

Licensing Sub Committee B - 25 November 2014

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

Present: **Councillors:** Marian Spall, Alice Donovan and Gary Poole.

Councillor Marian Spall in the Chair

- 19** **INTRODUCTIONS AND PROCEDURE (Item 1)**
Councillor Marian Spall welcomed everyone to the meeting, asked members and officers to introduce themselves and outlined the procedures for the meeting.
- 20** **APOLOGIES FOR ABSENCE (Item 2)**
Apologies were received from Councillor Gantly.
- 21** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**
Councillor Poole substituted for Councillor Gantly.
- 22** **DECLARATIONS OF INTEREST (Item 4)**
None.
- 23** **ORDER OF BUSINESS (Item 5)**
The order of business was as the agenda.
- 24** **MINUTES OF PREVIOUS MEETING (Item 6)**
RESOLVED
That the minutes of the meeting held on the 11 September 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 25** **ARSENAL SUPERMARKET, 229 BLACKSTOCK ROAD, N5 2LL - VARIATION OF PREMISES LICENCE (Item 1)**
The Sub-Committee noted that this item had been withdrawn by the applicant.
- 26** **APPLESTAT, 102 ISLINGTON HIGH STREET, N1 8EG - APPLICATION FOR A NEW PREMISES LICENCE (Item 2)**
The licensing officer reported that the noise conditions had been agreed with the applicant. The applicant had circulated amendments to the application. These would be interleaved with the agenda papers. He stated that the display space for alcohol would be limited to 10% of the store, off-sales had been removed from the application, there would be a maximum seating capacity for 15 patrons and there was a proposed reduction in hours Mondays to Saturdays from 11am to 7.30 pm and on Sundays from 11am to 6.30pm. The police reported that they had withdrawn their objection as a result of these amendments.
- The local residents raised objections on cumulative impact grounds and considered that this application had not addressed the policy. They welcomed the changes made to the application but considered that a balance should be made between residents and commercial interests. They stated that there were nine licensed premises between the Camden Head and The York PH. Tesco was a major off licence and was capable of serving the

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community. They were concerned that they had not been consulted regarding the change of use in planning terms. They considered that the applicant had not taken the interests of the residents into account and asked that the Sub-Committee consider the interests of the residents and refuse the application.

Councillor Poole considered that on sales, rather than off sales, may be a change of planning use and asked that the licensing officer refer this matter back to the planning team.

Peter Mayhew, representing the applicant, Anneka Williams, reported that this was not a bar or café, but a shop asking to sell a small amount of alcohol on the premises. Off sales had been removed from the application and alcohol would be limited to 10% of display space in the shop. There would be no draught beer or cider sold at the premises. Conditions were as tight as possible to ensure that a different type of business could not be run from the premises in the future without an application to vary the licence. He considered that the application would fall into the exception to the cumulative impact policy as, there would be a maximum of 15 people drinking alcohol with a meal, specialist beers would be sold so the price point would not attract street drinkers and hours were until 7.30 pm only. He was not convinced that granting a licence would undermine the licensing objectives.

In response to questions, Mr Mayhew reported that it was not unusual for an application to be amended following submission. It became clear that residents and the police were unhappy with the off sales element and this was therefore withdrawn. A small amount of on sales was the next best option for the applicant. There were currently three staff available on weekends and two during the week. All staff would have full training. There would be CCTV and full staff training in place as outlined in the papers. There would be more measures in place than for similar types of ventures. Door staff for this type of business would be excessive. There were 35 conditions proposed which was a significant number for a venue of 15 persons seated to drink alcohol with food. In response to engagement with residents it was reported that communication had been positive, the application had been delayed as the local paper had failed to publish details of the application. They had asked the licensing team to pass on details about the application to interested parties. The applicant had been quick to respond to correspondence. If a table and chairs licence was granted there would be no drinking outside.

In summary, the residents stated that there had been no attempt by the applicant to engage. There were 9 licensed premises between The York and the Camden Head which all added to the cumulative impact in the area. They requested that the Sub-Committee not grant the application. They asked that if the licence was granted, the conditions relating to the outside space be removed.

Peter Mayhew stated that conditions proposed would prevent a future change in operation. Conditions relating to the outside space would safeguard its future use. This was a small premises, with a capacity of 50 persons or less, was not alcohol led and fell within the exceptions. The police and the noise team had withdrawn their representations and the application had been altered in response to resident concerns. He asked the Sub-Committee to agree the application.

