

**Licensing Sub Committee D - 12 August 2014**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 12 August 2014 at 6.30 pm.

**Present:**           **Councillors:**       Alex Diner (Chair), Angela Picknell (Vice-Chair) and Aysegul Erdogan

**Also Present:**       **Councillors:**       Gary Poole for Item B1

**Councillor Alex Diner in the Chair**

**1       INTRODUCTIONS AND PROCEDURE (Item 1)**

Councillor Alex Diner welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined and those present were informed that the procedure was detailed in the papers.

**2       APOLOGIES FOR ABSENCE (Item 2)**

None.

**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 would be B1, B6, B2-B5.

**6       MINUTES OF PREVIOUS MEETING (Item 6)**

**RESOLVED**

That the minutes of the meeting held on the 29 April 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**7       XOXO, 74 UPPER STREET, N1 0NY - REVIEW APPLICATION (Item 1)**

The licensing officer reported that additional information had been tabled from the licensee's representative. This would be interleaved with the agenda papers.

The licensing officer reported that representations on pages 63 and 81 should be deleted from the application. The licensee's representative stated that representations numbered 3, 5 and 8 should also be deleted from the application as the interested parties had not confirmed in writing that they wished these representations carried forward to this second review application, following the incorrect submission of a first review. It was also noted that the incorrect licence number was detailed in the application although he advised that this was not an issue that he required a decision on.

The Sub-Committee agreed to adjourn to consider this matter.

Following the adjournment, in response to a question from the Chair of the Sub-Committee, the Service Director Public Protection confirmed that Councillor Poole had confirmed

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verbally to her prior to the 24 July 2014 that he wished to continue with his representation. The Chair reported therefore, that representations 3 and 5 would remain but representation 8 would be excluded from the application. In response to a question from the licensee's representative, the Chair reported that the Sub-Committee considered that the police knew for which licence they were submitting the review even though the licence number was incorrect.

Rory Clark, representing the police, summarised the incidents as detailed in the review papers and a further incident on the 13 April 2014 which he stated could be taken into account. He stated that the majority of these incidents occurred after midnight. He was therefore requesting a reduction in hours, the removal of the door staff team, and the immediate removal of the designated premises supervisor for the reasons as detailed on page 21 of the agenda. He reported that the venue had a young customer base and better management was required for such a high risk venue. The changing of the door team had now been carried out reluctantly and they would not wish to see the designated premises supervisor still in post in October.

In response to questions from the Sub-Committee it was noted that the designated premises supervisor had agreed to submit a variation application to address the problems at the venue but this was not received until April 2014. Revocation was not sought as most of the problems were related to the hours and the style of the venue. A reduction in hours would result in a different style of venue.

The noise officer reported on her representation detailed in the papers. She had spoken to the licensee about a group of people sitting outside the premises making a noise disturbance during a visit in October. She reported that the venue attracted a very young crowd.

The licensing authority reported that the police review was supported. Management had regularly been given advice after each incident, but issues had not improved. A minor variation was not received until 20 March 2014 despite a promise to submit a minor variation in November 2013. Revocation was not always necessary in the first instance and the premises could successfully be run within core licensing hours and with the removal of off sales with proper management in place.

Councillor Gary Poole reported that the responsible authorities were clear in their recommendations, however the residents were most affected by the problems and revocation of the licence was sought. The designated premises supervisor was not running a safe or professional venue.

The local resident spoke in support of the review. She reported that she had lived in the area for ten years and had never had problems before XOXO. She stated that she had seen drug dealing, fights and customers drunk outside the premises, with management taking no responsibility for the problems. She informed the Sub-Committee that she either did not go out of her premises at the weekends or she tried to go away. She considered that the imposition of conditions was meaningless as the current conditions were not being complied with.

In response to questions it was reported that, although the area did not have a high density of residential premises, XOXO did cause significant problems to a few. The local resident reported that things improved at the premises when a review was submitted but once a review hearing had been heard, the problems re-occurred.

