

Licensing Sub Committee D - 27 April 2015

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 27 April 2015 at 6.30 pm.

Present: **Councillors:** Alex Diner (Chair) and Angela Picknell (Vice-Chair), Gary Poole (Item B1) and Flora Williamson (Items B2-B4).

Councillor Alex Diner in the Chair

- 44** **INTRODUCTIONS AND PROCEDURE (Item A1)**
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.
- 45** **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 46** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Poole substituted for Councillor Erdogan for Item B1. Councillor Williamson substituted for Councillor Erdogan for Items B2 – B4.
- 47** **DECLARATIONS OF INTEREST (Item A4)**
None.
- 48** **ORDER OF BUSINESS (Item A5)**
The order of business was as the agenda.
- 49** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED
That the minutes of the meeting held on the 12 February 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 50** **SAINSBURY'S GROUND FLOOR, 91-93 ST JOHN STREET, EC1 - APPLICATION FOR NEW PREMISES LICENCE (Item B1)**
The licensing officer tabled a photograph of Passing Alley which indicated the installed lighting. This would be interleaved with the agenda papers.
- The representative from Sainsbury's stated that the premises was already open and trading without alcohol and fell in the cumulative impact area. Sainsbury's had met with the police and the licensing team prior to the submission of the application and had moved the sale of alcohol commencement time to 11:00 am to address their concerns regarding early morning drinking. There had been no objections to the application from the police the licensing authority or the noise team. A public meeting had been arranged for residents on the 23 February to discuss the application and no residents had attended. There had been no objection from ward councillors. Opening hours of the store would be from 7am to 11pm and the sale of alcohol was an important part of the convenience offer. Customers would sometimes leave their basket of shopping behind if they were unable to buy alcohol with their food. Lighting and CCTV had been installed in Passing Alley and a further nine

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conditions had been added to the application made in 2013. It was not expected that adults would buy alcohol for those underage. The hours requested would not be contributing to the late night economy. Fears expressed regarding deliveries and smoking had not materialised. Ten residents, the local authority, the police and the ward councillor had made objections to the previous application. The granting of this application was not likely to add to the cumulative impact and additional conditions had alleviated concerns. The review process was there to be used if necessary.

In response to questions it was noted that the alley previously was dark and was now well lit and a deterrent to anti-social behaviour. Sainsbury's stated that they would report back the observation that a litter/nuisance patrol for Passing Alley would be a gesture of goodwill. Sainsbury's was unable to state that a variation would not be applied for in the future, but if an application was made residents would have the opportunity to object and the application would be within the terms of the licensing policy. They wished to maintain dialogue with residents.

In summary, it was reported that residents had been widely consulted, there had been a real effort on the part of the applicant to reduce opposition to the application, the hours had been reduced. The licensing policy was designed for tailored applications and Sainsbury's asked that the application be granted.

RESOLVED

a) That the application for a new premises licence in respect of Sainsburys, 91-93 St John Street, EC1 be granted to permit the premises to sell alcohol on Monday to Sunday from 11am until 8:00pm.

b) That conditions as outlined in appendix 3 as detailed on pages 37 and 38 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 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 Sub-Committee noted that no written or verbal submissions were made by the Responsible Authorities. Three residents had made written submissions. It was submitted by the Licensing Officer, that he had written to the three residents in question on three occasions to engage with them about their concerns and to discuss the applicants' response to their concerns. He did not receive a response. The residents did not attend the hearing.

The Sub-Committee heard submissions from the applicant's representative.

The Sub-Committee was satisfied that the Applicant had engaged with the Licensing Authority prior to submitting it's application and that it had also taken the concerns of residents on board. The applicant had reduced the hours for selling alcohol to 8pm and had

taken steps to light and CCTV the alleyway near the premises so as to prevent anti- social behaviour in the area.

The Sub-Committee was satisfied that the proposed conditions and hours of sale were such that the granting of the licence would not add to the cumulative impact and otherwise impact adversely on the promotion of the licensing objectives.

51

COUPE BAR, UNIT 2, 5-7 WELLS TERRACE, N4 3JU - APPLICATION FOR A NEW PREMISES LICENCE (Item B2)

The licensing officer reported that condition 29 as detailed in the report should be deleted. The licensing officer had tried to engage with the objector regarding the application on three occasions but had received no response.

The applicant reported that he had lived in the area for 20 years. The application was for a smart cocktail bar with music. Off supplies of alcohol were restricted to those customers seated at outside tables and chairs. Customers would be given 30 minutes to leave the premises quietly at the end of the day. The underground would be running 24 hours from September 2015 and cabs were easily obtainable from Stroud Green Road. There were no residents above, either side or opposite the premises.

In response to questions it was noted that customers would be brought inside the premises at 10:30. It was expected that there would be seating for 8 people outside. There would be no vertical drinking and there would be waiter service at tables. The music would be background. There was capacity for 75 customers seated with no standing. The applicant had previous experience in a cocktail bar. It was confirmed that music would finish at midnight and customers would leave by half past midnight.

