

Licensing Sub Committee C - 21 March 2019

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 21 March 2019 at 6.30 pm.

Present: **Councillors:** Rowena Champion (Chair), Vivien Cutler (Vice-Chair)
and Matt Nathan

Councillor Rowena Champion in the Chair

30 INTRODUCTIONS AND PROCEDURE (Item A1)

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

31 APOLOGIES FOR ABSENCE (Item A2)

None.

32 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

None.

33 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

34 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

35 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 13 November 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

36 SCARLETT COFFEE ROASTERS, 30 DUNCAN STREET, LONDON, N1 8BW - NEW PREMISES LICENCE APPLICATION (Item B1)

The applicant reported that this was a coffee roaster shop which would serve pastries, cakes and salads alongside coffee. They were aiming to sell local craft beers and British wines ancillary to food. There were approximately 20 seats in the café, they would not be selling spirits or cocktails and there would be no vertical drinking.

The Sub-Committee raised concerns regarding the primary school opposite the café and that customers would be drinking alcohol on the tables outside the premises. The applicant stated that the café closed at 5pm and agreed to a condition that alcohol would not be served at the outside tables. The applicant stated that his wife was a sommelier and wine was her passion. He did not believe that much wine would be sold at the price point charged.

In summary, the applicant stated that the café closed currently at 5pm but they were looking for hours until 8pm for as a contingency if they were unable to break even. There would be no alcohol served after 8pm.

RESOLVED

- 1) That the application for a new premises licence, in respect of Scarlett Coffee Roasters, 30 Duncan Street, N1 8BW, be granted to allow the sale of alcohol, on and off the premises from 12:00 until 8pm Monday to Sunday.
- 2) That conditions outlined on pages 40 and 42 of the agenda be applied to the licence with the following additional condition:-
 - No alcohol shall be served at the tables and chairs 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.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Angel and Upper Street 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.

Nine local resident objections had been received. Following a meeting with the applicant the Angel Association withdrew their representation. There had been no representations made by the responsible authorities. It was noted that the premises had a small capacity of under 25 people.

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

The applicant advised that they would be selling local craft beers and British wines at the premises.

The Sub-Committee raised concerns that alcohol was to be served at tables opposite a primary school. The applicant agreed to a condition that alcohol would not be served to the outside tables.

The Sub-Committee concluded that the premises would not add to the existing cumulative impact in the area, there would be no negative cumulative impact on the licensing objectives and the grant of the licence with the proposed conditions was reasonable and proportionate.

37

THE REAL HELLENIC TASTE, 167-169 FARRINGDON ROAD, EC1R 3AL - NEW PREMISES LICENCE APPLICATION (Item B2)

The interested party noted that there was no application for adult entertainment. The applicant had amended the commencement hour for the sale of alcohol from 7.30 am to 10am following comments received by interested parties. The licensing officer stated that the opening hour of the premises would be 7.30 am. Photographs received from the

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interested party regarding deliveries at 10.10pm were not outside the hours allowed for deliveries.

The interested parties raised concerns about noise from deliveries and dispersal and the cumulative impact in the area. There were five shops in the area selling alcohol and waste collection carts late at night. They stated that the hours had been extended from the previous licence and they had considerable problems with beggars in the area. They considered that the noise reduction measures were limited and they needed assurance that the applicant would comply with Challenge 25 and be monitored.

In response to a question regarding the low number of objections the interested party responded that she could not force residents to submit representations and that it made more sense for her to make objections on their behalf. The resident stated that the premises in the area impacted daily on their lives with longer hours and more deliveries. The noise officer reported that there had been no complaints about any restaurant in that terrace in the past year. It was noted that the applicant had proposed most conditions in the operating schedule themselves. This was a small premise, was not alcohol led and there had been no representation from the licensing authority.

The applicant stated that this was to be a small family led bakery and the family owned a greek restaurant across the road which they had been running for one year. They had managed a similar store in Shoreditch for five years. She has agreed to amend the hours originally applied for. It currently closed at 9pm on weekdays and in the summer it was hoped to open until 10pm. Both the applicant and her partner were designated premises supervisors and they lived in the area. They carried out robust training for staff. They operated Challenge 25 in their other premises. They did not usually have late deliveries and were normally very quiet. They had no waste collections after 6pm and it was not their intention to upset neighbours. Alcohol was a small part of their business. They would not be serving inside the premises and alcohol would be sold for 'off sales' and for deliveries.

