

**Licensing Sub Committee C - 14 April 2015**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 14 April 2015 at 6.30 pm.

**Present:**           **Councillors:**           Satnam Gill, Gary Poole, Michelline Safi Ngongo

**Councillor Gary Poole in the Chair**

- 58**           **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Poole welcomed everyone to the meeting, asked members and officers to introduce themselves and informed those present that the procedure was as detailed in the agenda.
- 59**           **APOLOGIES FOR ABSENCE (Item A2)**  
None.
- 60**           **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
None.
- 61**           **DECLARATIONS OF INTEREST (Item A4)**  
None.
- 62**           **ORDER OF BUSINESS (Item A5)**  
The order of business was as the agenda.
- 63**           **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED:**  
That the minutes of the meeting held on the 3 February 2015 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.
- 64**           **ZARA RESTAURANT, 5 JUNCTION ROAD, N19 5QT - APPLICATION FOR A PREMISES LICENCE VARIATION (Item B1)**  
David Claxton, representing the applicant, requested that the item be adjourned in order that further preparation be made on the application. The Sub-Committee considered that there were no grounds for an adjournment at this late stage and agreed that the application proceed in the normal way.

The licensing officer tabled the second page of the licensing authority representation and the covering email from public health which had not been included in the agenda. These would be interleaved with the agenda papers.

The police officer reported that the premises were located in the Archway cumulative impact area. The area was particularly busy and the numbers of people on the streets increased at the weekends. This was a public transport hub. The police had launched a campaign to reduce violence in the night time economy and as a result the crime and disorder related offences across the area were starting to fall. They would not want a licence to be granted in an area that may reverse this trend. Since the application had been submitted there had been no contact from the applicant. The police officer confirmed that there had been no crime that was specifically linked to the premises.

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The licensing authority stated that the premises were in a cumulative impact area and the operating schedule submitted by the applicant had not addressed the licensing objectives. The applicant had not demonstrated that he could operate a late night venue in a cumulative area.

The officer from public health reported that the area was one of the most densely licensed areas in the Borough with one of the highest number of ambulance call outs. They did not consider that there was a problem with the existing hours of operation but requested that the application to extend those hours should not be granted.

David Claxton stated that there were no police concerns relating directly to the premises. There had been no police calls outs and the Sub-Committee could infer that if the hours were extended the premises would be run in the same manner. There was no evidence that the business contributed towards the issues raised by the police.

There were no concerns regarding the licence holder. Whilst the operating schedule had been scantily drafted it had covered the key points. An SIA door supervisor would be employed after midnight. He stated that there were other premises in the area which were open after midnight and the applicant was seeking commercial parity with competitors. The public health statistics were general and not specifically related to these premises.

In response to questions it was noted that one member of staff would be on the premises after midnight and the applicant considered that this was adequate to mitigate or eliminate public nuisance. The background and history of the applicant, the fact that alcohol was served with food and that the premises were small would adequately rebut the presumption of cumulative impact. It was acknowledged that planning permission had not been granted for the additional hours but opening could not take effect until planning permission had been received. There was no intention to breach planning law. In response to a question addressed to the applicant regarding dispersal, the applicant stated that the night time and the weekends were busy. He had been managing the restaurant since 2003 and had not had any problems.

In summary, the police officer stated that, although there were no problems in relation to these premises directly, based on police experience there were more problems that arose from the consumption of alcohol that occurred after midnight. The licensing authority reported that this had been a poor application and the applicant had not wanted to engage with officers. The public health officer reported that they agreed with the police experience that problems occurred after midnight. He did not consider there was any evidence to show that this restaurant would be an exception to the cumulative impact policy.

The licensee's representative accepted that there had been scant detail in the application but stated that the licensee took his responsibilities seriously. There had been a constructive discussion with the noise team. There was no evidence that these premises would cause additional problems in the area.

### **RESOLVED:**

That the application for a premises licence variation at Zara Restaurant, 5 Junction Road, N19 5QT be refused.

### **REASONS FOR DECISION:**

The Sub-Committee listened to all the evidence and submissions and read all the material. The subcommittee 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.

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The Sub-Committee took into particular consideration licensing policies 1 & 2 (location, cumulative impact and saturation), licensing policies 7 & 8 (hours of operation) and licensing policies 9 & 10 (the operating schedule). The premises fall under the Archway cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations of 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.. There was an expectation that the applicant would fully explain in the operating schedule the arrangements that would be put in place to ensure that the premises did not add to the cumulative impact given that the application fell outside the recommended hours for restaurants and cafes and given that the current planning permitted hours restricted the hours of operation to between 08:00 hours and midnight on any day.

The Sub-Committee noted that the applicant had accepted conditions proposed by the Council's noise service. The Sub-Committee noted the representations from the responsible authorities who all maintained that the problems relating to crime and disorder and public nuisance increased after midnight. The Sub-Committee noted that the applicant had not availed himself of the opportunity to engage with the responsible authorities, the operating schedule was at best, scant, he had not shown any exceptional circumstances as to why the application should be granted and he had failed to demonstrate that there would be no adverse cumulative impact on the licensing objectives.

The Sub-Committee concluded that granting the application would undermine the licensing objective of prevention of crime and disorder and that conditions or restrictions would be an ineffective solution.

### **65 FRESH FLOWER SCENT, 748 HOLLOWAY ROAD, N19 3JF - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that the applicant had sent a letter to the interested parties but no replies had been received. The applicant had spoken to the police and put forward conditions that the police had requested.

The applicant reported that she was working with Interflora which sold 'add on' products with flowers, which included a limited supply of wine and champagne. Prices were higher than local shops so the premises would not be encouraging street drinkers. There would be no drinking in the shop and CCTV was installed following discussions with the police.

In response to concerns from the Sub-Committee should the licence be transferred in the future, the applicant agreed to a condition that there would be no alcohol only purchases.

#### **RESOLVED:**

- a) That the application for a new premises licence in respect of Fresh Flower Scent, 748 Holloway Road, N19, be granted:-
  - i) To permit the premises to sell alcohol for consumption off the premises only Monday to Sunday from 09:00 to 19:00 hours on Monday to Saturday and from 10:00 to 16:00 on Sunday.
  - ii) To allow the following opening hours:- 09:00 to 19:00 Monday to Saturday and 10:00 to 16:00 on Sunday.
- b) That conditions as outlined in appendix 3 as detailed on page 77 of the agenda with the following amendment shall be applied to the licence.

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Condition 1 to read. The sale of alcohol is limited to wine or champagne and shall be ancillary to the business operating as a flower shop. There shall be no alcohol only sales.

### **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. The premises fall under the Archway 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 noted that the application was within the framework hours as detailed in the licensing policy. The sale of alcohol would be limited to high cost wine and champagne and would be sold only in conjunction with other items relating to the business.

The applicant had liaised with the police in regard to the application and had accepted a number of conditions that had been suggested by the police and which would ensure that the licensing objectives would be promoted. The Sub-Committee noted that CCTV had already been installed at the premises.

The Sub-Committee concluded that there were exceptional grounds for granting the application and that the applicant had rebutted the presumption that the granting of the application would not impact negatively on the licensing objectives.

The meeting ended at 7.25 pm

**CHAIR**