

Licensing Sub Committee A - 25 June 2014

Minutes of the meeting of the Licensing Sub Committee A held in Committee Room 4, Town Hall, Upper Street, N1 2UD on 25 June 2014 at 6.30 pm.

Present: **Councillors:** Raphael Andrews (Chair), Nick Wayne (Vice-Chair) and
Flora Williamson

Councillor Raphael Andrews in the Chair

1 INTRODUCTIONS AND PROCEDURE (Item 1)

The Chair welcomed everyone to the meeting and summarised the procedure as detailed on the agenda.

2 APOLOGIES FOR ABSENCE (Item 2)

None received.

3 DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)

None.

4 DECLARATIONS OF INTEREST (Item 4)

None.

5 ORDER OF BUSINESS (Item 5)

The order of business was as the agenda.

6 MINUTES OF PREVIOUS MEETING (Item 6)

RESOLVED

That the minutes of the meeting held on the 15 May 2014 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.

7 XOXO, 74 UPPER STREET, N1 - PREMISES LICENCE REVIEW (Item 7)

The Sub-Committee noted that there had been some technical problems with this application so this item had been deferred.

8 CO-OPERATIVE, UNITS A AND B, 27 NORTH ROAD, N7 - NEW PREMISES LICENCE (Item 8)

The licensing officer reported that the premises was not in a cumulative impact area. Conditions had been agreed by the noise team, including an amended condition, and the noise representation had therefore been withdrawn.

Richard Arnot, supported by the Operations Manager, Oz Ismail, spoke in support of the application. He reported that this would be a standard convenience store which would sell alcohol ancillary to food. He outlined the training procedures that the store would have in place. The police and the noise officers had no objections to the premises. In response to concerns regarding school children he reported that this store would not be selling to those underage in any event.

Licensing Sub Committee A - 25 June 2014

In response to questions, he reported that, although alcohol was rarely sold early in the morning, the store would like to have the option to ensure it was convenient for customers. It was intended to sell beers in four packs. It was not specific store policy to sell single beers to customers. They would be selling premium products which tended to drive street drinkers away through the higher cost. It was noted that their CCTV was in easily downloadable format.

RESOLVED

a) That the new premises licence in respect of **Co-operative Food, 27 North Road, N7** be granted to permit the sale by retail of alcohol, off supplies only, Mondays to Sundays from 07:00 until 23:00.

b) Conditions as outlined in appendix 3 as detailed on page 100 of the agenda shall be applied to the licence with the following amendments regarding the noise conditions.

- Condition 13 to read. No alcohol deliveries will be received by the store between the hours of 23:00 and 07:00 Monday to Sunday. No alcohol deliveries will be received by the store other than between the hours of 13:00 and 19:00 on Sundays or Bank Holidays.
- Condition 14 to be withdrawn.

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.

Representations were made by the Noise Team. Conditions were agreed between the noise team and the applicant. Written submissions were made by three residents and one local business.

The Sub-Committee found that the concerns identified by the three residents and the one business were adequately dealt with by the submissions of the applicant. The Sub-Committee noted that no representations had been made by the police.

The Sub-Committee was satisfied that the applicant had sufficient management plans and procedures in place to ensure that the licensing objectives were met. The application was accordingly granted subject to conditions.

9 MARKET CAFE, 132 WHITECROSS STREET, EC1 - NEW PREMISES LICENCE (Item 9)

The licensing officer reported that the planning permission would allow alcohol to be sold on the premises if ancillary to food.

The police objected to the application as the premises was in a cumulative impact area. The police representative reported to the Sub-Committee that there had been 25 reported crimes in the street in the past 6 months, 10 of which were of a violent nature. He also mentioned that there were 35 licensed premises in a 250 metre radius.

A local resident reported that the area was saturated with licensed premises. Flats were directly above the premises which were built for shops that closed at 6pm. He considered that there should be an earlier closing time and that tables and chairs outside should be removed from 9pm. He considered that the licensee did run his neighbouring premises well

Licensing Sub Committee A - 25 June 2014

but there were sound problems associated with the premises and the hours should be until 11pm at the latest.

