

**Licensing Sub Committee C - 24 October 2017**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 24 October 2017 at 6.30 pm.

**Present:**           **Councillors:**       Rowena Champion, Asima Shaikh and Flora Williamson.

**Councillor Flora Williamson in the Chair**

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

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

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 31 August 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**184        ISKELE, 179-181 WHITECROSS STREET, EC1Y 8QP - PREMISES LICENCE VARIATION (Item B1)**

The noise officer reported that she was concerned about the noise from deliveries. Complaints were already received about the noise from motorbikes during the day and she was concerned that noise in the evening would further disturb residents. She also reported that a resident had asked for a condition that the bi-fold doors be closed at 9.30pm.

The applicant's representative reported that the applicant had operated a delivery service for two years. There would not be an increase in traffic as it was already used as a take away for food and this was an application for off sales of alcohol with the delivery of food. Drivers would be trained and there would be no deliveries to public places. Tables and chairs would be cleared away by 10pm and doors were closed at this time.

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In response to questions it was noted that the condition to be removed was duplicated in the licence and referred to deliveries to the premises. It was stated that deliveries from the premises were usually made by non-motorised vehicles and the applicant would ask for non-motorised vehicles but was not able to guarantee that this would be the case. The applicant would agree to reduced hours for deliveries if this was required by the Sub-Committee. Challenge 25 would be used at the point of taking the order and by the delivery company at the door. The applicant stated that he would prefer to close the doors at 10pm as this was the same time as the tables and chairs were cleared away.

In summary, the noise officer stated that it would be preferable to use pedal cycles for customers. The applicant's representative stated that the applicant would try to arrange this if possible but this could not be guaranteed.

### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of Iskele, 179-181 Whitecross Street, EC1V 8QP, be granted to allow:-
  - a) The supply of alcohol, for consumption on and off the premises from 12:00 noon until 23:30 hours Monday to Sunday.
  - b) Annex 3, condition 7 be removed from the licence as this is a duplication.
- 2) That conditions outlined in appendix 3 and detailed on pages 33 and 34 of the agenda shall be applied to the licence with the following amendments:-
  - Condition 29 to read. The applicant shall use their best endeavours to ensure that deliveries shall be made by non-motorised transport such as pedal cycles or electric vehicles only.
  - Condition 30 to read. The bi-fold windows and doors shall be closed, save for entrance and egress after 22:00 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.

The Sub-Committee took into consideration Licensing Policy 2 and the home office guidance at paragraph 14.30. The premises fall within the Bunhill cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to 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 deliveries of food were already taking place and could continue with or without an off sale licence so the negative impact of noise nuisance would not be greatly increased and could be alleviated by a suitable condition about the type of vehicle used for deliveries as suggested by the noise officer. The licensing objective, the protection of children from harm was likely to be affected by off licence sales by delivery but a suitable condition could be imposed to ensure that there was no negative impact. The Sub-Committee was impressed by the awareness of the problem shown by the applicant and the research they had carried out into the training of suitable delivery drivers.

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Two local resident objections had been received. One resident had suggested that the bi-fold doors should be closed at 9.30pm. Representations had been made by the police and trading standards and conditions had been agreed with the applicant. A representation had been made by the noise team and the noise team had suggested that deliveries should be made by non-motorised or electric vehicles.

The Sub-Committee heard evidence from the applicant that the tables and chairs were cleared at 10pm and so would prefer the doors to be closed at 10pm rather than 9.30pm. They would ask their delivery company to use non-motorised or electric transport but were concerned that this could not be guaranteed. The Sub-Committee therefore added this condition but subject to their 'best endeavours'.

The Sub-Committee noted that there was a condition that adequate arrangements would be put in place to ensure that alcohol sales age verification requirements would be met at the point of sale and at delivery to customers. As, had been pointed out to the applicant, the sale of alcohol to underage persons would result in a review of their licence. The Sub-Committee considered that this was appropriate to promote the licensing objective of protection of children from harm.

The Sub-Committee concluded that granting the application, within the core hours and with the proposed conditions, would not adversely impact on the cumulative area or otherwise impact adversely on the promotion of the licensing objectives.