Mr Bromley, representing the licensee for XOXO, Mr Kohli, reported that, following a number of incidents a variation was submitted and further conditions were placed on the

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licence. These were effective from 16 April 2014. The last incident was on the 13 April 2014. Mr Kohli stated that he had adopted an over 21 policy and had employed a new door security team which had been brought in six weeks previously. The new door company stated that no issues had arisen since the new security team had taken over. Adrian Studd, licensing consultant, reported on his visit which took place on the 31 May 2014. He was aware of previous problems at the premises. The area was very busy at the time of the visit and he considered that all of the premises in the area contributed to the problems but conceded the door staff could have been more proactive. He witnessed other restaurant customers using the alleyway in addition to XOXO customers.

In response to questions it was noted that a door supervisor now stood in the alleyway to the right of the entrance to the premises. It was noted that there was a happy hour from 4pm-8pm each day. Mr Kohli reported that he had not put the variation in for five months as he had internal issues with his manager. He reported that, with the new security firm in place things would get better going forward.

In summary, the police had concerns regarding under 21s and considered that they should not be allowed in the premises at any time and considered that over 18s would cause problems if allowed to remain. The noise officer reported that, given the past history, she had no confidence that there would be no problems if the hours were allowed to remain past midnight. The licensing authority reported that it was usual to see swift action following a licensing panel and it was not necessary to bring a review hearing. A new door team should have been in place at a much earlier stage and not once the review was submitted. She reported that management had not shown the commitment that had been hoped.

Councillor Poole and the local resident reported that they had no confidence that the conditions would be met and asked the licence to be revoked.

Mr Bromley reported that there had been no incidents since the first review of the licence was submitted. A variation had been granted on the 16 April and this had not been given time to work. No noise complaints had been received since 22 December 2013. The new door supervisor team had improved the situation and could continue doing so. The noise team accepted that matters had improved since April 2014. He agreed that no persons under the age of 21 should be admitted at any time.

### **RESOLVED:**

1) That the premises licence for XOXO, 74 Upper Street, N1 be modified as follows:-

- a) To remove Santosh Kohli as the designated premises supervisor immediately.
- b) To remove off sales from the premises licence.
- c) To reduce hours as follows:-

Sale by retail of alcohol, on sales only, Sundays to Thursdays from 10:00 until 23:00 hours and on Fridays and Saturdays from 10:00 until midnight.

The provision of live music, recorded music and the showing of films, Sundays to Thursdays from 10:00 until 23:00 and Fridays and Saturdays from 10:00 until midnight.

The provision of late night refreshment, Fridays and Saturdays from 23:00 until midnight and

Opening hours, Sundays to Thursdays from 10:00 until 23:30 and Fridays and Saturdays from 10:00 until 00:30 hours.

2) That the following conditions shall be applied to the licence:-

- a) Conditions of the current premises licence;

b) The following additional conditions:-

- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- When alcohol and/or regulated entertainment is provided by way of music and dancing, no less than two SIA registered door supervisors will be employed on Sunday to Thursday and no less than three on Fridays and Saturdays from 9pm until 30 minutes after closing. One of the SIA registered supervisors sole responsibility will be to supervise the smoking area and the entrance to St Albans Place.
- No persons under the age of 21 will be admitted to the premises at any time.
- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

**8      D AND B UK LTD, 359 CALEDONIAN ROAD, N7 - NEW APPLICATION (Item 2)**

Three local residents spoke against the application. They reported that there were two other licensed premises in very close proximity. There was an off-licence and a public house next door. There was a lot of anti-social behaviour in the area. Elderly people were often frightened to go out and there were children and young teenagers hanging around. There was a lot of street drinking in the area. The premises was just outside the cumulative impact area.

In response to questions the residents considered that the anti-social behaviour would be made worse with another licensed premises. Problems in the area were mainly alcohol related. There were five or six other licensed premises in the area.