RESOLVED

That the application for a new premises licence for Applestat, 102 Islington High Street, N1 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

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2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that the conditions proposed by the noise team were agreed by the applicant and therefore the objection from the noise team was withdrawn. The Sub-Committee also noted that, following discussions with the police and the amended proposals put forward by the applicant, the police objection was withdrawn.

The Sub-Committee noted that the interested parties were pleased that off sales had been removed from the application but that residents and the Camden Passage residents association were still concerned that licensing policy 2 had not been addressed and that the granting of an on licence would still add to the cumulative impact in Camden Passage.

The Sub-Committee noted the applicant's submission that the premises would be primarily a shop with only 10% alcohol display space. The Sub-Committee noted that the proposal was for there to be a maximum of 15 seated customers, only craft beer would be available at the premises and the proposed licensed hours would be reduced.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Angel and Upper Street 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.

The Sub-Committee concluded that the granting of the licence would add to the availability of alcohol in an area where there is already a large number of licensed premises and therefore have a cumulative impact on the licensing objectives. The Sub-Committee noted that there are already 9 licensed premises in Camden Passage with Tesco also holding an off sales licence. The interested parties submitted that residents live on Camden Passage and in close proximity to it. The Sub-Committee noted the particular accumulation of licensed premises within Camden Passage and considered its unique narrow layout.

The Sub-Committee noted that the premises fell within examples of applications that the licensing authority may consider as exceptional but in the circumstances of this application the Sub-Committee decided that granting the licence would add to the cumulative impact on the licensing objectives within the Angel and Upper Street cumulative impact area.

In accordance with licensing policy 2, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives.

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DISCO DOG, OLD STREET STATION, EC1Y 1BE - APPLICATION FOR A NEW PREMISES LICENCE (Item 3)

The licensing officer reported that the applicant had requested an adjournment on the afternoon of the meeting but had not given a reason for this. The applicant was advised to request the adjournment in person at this late stage. The applicant was not present at the meeting.

The Sub-Committee considered that there were no grounds for an adjournment.

RESOLVED

That the application be heard in the absence of the applicant.

The licensing officer reported that there had been an email exchange during the last 24 hours between the applicant, trading standards and the police. The applicant had removed

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off sales from the application and the trading standards concerns had therefore been addressed.

The police officer stated that they were unclear about the type of venue this was intended to be and had asked the applicant for clarification. Initially it was understood to be a restaurant/oyster bar but it was now shown to be a venue selling mainly hotdogs.

The noise officer stated that there were major problems with anti-social behaviour in Old Street. The council already paid for additional street cleaning at the weekend and there was a concern that there was no toilet indicated on the plans.

The Sub-Committee considered that this was an unsatisfactory application.

RESOLVED

That the application for the new premises licence at Disco Dog, Old Street Station, EC1 be refused.

REASONS FOR DECISION

The applicant and the legal representative were not in attendance at the meeting. An email had been sent to the licensing team in the afternoon requesting an adjournment. The applicant was advised to attend the meeting to make the request for an adjournment to the Sub-Committee.

The applicant did not provide any grounds for an adjournment and the Sub-Committee decided not to adjourn as it was not necessary to do so in the public interest.

The Sub-Committee received updated information from the licensing officer, the police and the environmental health team 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 the applicant had indicated earlier in the day that off sales would be removed from the application. Discussions with trading standards had led to them withdrawing their objection. The police referred to discussions during the day and that there was confusion as to whether the venue was to be a restaurant or bar. The environmental health officer raised concerns about major anti-social behaviour at Old Street and the problem with public urination which had not been addressed by the applicant in the operating schedule. The officer stated that the plans show 60 covers in the restaurant but no provision of a toilet within the premises.

The Sub-Committee noted that the applicant had failed to produce a detailed operating schedule in accordance with licensing policy 9 and there was insufficient information before the Sub-Committee.

The Sub-Committee took into consideration Licensing policy 2. The premises fall under the Bunhill and Clerkenwell 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. The applicant failed to rebut the presumption. The Sub-Committee refused the application as the applicant failed to demonstrate that the licensing objectives would be upheld.

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The meeting ended at 7.35 pm

CHAIR