In response to questions it was noted that groceries would be imported from Greece and cakes and pastries were homemade. There would not usually be more than five customers on the premises. There would be four members of staff and it was hoped that customers who used the restaurant would come to the shop to buy produce.

In summary, the interested parties raised concerns that the conditions would need to be monitored. This would be one more premises adding to the cumulative impact in the area. Residents did not complain but they moved on. The tenants association represented other local residents. Concerns regarding the waste collection were also raised and the interested party stated that the photo evidence showed that deliveries happened at all hours. They would want to know what times deliveries would happen.

The noise officer stated that she had inspected the flues to the applicant's restaurant as requested by the Licensing Sub-Committee prior to the opening and had found nothing wrong. The most recent complaint had been received about a premises at the top of Rosebery Avenue about a year ago. Since the restaurant across the road had opened, there had been no complaints received.

The applicant stated that she was respectful of her neighbours and did not want to cause a nuisance. She was sad to hear that neighbours were upset. She was aware that there had been no complaints and was very careful to monitor and comply with regulations.

RESOLVED

- 1) That the application for a new premises licence, in respect of The Real Hellenic Taste, 167-169 Farringdon Road, EC1R 3AL be granted to allow:-

- a) The sale by retail of alcohol, off supplies only, from 10 am to 10pm Monday to Sunday.
 - b) The premises to be open to the public from 7.30am to 10pm Monday to Sunday.
- 2) That conditions outlined on pages 78-81 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 Policies 2 & 3. The premises fall within the Clerkenwell 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.

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

The interested parties raised concerns regarding the cumulative impact policy and stated that there were a large number of outlets in the area which impacted on the local area and considered that the area had reached saturation point. Concerns were also raised regarding late deliveries and waste collection.

The applicant stated that this was a small family led deli/bakery. The family owned a restaurant across the road which they had been running for the past year with no complaints. The applicant was the designated premises supervisor and lived in the area. Alcohol would be a small part of the business and was to be sold off sales only. Groceries and alcohol would be imported from Greece.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The applicant had reduced the hours applied for following representations made by residents. There were conditions regarding delivery and waste collection times. The operating schedule was very robust for a small premises which was not alcohol led. The Sub-Committee noted that the application for the provision of recorded music was not necessary as music was to be background only and this was conditioned.

The Sub-Committee concluded that granting the application with the conditions outlined in the papers would not adversely impact on the cumulative impact area or otherwise impact adversely on the promotion of the licensing objectives and that the grant of the licence with the proposed conditions was reasonable and proportionate.

The Sub-Committee also took into account licensing policy 8 regarding standards of management and licensing policy 23 regarding deliveries and collections.

38

2 NORTHDOWN STREET, LONDON, N1 9BG - PREMISES LICENCE VARIATION APPLICATION (Item B3)

The licensing officer advised that planning officers had confirmed that an application had been made to resolve the planning situation.

The applicant advised that this was a theatre/comedy club. Tickets were purchased in advance and the venue did not attract customers off the street. There had been one noise complaint and this had been dealt with immediately and no complaints had been made since. The extension of hours was requested to fall in line with other venues in the city and as there were some comedians that performed later in the evening whom they have had to turn down. One representation had been made which was not relevant to this particular venue. Security was employed if considered necessary.

In response to questions it was noted that guests were dispersed towards Pentonville Road and residents could not hear any noise from within the venue. They were a member of Pubwatch and they had no bag thefts or phone thefts or any reported incidents of drug use. Names and contact details of patrons was held.

RESOLVED

- 1) That the application for a premises licence variation, in respect of 2 Northdown Street, N1 9B, be granted to:-
 - a) Extend the hours for the sale of alcohol on the premises, on Wednesday and Thursday until midnight and for Friday and Saturday until 1am.
 - b) The premises to be open to the public from 12:00 noon until 23:30 Sunday to Tuesday, from 12 noon until half past midnight on Wednesday and Thursday and from 12:00 noon until 01:30 Friday and Saturday.
- 2) That conditions outlined on pages 112-114 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 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.

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

The Sub-Committee noted conditions had been proposed following discussions from the police and the noise team.

The Sub-Committee heard evidence from the applicant that this was a small theatre/comedy club. Tickets were purchased in advance and the premises would not attract customers from the street. They had demand from comedians who performed later shows and had applied for an extension of hours for this reason. They dispersed guests towards Pentonville Road away from residential buildings. The venue was fully sound proofed and residents could not hear any noise from inside the venue.