RESOLVED

a) That the application for a new premises licence in respect of Coupe Bar, Unit 2, 5-7 Wells Terrace, N4 be granted:-

- i) To permit the premises to sell alcohol for consumption on the premises and the provision of recorded music on Sunday to Thursday from 11:00 to 11:00pm and on Friday and Saturday from 11:00 until midnight.
- ii) To allow the provision of late night refreshment on Friday and Saturday from 23:00 until midnight.

b) That conditions as outlined in appendix 3 as detailed on page 68-70 of the agenda be applied to the licence subject to the deletion of condition 29.

REASONS FOR DECISION

The Sub-Committee 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 Holloway and Finsbury Park 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 application was for on premises sales of alcohol, the playing of recorded music and the provision of late night refreshment. The proposed premises are a "stylish Cocktail Bar

selling quality food and drinks.” Customers will be able to purchase craft beers, quality wines while eating tapas and listening to quiet jazz music.

The Sub-Committee considered the representations made by the applicant and the written submission made by one of the residents. The Sub-Committee noted that the responsible authorities did not oppose the application and made no representations.

The Sub Committee was satisfied that the proposed conditions, the hours of business, the nature of the business were such that the granting of the application would not add to the cumulative impact or otherwise impact adversely on the promoting of the licensing objectives and the application was accordingly granted.

52

SALVATION IN NOODLE'S, 2 BLACKSTOCK ROAD, N4 2DL - APPLICATION FOR NEW PREMISES LICENCE (Item B3)

The applicant's representative reported that this application was for a small premises with 40 covers requesting an alcohol licence for customers which would be ancillary to food. There was to be half an hour dispersal for customers and no other licensing activities were being applied for. The application was within framework hours. The applicant ran similar premises in Balls Pond Road. This was not the type of premises that would be targeted by football supporters. Music would be background only. There had been no representation made by the noise team. It was not intended to have any vertical drinking except possibly for those customers waiting for a table.

In response to questions it was noted that staff would be trained. There would be a manager at the Blackstock Road premises. The applicant would be hoping to expand his business and would want a good track record for the future. The applicant would wish to serve customers alcohol if they were with a group of friends but were not eating although it was not the intention for the restaurant to be a bar. There would be waiter service and there was no outside seating area. There was not expected to be more than 5 or 6 smokers outside and this area was to be monitored after 10pm in any event.

RESOLVED

a) That the application for a new premises licence in respect of Salvation in Noodles, 2 Blackstock Road, N4 2DL be granted to permit the sale of alcohol for consumption on the premises from 11:00 to 22:30 from Sunday to Thursday and from 11:00 to 23:30 on Friday and Saturday.

b) Conditions as outlined in appendix 3 as detailed on pages 101 and 102 of the agenda shall be applied to the licence with the following amendment:-

Conditions 2 and 3 to read. Alcohol for consumption on the premises will only be sold to persons who are sat at tables or sat at the bar stools immediately in front of the bar serving counter. The only exception to this will be in respect of customers who are waiting for seats to become vacant.

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. No submissions were made by the responsible authorities.

The Sub-Committee noted that the application was for the sale of alcohol on the restaurant premises from 7 to 11pm Monday to Sunday.

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The Sub-Committee noted that the business had small premises, would be able to accommodate 40 customers, would be selling noodle dishes and alcohol on the premises which would mainly be served with food. Customers would need to be seated to be served alcohol. The hours 11am to 10.30pm were within the framework hours.

The Sub-Committee was satisfied that the granting of the application with proposed conditions would not adversely impact on the promotion of the licensing objectives.

53 **ROMA NEWS FOOD AND WINE, 331 CALEDONIAN ROAD, N1 - APPLICATION FOR A NEW PREMISES LICENCE (Item B4)**

The applicant did not attend the hearing.

The licensing officer read out a statement on behalf of the trading standards officer who was unable to attend the meeting. It was reported that the officer had no contact with the applicant. The applicant had spoken to the licensing office to say that he was not pursuing the application but this had not been confirmed in writing.

The police reported that the applicant had another premises in Caledonian Road. The applicant had been called into officer panel for poor licensing performance and sales of illicit alcohol in relation to these premises and asked that the application be refused.

RESOLVED

That the application for a new premises licence for Roma News Food and Wine, 331 Caledonian Road, N1 1DW be refused.

REASONS FOR DECISION

The Applicant did not attend the Sub Committee hearing.

The Licensing Officer informed the Sub Committee that the applicant had telephoned the Licensing Department and had informed them that he would be withdrawing his application. He was asked to submit this in writing, which at the time of the hearing, he had failed to do.

The Sub Committee heard the submissions of the Trading Standards Officer and the Police representative and read the papers.

The Sub-Committee refused the application.

The meeting ended at 8.00 pm

CHAIR