed in the tabled submission. The relaxation area would have benches around the outside. The function room contained the dance floor. The applicant's representative considered that the meeting with residents had been cordial. He understood that some residents would agree the application if normal public house hours had been applied for. The applicant had gone a long way to meeting residential concerns. The applicant's representative stated that there had been temporary event notices at the Westminster premises and had no issues. They would not serve patrons if they appeared drunk.

In summary, the noise officer stated that the applicant had not adequately dealt with the potential impact. The dispersal policy detailed door supervisors but mentioned only one. One door supervisor for over 100 patrons did not seem very practical. Residents stated that the applicant had bristled at the meeting with residents and her representative had to calm her down. The applicant had destroyed the goodwill of residents. The applicant had stated that 98% of patrons would take the tube but it was noted that from the survey 50% would use taxis or their cars.

The applicant stated that at the residents' meeting they had put their point of view across. This application was not a smokescreen but a female venue. There was a concern about safety as masculine looking women were attacked regularly. This was a genuine bar/social club and they took safety seriously.

RESOLVED

That the application for a new premises licence, in respect of Titania, 113 Holloway Road, N7 8LT 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

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2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy, particularly regarding policies 2 and 8.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Holloway Road 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 heard evidence from the responsible authority for public health that the area in which the premises is located had 72 alcohol related ambulance callouts between January and December 2016 and that 43% occurred after 11pm. The Sub-Committee noted that the responsible authority's concerns related to the fact that this was a further alcohol led premises proposing to operate after 11pm.

The Sub-Committee heard evidence from local residents that even after the closure of the previous business at the premises they were still routinely woken by people passing through the area. People parked cars, played loud music, or were drunk and noisy. The Sub-Committee noted resident concerns that the premises were alcohol led and had a capacity of 160 people. Residents submitted that there was no noise survey in relation to properties abutting the rear of the premises and that no noise report could reflect what residents heard on a regular basis. The Sub-Committee noted residents' particular concerns as to the dispersal of patrons and use of taxis as the premises was on a red route.

The Sub-Committee heard various representations from local residents and a ward councillor as well as public health and the licensing authority in relation to the location of the premises within the Holloway Road and Finsbury Park cumulative impact area. The Sub-Committee noted representations that good management in proposed premises, or the fact that an applicant had previously managed similar premises did not make an application exceptional. The capacity of the premises was considerably higher than that referred to in the policy and the premises were clearly alcohol led. The Sub-Committee noted the licensing authority's view that the core hours for a nightclub, as set out in the policy, would not be appropriate for the premises as the licensing authority saw the premises as a bar and not a nightclub.

The Sub-Committee concluded that the applicant had failed to rebut the presumption that the grant of a new licence for the premises would add to the existing cumulative impact. The premises were not small premises; the capacity was 160 and it was difficult to see how this number of people leaving the premises late at night would not impact adversely on the area. This would be so regardless of whether the premises closed at midnight, as suggested by the licensing authority, or 2am as requested by the applicant. Although the premises intended to operate as a members' only club, the Sub-Committee was of the view that the size of the premises, combined with the hours sought and the proposed operation of the premises would impact adversely on the promotion of the licensing objectives, particularly in respect of the prevention of public nuisance.

The Sub-Committee particularly considered paragraph 2.15 of the national guidance which stated that licensing authorities should focus on the effect of the licensable activities on persons living and working in the area around the premises. The Sub-Committee was persuaded by the concerns of the residents and did not believe that the application showed sufficient detail in relation to the cumulative impact policy. Although the Sub-Committee noted the detailed conditions agreed with the responsible authorities, particularly the noise team, it concluded that the licence, even with the conditions, would add to the existing

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cumulative impact and that it was therefore appropriate and proportionate to refuse the application.

160 MAIL RAIL, PHOENIX PLACE, WC1X 0DF - NEW PREMISES LICENCE (Item B2)

The Sub-Committee noted that Item B2 had been withdrawn from the agenda as conditions had been agreed with the interested parties.

161 CAFE TROPICAL, 240 HORNSEY ROAD, N7 7LL - NEW PREMISES LICENCE (Item B3)

The licensing officer reported that the representation on page 239 of the agenda had been withdrawn and the remaining objector had submitted a further representation.

The applicant stated that the application was for a restaurant which was under 50 covers and was restricted with core hours to be policy compliant. There would be restaurant conditions on the licence. He stated that it would be a quality establishment which was a café in the morning and sold pizza/pasta from lunchtime. He hoped to bring trade to a depressed area and he had no complaints with his other restaurant. He would not bring the same noise problems as the nearby public house mentioned in the objection. He had agreed detailed conditions with the noise team and proposed a limit of six smokers outside the premises although he reported that smokers may move down the road and out of control of the premises. He hoped to bring trade to the area.