### **185      2 NORTHDOWN STREET, N1 9BG - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that there were two resident representations outstanding. One of the representatives had stated that they were making objections on behalf of the block. The Peabody Trust, who managed the block, stated that this was incorrect and the interested party would not have the authority to do this.

The applicant reported that this was a live comedy venue and alcohol was ancillary. Conditions had been agreed with the responsible authorities. They had used temporary event notices and had no complaints.

In response to questions the applicant stated that they had bought heavy planters to help prevent the public using the alley for urination. This was a particular problem in the Kings Cross area and did not relate to their premises. The front of the premises would be used as the smoking area. This was supervised and was restricted to 10% capacity of the premises. No drinks would be allowed in this area and it was set back from the road with enough space for the public to walk past. It was away from the residential area.

#### **RESOLVED**

- 1) That the application for a new premises licence, in respect of 2 Northdown Street, N1 9BG, be granted to allow:-
  - a) The provision of recorded music from 6 pm until 10pm Sunday to Wednesday and from 6pm until 11pm Thursday to Saturday.
  - b) The supply of alcohol, for consumption on the premises from 12:00 noon until 11pm Sunday to Thursday and from 12:00 noon until midnight Friday and Saturday.
  - c) Opening hours to be:- 10am to 11.30 pm Monday to Thursday and from 10am until half past midnight Friday and Saturday.
- 2) That conditions outlined in appendix 3 and detailed on pages 63 and 64 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.

The Sub-Committee took into consideration Licensing Policy 2 and home office guidance, paragraphs 14.30 and 14.36. The premises fall within the Kings Cross 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.

Conditions had been agreed with the police and the noise team and they had therefore withdrawn their representations.

There were two representations outstanding from local residents who did not attend but their representations were taken into account.

The Sub-Committee noted that the business would not be alcohol led as it was a comedy venue. There had been a number of temporary event notices held with no complaints. The Sub-Committee considered that the applicant had set out strong conditions to deal with any possible nuisance from noise, smoking or anti-social behaviour and the hours did not extend past midnight.

The Sub-Committee concluded that the applicant had demonstrated in the operating schedule that there would be no negative cumulative impact on the licensing objectives as a result of granting the licence. In addition, this would be a case in which the Sub-Committee would be justified in departing from the special policy in the light of the individual circumstances of the case.

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**BERGEN HOUSE LTD, 47 NEWINGTON GREEN, N16 9PX - NEW PREMISES LICENCE (Item B3)**

The applicant's representative stated this was a restaurant and the applicant had 15 years of similar experience. Conditions had been agreed with the noise team and the police which it was expected would address resident concerns. He also proposed a condition that there be no smoking at the rear of the premises.

In response to questions it was noted that there would be waiter/waitress service and alcohol was served ancillary to food. There was a maximum capacity of 80 persons.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Bergen House Ltd, 47 Newington Green, N16 9PX granted to allow:-
  - a) The sale of alcohol, on and off sales, from 10am until 11.30pm Mondays to Thursdays, from 10am until half past midnight Friday and Saturdays and from 10am until 10.30pm on Sunday.
  - b) The provision of late night refreshment, 11pm until midnight Monday to Thursday and from 11pm until 1am on Fridays and Saturdays.
  - c) Opening hours to be:- 10am until midnight Monday to Thursday, 10am until 1am Friday and Saturday and 10am until 11pm on Sunday.

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- 2) That conditions outlined in appendix 3 and detailed on pages 94 and 95 of the agenda be applied to the licence with the following addition:-
- That there be no smoking at the rear of 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 noted that conditions had been agreed with the noise team and the police. Alcohol would be sold ancillary to a full table meal. There would be bar available ancillary to the restaurant.

The applicant had agreed to reduced hours after consultation with the responsible authorities and had agreed to a condition that there be no smoking to the rear of the building.

The Sub-Committee concluded that it was appropriate and proportionate to the licensing objectives and in the public interest to grant the premises licence.

The meeting ended at 7.15 pm

**CHAIR**