The Sub-Committee concluded that the premises would not add to the existing cumulative impact in the area, there would be no negative cumulative impact on the licensing

objectives and that the grant of the licence with the proposed conditions was reasonable and proportionate.

39 **ISLINGTON SPORTS BAR AND GRILL, 274 HOLLOWAY ROAD, LONDON, N7 7NE - PREMISES LICENCE VARIATION APPLICATION (Item B4)**

The licensing officer reported that an addendum to the noise representation and an email from the applicant containing supportive references of the licence holder had been circulated separately and would be interleaved with the agenda papers.

The noise officer reported that music noise could be controlled relatively easily but not customer noise. She had visited a resident on 10 March during an Arsenal and Manchester United football match and witnessed the transmission of customer noise. She considered that more robust sound insulation work would be necessary to contain customer noise. A squeaky swinging sign outside also needed to be maintained.

The police stated that they were in support of the concerns expressed by the licensing authority over the management of the premises. The premises had been a public house and then chicken bar. The conditions were currently tailored to a restaurant. The police supported the move for the premises to move back to being a public house but had stressed to the owners that the premises should be operated in accordance with the current licence. The applicant had not been abiding by the conditions and had not done so for some time. They would not have reason to reject the new licence holder.

The licensing authority stated that despite a meeting with the licence holder they had not complied with the conditions of the licence and had opened until 6am without a temporary event notice. The solicitor had stated that the previous designated premises supervisor had left on the 8 March although he was the only Director registered with Companies House as of 20 March 2019. The licensing authority would like the venue to become a well-managed public house but the applicant had so far not demonstrated high management standards.

The interested party stated that when the premises was a restaurant there were no issues. The premises currently operated late at night and caused a noise nuisance. He had been threatened by the Head of Security when complaining. They were offering cheap drink deals. Fights had been witnessed outside the bar and one of the windows was smashed. There were issues regarding crime and disorder, public safety and public nuisance. The premises already contributed to the cumulative impact policy and could not credibly demonstrate good management. The applicant had reneged on the promise that it would act as a restaurant. It was actually a sports bar and created disturbance even during the consultation period. An abatement notice had been served. There had been a history of threatening behaviour and there had been blatant disregard for the conditions.

In response to questions it was noted that even on non-match days the music was still loud. On busy days the premises were packed inside and there were crowds of people outside. The premises impacted on their sleep as noise continued until 1am. The interested party would want acoustic work carried out in order that both music and sound from crowds could not be heard. He could not speak for the other interested parties in this regard.

The applicant stated that they would repair the squeaky sign. He acknowledged that management had not been sound. The owners had seen the closure of pubs in the area and realised the need for a well-run pub. They had spent £300 000 on a total refit of the premises. The food condition that they wanted to be removed was difficult to enforce with the style of operation they were running. However, this did not excuse management for failing to abide by the condition. There would still be a food offering at the premises. He stated that the previous manager had not passed on all the problems that had arisen.

Amplified music could be remedied and he was happy to accept that there would be no amplified sound (except from televisions) until there was an acoustic scheme in place. The chicken shop went out of business as it was difficult to sustain. They had brought a new manager in to run the premises. There was one food condition that was difficult to enforce. There was an abatement notice in place. A large number of pubs had closed and this could be a vital community asset if the sound was managed. The new licence holder had thirty years' experience and would be a full-time manager. Threatening customers was unacceptable, staff were aware of the conditions, CCTV was top quality and would be automatically available. It would be useful in this part of Holloway Road. There was no crime and disorder associated with the premises. There was no TEN in place for the boxing match but this was an unintentional breach. There had been previous TENs that had been used properly. He asked that the Sub-Committee modify the conditions.

In response to questions the new designated premises supervisor advised that he had dealt with large crowds in horse racing venues and was comfortable with the customers in this pub. He had held previous licences in London. It was noted that the company was bought off the shelf. There had been a change of management 10 or 12 days ago and the notice of hearing had escalated matters. The previous manager had now left the premises. There had been management issues but the new manager had a long standing track record and a large amount of investment had been made. This was a modest application with no increase in hours and the premises was still offering food. If this had been an application for a new premises licence it would not include this condition. Previous management were aware of the conditions and it was accepted they were being breached. This was a harsh condition and people managing the business had to be trusted to comply. It was noted that the walls had been stripped when the premise was a chicken shop. The licence was not appropriate to this style of venue and would be a much weaker licence if not varied. The premises were capable of being well managed. There had been no serious incidents.

The resident stated that the applicant was trying to portray this condition as a modest condition. The premises should only operate as a restaurant. It did not have a public house licence.