In response to questions it was noted that that patrons would normally leave earlier than midnight. The kitchen would shut at 10.30pm and the premises would normally close at 11pm. There may be a couple of tables that would stay later. There would be some takeaway business. They may use a delivery service but not for their core time. Deliveries would mainly be by cycle so there would be no obstruction and no queues. There was not expected to be a large number for the take away service. There would be no alcohol included with the take away service.

RESOLVED

- 1) That the application for a new premises licence, in respect of Café Tropical, 240 Hornsey Road, N7 7LL, be granted to allow:-
 - a) The supply of alcohol, for consumption on the premises from 10 am until 11 pm Sunday to Thursday and from 10 am until midnight Friday and Saturday.
 - b) The provision of recorded music from 10 am until 11pm on Sunday to Thursday and from 10am until midnight Friday and Saturday.
 - c) The provision of late night refreshment from 11pm to midnight on Friday and Saturday.
- 2) That conditions outlined in appendix 3 and detailed on pages 243 and 244 of the agenda be applied to the licence with the following addition:-
 - That there be a limit of 6 patrons smoking outside 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.

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The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Holloway Road 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.

Two local resident objections had been received. The Sub-Committee noted that one of those objections was withdrawn before the hearing. The Sub-Committee further noted that the noise team objection was also withdrawn after the applicant had agreed conditions.

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

The Sub-Committee heard evidence that the premises was a small premises with under 50 covers and that the application had been deliberately restricted to within the core hours so as to comply with the policy. The Sub-Committee noted that the applicant hoped to bring business to a depressed part of Hornsey Road and that he did not want to cause trouble. The Sub-Committee heard that detailed conditions had been agreed that dealt comprehensively with noise issues. The applicant did not want late hours. It was noted that the applicant was prepared to agree a further condition limiting the number of smokers outside the premises.

The Sub-Committee noted the resident's concerns about the number of patrons, the possibility of eating or drinking outside the premises, the possibility of loud music in the premises and possible noise from deliveries.

The Sub-Committee was satisfied that, with the conditions agreed, together with an extra condition in relation to smokers, the grant of the licence would promote the licensing objectives. The Sub-Committee noted that the capacity of the premises was less than 50 and that the applicant proposed to operate within the core restaurant hours under licensing policy 8. The Sub-Committee noted that the applicant had agreed to conditions preventing vertical drinking and making alcohol ancillary to a meal. The Sub-Committee was therefore satisfied that the application fell within the exemptions to the cumulative impact policy and that the grant of the licence, with the conditions, was appropriate and proportionate and would promote the licensing objectives.

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YASAR HALIM, PATISSERIE AND COFFEE SHOP, 167 FAIRBRIDGE ROAD, N19 3HS - NEW PREMISES LICENCE (Item B4)

The licensing officer reported that there had been no response to the email sent to the objector from the applicant

The applicant's representative stated that this was a coffee shop/bakery with other branches in North London. The application had two resident representations, one in support. The objector raised concerns about anti-social behaviour but it was not considered that this premises would cause problems. Conditions had been agreed.

RESOLVED

- 1) That the application for a new premises licence, in respect of Yasar Halim, 167 Fairbridge Road, N19 3HS, be granted to allow:-
 - a) The supply of alcohol, for consumption on the premises from 11 am until 9.30 pm Monday to Sunday.
 - b) Opening hours to be:- 6am to 10pm Monday to Sunday.

- 2) That conditions outlined in appendix 3 and detailed on pages 267 and 268 of the agenda 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.

One local resident objection had been received and one resident wrote in support of the application. There had been representations from the police and noise team and conditions had been agreed.

The Sub-Committee noted that the licensing officer had forwarded, on behalf of the applicant, an email to the objector but that there had been no response.

The Sub-Committee heard evidence that the premises were a coffee shop and patisserie. The premises were run by a well-known and established firm with a number of bakeries in north London. The applicant had noted the objector's concerns regarding possible noise and anti-social behaviour but did not believe that the premises would cause problems and had agreed conditions.

The Sub-Committee concluded that the grant of the licence with the agreed conditions would promote the licensing objectives. Comprehensive conditions had been agreed with the police and noise team and the hours sought and nature of the business was such that the Sub-Committee was satisfied that the grant of the licence was appropriate and proportionate.

The meeting ended at 8.30 pm

CHAIR