Mr Jordan, agent, representing the licensee, spoke in support of the application. He reported that conditions had been agreed with the responsible authorities. The licensee had been operating for 24 years and had sold other age related products. Many of the objections did not relate to this premises. The licensee did not want to sell high strength alcohol. A comprehensive CCTV condition was proposed.

In response to questions it was noted that the licensee had a comprehensive training programme, understood the cumulative impact policy and was aware of the close proximity of the area. The proposed hour of 8am was in line with other local premises. Residents had not mentioned the early hour in their representations. Customers expected to buy all

their groceries in one store. He wished to provide a variety of products as other larger stores did.

In summary, the residents reported that an additional licensed premises would add to the existing problems in the area. The premises was near a bus stop and people would nip in the premises to purchase drink. There had been 15 representations against the application. This was another alcohol outlet which would lead to further anti-social behaviour.

Mr Jordan reported that there was no causal link to this premises. There had been no objections from the responsible authorities and no criticism of the training programme.

**RESOLVED**

1) That the application for a new premises licence in respect of D and B UK Ltd, 359 Caledonian Road, N7 be granted:-

a) To supply alcohol for consumption off the premises from 08:00 to 22:30 on Monday to Sunday.

b) For the opening hours of the premises to be from 05:00 to 22:30 on Monday to Sunday.

2) Conditions as outlined in appendix 3 as detailed on pages 237/238 of the agenda shall be applied to the licence.

**9      SADDLER'S BAR, CITY UNIVERSITY, 10 NORTHAMPTON SQUARE, EC1 - NEW APPLICATION (Item 3)**

The Sub-Committee noted that proposed conditions 34-36 duplicated the noise team conditions and could be deleted.

A local resident was concerned about noise and disruption from the new premises. Their residential block had been missed in the planning consultation as it was believed that it was an office building and not residential. They were concerned that the premises would be open for drinking at 9am in the morning

Caroline Jenkins, the applicant, spoke in support of the application. She reported that this premises was a relocation for the previous campus student union bar. The early hours requested were those held under the previous licence, although alcohol was not served at 9am. The premises would not be open at weekends. A security team was back in house and would be considering the dispersal of patrons. A community engagement plan was a condition of their planning permission and it was expected that meetings would be held for residents at least twice yearly.

In response to questions, the applicant stated that it was not expected to hire the premises out at weekends. The area contained seating booths and pool tables and was not easily rentable. The students at the university tended not to stay at the university at the weekend so it was not planned to open the area for students. There was expected to be a smoking area outside the premises, on the main road, for 15 people. The bar was to be managed by an experienced catering company. Prices for alcohol would be slightly cheaper than Weatherspoon outlets but not excessively so. Promotions were not to be run at the premises. There was seating for 147 people with a capacity of 450. The bar had been moved to an area that had been considered as less residential. The previous bar was there for many decades with very few incidents.

**RESOLVED**

1) That the new premises licence in respect of Saddlers Bar, City University, 10 Northampton Square, EC1 be granted to allow the sale of alcohol for consumption on the

premises, live music, recorded music and the performance of dance between 09:00 hours and 23:00 hours Monday to Fridays.

2) Conditions as outlined in appendix 3 as detailed on page 283/285 of the agenda shall be applied to the licence subject to the deletion of conditions 34-36.

- 10**      **FOXLOW, 69-73 ST JOHN STREET, EC1 - VARIATION APPLICATION (Item 4)**  
The licensing officer reported that this application was for an extension to the licensed area and not to the licensing hours.

A local resident raised concerns regarding the noise outside the premises with people standing around talking. Children in the building would be trying to sleep before 9pm. She also raised concerns regarding the waste disposal which took place late at night.

Thomas O'Maoileoin, representing the designated premises supervisor Nr Needham, informed the Sub-Committee that this was an application to extend the licensed area. The application was limited to two tables and four chairs and the outside area would have to be cleared by 9pm. The premises was currently licensed until midnight at weekends and the reduction to 9pm he considered reasonable. The refuse was collected by the Council during specified times. The Sub-Committee noted that diners could eat outside until midnight, without alcohol, as it was in the confines of the premises.