In response to questions from the licensing authority it was noted that the door supervisor who had threatened the resident was still worked at the premises however he had given a different version of events and stated that the resident had entered the public house shouting. The applicant could not answer which security company was being used. It was noted that the previous designated premises supervisor had left on the 8 March and no TEN application had been made for the event on the 10 March.

In summary, the police officer stated that the food condition was on the licence and there was an on-going breach of this condition. It was a restaurant and not an alcohol led venue and the condition had been put on the licence for good reason. He was not reassured by what he had heard this evening. The previous manager had now left. The police officer would be happy to have a well run public house in the area. He had spoken to the owners of the premises and he considered that their priorities were different.

The noise officer reported that the acoustic report was dated 22 January and no sound limiter had yet been installed. On a visit on the 10 March she was able to hear customer voices. She considered that there should be a considerable increase in sound insulation. She would wish to be informed of any works and would expect there to be no further delay.

The applicant was concerned that the premises would not open again if it stayed as a restaurant. He proposed a condition that there be an acoustic report, which took into account crowd noise, and that all reasonable works as recommended be undertaken. He considered that a further acoustic report could give residents a good night's sleep. There

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were physical remedies to an obvious problem. There were a small number of residents who had objected. The premises could be and would be well run. There should be safeguards. The Sub-Committee could consider the previous track record of the DPS. It was considered that a new application may have been a better option to a variation. There had been a high level of investment.

RESOLVED

That the application for a premises licence variation, in respect of Islington Sports Bar and Grill be refused.

REASONS FOR DECISION

The Licensing Sub-Committee considered all the written submissions and the oral submissions at the hearing made by the Applicants representative, the interested party (a resident), the solicitor for the applicant and the Licensing Authority, the Noise Team representative and the Police representative.

The following facts were not in dispute, namely that:-

The current licence holders transferred the licence in November 2018.

The Police and Licensing Authority informed the licensee that until the variation applied for was granted the premises must operate under the terms of the current licence,

They could operate on occasions as a public house by applying for temporary event notices and when they didn't have these the premises had to operate as a restaurant, not a pub.

The licensee applied for 16 TENs in 2019,

The premises were found to be operating without a temporary events notice until 6am on 2nd December 2018 when they were open to the public serving alcohol and were also operating without a notice on 10th March 2019 in breach of the licensing conditions, this being after the licensee had submitted a TEN application that was rejected.

The licensee had not been complying with the condition in respect of meals on dates when there was no TEN in force.

The Licensing Sub-Committee noted the submission by the interested party, that he had been threatened by a security guard at the premises when he went to complain about the noise levels. The Applicant confirmed that the employee was still employed by the applicant and an explanation from him had only been obtained on the day of the hearing.

The Licensing Sub-Committee further noted that the applicant apportioned all responsibility for the applicant's failures referred to above as due to the actions or inactions of the previous manager (DPS) a Mr. O'Brien. It was stated that Mr. O'Brien had left the employ of the applicant on 8th March 2019 and it was noted that he ceased to be a director of the company on the day of the hearing.

The Licensing Sub-Committee further took into consideration the fact that the applicant was appointing a new manager, Mr. Oliver Taggart, with 30 years- experience in public house management who the applicant hoped would turn matters around.

The Licensing Sub-Committee noted that the 10th March 2019 breach of conditions took place after Mr. O'Brien had left the employ of the applicant. The Applicant was specifically asked who was in control of the premises on 10th March 2019 and the question could not be answered.

The Licensing Sub-Committee took into consideration that the premises fall into the Holloway and Finsbury Park Cumulative Impact Area and Licensing Policy 3 is applicable which states that there is a presumption of refusal unless the committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.

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The Licensing Sub-Committee concluded that the applicant had not demonstrated a high standard of management since taking over the premises and that the proposed application if granted would add to the cumulative impact. The Applicant had not complied with licensing conditions and after full consideration of all representations made in writing and on the night verbally, the Sub-Committee was not satisfied that the granting of the application would not contribute to the existing impact of the licensed premises in that area.

The Licensing Sub-Committee concluded that refusal of the application was the reasonable and proportionate decision in light of all the submissions received.

40 THE SEKFORDE, 34 SEKFORDE STREET, LONDON - PREMISES LICENCE DESIGNATED PREMISES SUPERVISOR APPLICATION (Item B5)

The Sub-Committee noted that this item had been removed from the list of applications.

The meeting ended at 9.40 pm

CHAIR