

London Borough of Islington

**Licensing Sub Committee A - 13 March 2018**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 13 March 2018 at 6.30 pm.

**Present:**           **Councillors:**           Gary Poole (Chair), Michelline Ngongo (Vice-Chair) and Rakhia Ismail

**Councillor Gary Poole in the Chair**

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

Councillor Gary Poole welcomed everyone to the meeting and officers and members introduced themselves. It was noted that the procedure for the conduct of the meeting was detailed in the agenda papers.

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

None.

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

None.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

**221        MINUTES OF PREVIOUS MEETINGS (Item A6)**

**RESOLVED**

That the minutes of the meetings held on the 16 January 2018 and the 5 February 2018 be confirmed as a correct record and the Chair be authorised to sign them.

**222        CHIPOTLE MEXICAN GRILL, 334 UPPER STREET, N1 0PB - PREMISES LICENCE VARIATION (Item B1)**

The licensing officer reported that a representation from a local resident had been circulated. Papers had also been circulated from the applicant. These would be interleaved with the agenda papers. He reported that there was also to be an additional condition included that, the sale of alcohol off the premises would be limited to sales of alcohol which accompanied take away food and to any area approved for a tables and chairs licence by Islington Council.

The applicant's representative outlined the amendments made to the application following consultation with residents as follows:-

Off sales would be permitted only a) as part of a telephone call or internet sales or b) to areas with tables and chairs outside.

Off sales would be from 10am – 11pm on Monday to Saturday and from 12 noon to 11pm on Sunday.

Delivery collections would be through the front door on Upper Street only.

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One local resident raised concerns regarding the tables and chairs at the rear of the premises and asked that they be brought in at 6pm and that the door at the rear remain shut after 8pm. They asked that Deliveroo drivers be asked to go along Upper Street and not Camden Passage. They stated that the premises sold only beer and margaritas currently and were concerned that if the premises was taken over this may change. A second resident raised concerns regarding the rear area and the cumulative impact of granting this variation as it would add to the existing impact and should not be ignored. The closing of the rear door should be agreed for 8pm and it was stated that the use of motorbikes along Camden Passage was illegal.

In response to questions it was stated that a licence for the front table and chairs had been renewed for 3 tables and 12 chairs although only 2 tables and 8 chairs were used. This licence had existed for five years. The small area at the back with tables and chairs was owned by the applicant and therefore a licence was not required. A resident stated that the steps were very steep at the rear and could be dangerous for deliveries.

The applicant's representative stated that condition 3 could be amended to exclude a bottle of wine per takeaway meal. He stated that the use of the back door was not part of an off sales application however would be pleased to offer closure of the door at 9pm and removal of tables and chairs to alleviate resident's concerns. In response to questions he stated that a contact number could be provided to residents following the meeting.

In summary, the local resident stated that chairs at the rear were offered to be removed at 9pm but asked the Sub-Committee to note that that this was three hours longer than the Elk had been granted.

### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of Chipotle Mexican Grill, 334 Upper Street, N19 0PB be granted to allow the supply of alcohol, for consumption off the premises from 10 am – 11pm Monday to Saturday and from 12 noon – 11pm on Sunday.
- 2) That conditions outlined on page 37 of the agenda shall be applied to the licence with the following amendments/additions.
  - The sale of alcohol off the premises shall be limited to sales of alcohol to accompany take away food or to any area approved for a Tables and Chairs licence by Islington Council.
  - Delivery collections shall be made through the front door on Upper Street only.
  - Off sales be permitted as a) part of telephone or internet sales and b) to areas where tables and chairs are outside.
  - Condition 3 to read. No more than four cans of beer/cider per takeaway 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 2018-2022.

The Sub-Committee took into consideration Licensing Policies 2 and 3. The premises fall within the Angel cumulative impact area.

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Five local resident objections had been received. There had been no representations made by the responsible authorities. The Sub-Committee noted that conditions had been agreed with the Police and Trading Standards.

The residents raised concerns regarding cumulative impact and the noise and disturbance particularly from the use of the rear tables and chairs and from deliveries.

The Sub-Committee noted that this was an application for off sales for takeaways and deliveries and to the tables and chairs outside the premises only and the application for off sales would be ancillary to the purchase of a main meal. The application was amended at the meeting following discussion with the residents prior to the commencement of the meeting and the hours sought for off sales was reduced to 23:00 hours only. A condition was agreed by the applicant that delivery collections would be through the front door in Upper Street.

The Sub-Committee noted that the outside tables and chairs at the rear of the premises formed part of the curtilage of the premises and were not part of the application for off sales.

The Sub-Committee was satisfied that, with the amended hours of operation, conditions proposed by the applicant and the conditions agreed with the responsible authorities, the grant of the variation to the premises licence would not add to the existing cumulative impact and the licensing objectives would not be undermined.

### Note of the Committee

The Sub-Committee noted the applicant's agreement to removing the tables and chairs at the rear of the premises at 9pm.

**223**

### **AFASIKA BAR AND RESTAURANT, 152 SEVEN SISTERS ROAD, N7 7PL (Item B2)**

The Sub-Committee noted that this item had been adjourned to a future meeting.

The meeting ended at 7.10 pm

**CHAIR**