In summary the local resident informed the Sub-Committee that her daughter went to bed at 8pm. She considered it disproportionate to grant this licence for an additional four people. She asked the Sub-Committee to note a condition of the licence that doors would be kept shut to prevent noise onto the street.

**RESOLVED**

1) That a premises licence variation in respect of Foxlow, 69-73 St John Street, EC1 be granted to extend the licensable area to include an outside dining area, limited to 4 people and not to be used after 21:00 hours.

2) The following conditions shall be applied to the licence:

1. Conditions of the current premises licence.
2. Conditions as outlined in appendix 3 as detailed on page 320 of the agenda.

- 11**      **ANGEL FLOWERS, 60 UPPER STREET, N1 0NY - NEW APPLICATION (Item 5)**  
Nick Baker, the applicant, spoke in support of the application. He reported that flower sales were declining and he wished to sell wine and champagne with flowers when requested. He submitted that the shop was in the less saturated end of Upper Street and the alcohol that he intended to sell would cost more than £8 per bottle. Alcohol would be stored in a locked cabinet.

The applicant raised a concern regarding the wording of suggested condition 1 and was advised that this was ancillary to the nature of the business and flowers did not need to be purchased with each sale of alcohol.

**RESOLVED**

1) That the application for a new premises licence in respect of Angel Flowers, 60 Upper Street, N1 be granted To allow the sale by retail of alcohol, off supplies only, Mondays from 09:00 until 18:00, Tuesdays to Saturdays from 09:00 until 19:00 and Sundays from 11:00 until 17:00.

2) Conditions as outlined in appendix 3 as detailed on page 340 of the agenda shall be applied to the licence subject to the following amendment to condition 1.

- The sale of alcohol be limited to wine or champagne and shall be ancillary to the business operating as a flower shop.

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**TAILOR'S NEWS, 279 CALEDONIAN ROAD, N1 - REVIEW APPLICATION (Item 6)**

The trading standards officer summarised the reasons for the review application. She reported that in February 2014, a volunteer working with trading standards had asked to buy cigarettes from the premises. He was asked his age by the seller but when he produced no proof of age he was still sold the cigarettes. No offence was committed but the trading standards team spoke to the seller and stressed the importance of using Challenge 25. On 26 February, trading standards officers returned and seized 173 bottles of non duty paid wine from the premises. At this stage Mr Depala was requested to seek a variation to add additional conditions that were appropriate to the licence. This was followed up by reminder letters from the trading standards team. A variation was not applied for or contact made and a review application was therefore made. The trading standards officer recommended a short suspension of the licence.

The police reported that they fully supported the review of the licence. The police were present at the seizure that took place in February and had asked Mr Depala to show them his personal licence. Mr Depala produced a damaged card and he was requested to obtain a replacement. This had not yet been seen. It was noted that the police had requested an additional condition regarding high strength alcohol to be put on the premises licence.

Mr Depala, the licensee informed the Sub-Committee that this would not happen again. He produced a refusals book. He reported that customers were not happy when alcohol was refused and would throw back their shopping. He had tried to renew his licence but the machine was broken. The London Borough of Barnet wrote a letter confirming this. Mr Depala produced a legible personal licence at the meeting.

In response to questions he stated that he had sent the variation application but had not sent the cheque. It was noted that there had been no record of it being received. The trading standards officer reported that Mr Depala was not the worst licensee but there had been a lack of engagement and there was a need for licensees to be more proactive. Mr Depala stated that he asked his daughter to help with correspondence.

**RESOLVED**

That the premises licence for Tailor's News, 279 Caledonian Rd, N1 be suspended for a period of two weeks and the licence be modified to include the conditions as detailed on pages 360 and 361 of the agenda.

The meeting ended at midnight.

**CHAIR**