The applicant reported that he was the licensee to a nearby premises and started taking in chairs and tables from 9pm in the evening. He only used outside tables and chairs for about one month each year. He did have a metal shutter which was noisy and so following complaints he installed an electronic system. He had been running a business in the area for ten years. He had received no complaints about noise and a local pub was noisier. He did not think there would be additional problems from these premises.

In response to questions the licensee reported that he would be serving home made burgers. He would be serving spirits but would be mainly selling wine and beer. In relation to questions regarding cumulative impact he stated that he had two other premises and had not had any problems or complaints and had a good relationship with neighbours. He had CCTV installed and had experience and knowledge of the area.

In response to a question the police reported that the crime statistics were taken from the 1 January and crimes had taken place in Whitecross Street. The police officer reported that 25 crimes in this period was a large number and 10 of these crimes had been violent. Violence was accepted to be associated with alcohol and there was nothing to prevent patrons from drinking at the premises, leaving the premises and then causing problems. The local resident reported that, although there was noise from the public house on Thursday and Friday evenings, there was additional noise from restaurants as well.

In response to further questions to the licensee he stated that this would be similar to a fast food restaurant with covers only lasting 30 to 40 minutes. He stated he would be happy to agree to Challenge 25 and he was aware of the proof of age scheme. Tables and chairs would be taken away from 9pm onwards and moved to his other premises. He would ensure that alcohol would not be taken away but consumed on the premises with food.

In summary, the applicant offered to reduce the hours of the licence to 11pm. Opening hours would then be reduced to 11.30pm.

RESOLVED

That the application for a new premises licence for Market Café, 132 Whitecross Street, EC1 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 the following into consideration:- the location of the premises, the fact that it was in the Bunhill cumulative impact area, the type of premises, the character of the area and the views of the responsible authorities, the applicant and his representative and the local resident. It considered the current management of the premises, the proposed hours of operation, the size of the premises and the nature of the business.

The premises were fairly small and currently open for business until 4pm every day. The application was for the premises to be open until 11.30 pm Mondays to Saturdays and 10:30 pm on Sunday and the opening hours from 7 am until midnight Monday to Saturday and from 7am until 11pm on Sunday. At the hearing, the applicant's representative offered to amend the application to the effect that the alcohol consumption would be up until 11pm Mondays to Saturdays.

Licensing Sub Committee A - 25 June 2014

The food that was to be sold at the premises consisted mainly of burgers. It was submitted by the applicant that customers did not spend more than 30 to 45 minutes consuming food at the premises and that on some occasions takeaways were supplied.

The Sub-Committee took into consideration that there had been no reports of any criminal activity in the actual premises themselves but noted that up until now these premises had only been open until 4pm and no alcohol had been supplied. The police representative reported to the Sub-Committee that there had been 25 reported crimes in the street in the past 6 months, 10 of which were of a violent nature. He also mentioned that there were a large number of bars in the area with 35 licensed premises in the immediate area. It was accepted by the Sub-Committee that violent crime in the evening often occurred after consumption of alcohol.

As the premises were located in a cumulative impact zone, licensing policy 2 applied. The policy created a rebuttable presumption that applications for new premises licences that were likely to add to the existing cumulative impact would normally be refused unless the 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.

The applicant and his representative, despite being asked direct questions on this issue from the Sub-Committee, failed to rebut the presumption and put forward relevant submissions on how the granting of the licence to these premises would not add to the existing cumulative impact and would not adversely impact on the promotion of the licensing objectives. Taking into consideration the submissions of the police and the high level of crime in the area, the nature of these particular premises i.e the size and the nature of the food operation, the Sub-Committee considered that it was highly probable that the business would have a high turnover of customers consuming burgers and alcohol for a short period of time. The additional facility for purchasing alcohol in that particular area under those conditions would adversely add to the cumulative impact and secondly, adversely affect the promotion of the licensing objectives namely the prevention of crime and disorder and public nuisance. The application was accordingly refused.

The meeting ended at 8.15 pm

CHAIR