

Licensing Sub Committee D - 9 February 2016

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 February 2016 at 6.30 pm.

Present: **Councillors:** Flora Williamson, Aysegul Erdogan and Nick Wayne

Councillor Flora Williamson in the Chair

- 99** **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Flora Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 100** **APOLOGIES FOR ABSENCE (Item A2)**
Apologies were received from Councillor Gill.
- 101** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Nick Wayne substituted for Councillor Gill.
- 102** **DECLARATIONS OF INTEREST (Item A4)**
None.
- 103** **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda. The Committee noted that Items B2, B3 had been deferred and Item C1 had been withdrawn by the applicant.
- 104** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED
That the minutes of the meetings held on the 1 December 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 105** **COFFEE SHOP AND COCKTAIL BAR, 113 HOLLOWAY ROAD, N7 8LT - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that police conditions 24-29 on pages 112-115 had been agreed except for condition 27, which had been removed. The police representation still stood. Proposed conditions 6, 7, 15 and 16 had been replaced with police conditions. Noise conditions had also been amended and agreed and as a result the noise representation had been withdrawn. Revised conditions were circulated and would be interleaved with the agenda papers.

The police referred the Sub-Committee to their representation and stated that following an incident on the 1 January 2016 they had requested CCTV. Mrs Hassan had stated she was out of the country and Mr Blowes had said he had no dealings with the premises and would let Mr Hassan know. There had been no further response. There was an incident on the 10 May 2015, whilst the premises was under the stewardship of the two applicants. In the appeal judgement the District Judge had made comments regarding the management team and nothing had dissuaded the police from this view.

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In response to questions it was noted that a meeting had been held between the applicant and the police at the end of August/beginning of September. No other meetings had been held since. Mr Hassan had been stepping down at the end of 2014 which had left several months without him in charge.

The licensing authority officer stated that she had two major concerns regarding this application. Firstly that this was in a cumulative impact area and the onus was on the applicant to address the cumulative impact. There had been no reference regarding this in the application and there had been no information to state how this would be addressed. Secondly, regarding the standards of management. The two applicants had been previously involved and at the time the appeal was heard the District Judge also had no confidence. The applicant was not convincing and she did not see the high standards of management required in the Borough or in the cumulative impact area.

In response to questions there had been no contact with licensing officers from the management since the application had been made. There had been regular contact from the applicant, Mr Blowes, with regard to complaints.

Local resident, Nikki Stewart spoke in objection to the application and also as a member of the Furlong Residents Association. She stated that she strongly objected to the application. The two applicants were associates and both had managed the premises previously. The premises had a long history of crime with years of persistent anti-social behaviour including noise when leaving, fighting and drug taking. Two residents had moved out due to the impact of the premises. The application included the hiring out of the basement in a club that held 150 people. Dispersal would be at 1am. There were no safeguards for residents. She considered that the application for a coffee shop was disingenuous and that the applicants would be unfettered to resurrect the Peoples Social Club. The dispersal policy did not make mention of how patrons would be controlled in the side roads despite being a concern in a previous review of the licence. Residents had not been affected since the closure in May. Police had been frequently called to the premises which was indicative of the type of premises this was. The District Judge had stated that Mr Blowes was unsure if he had a written contract, an incident book had never been produced in court. The police had stated that there had been an incident the night before the premises had closed. Mr Hassan had still been involved in the day to day running of the business. He could have reduced the hours of the premises but had chosen not to.

Local resident, Richard Lister, stated that there had been many objections to this application. The premises would be used by the same people. He stated that a post had appeared on a Facebook page on 3 February.

The applicant's representative, Mr Dadds, objected to the submission of new information. He stated that the regulations stated that new material would need the consent of all parties and this could have been sent in beforehand.

The Sub-Committee adjourned for ten minutes to consider the relevance of the new material.

Following the adjournment the legal officer stated that the Committee did not consider that the new information was relevant. The applicants representative stated that under regulation 18 of the Licensing act 2003, their consent to consider the new information was not given.

Richard Lister reported that Mr Hassan owned the lease for 113 Holloway Road which included a state function area available for hire. Although there was a condition that Mr Hassan was to be excluded from the licence, he would be able to direct from behind the

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scenes, he owned the lease and was married to the designated premises supervisor. At the review hearing, Mr Hassan accused the Sub-Committee of racism. This was the same venue but was now serving coffee, open until eleven or midnight. There were numerous coffee shops in the area already. If the licence was granted there was nothing to prevent party goers attending the venue. The management record showed that crime and disorder, public safety and public nuisance would occur and he asked the Sub-Committee to reject the application.

The applicant's representative asked for extra time to respond to new information. The Chair informed him that he would have ten minutes.

The applicant's representative stated that each application should be considered on its merits. The noise team had been satisfied, the police officers were satisfied with their conditions but refer to management and the licensing authority refer to management. The hours applied for, were within the framework hours detailed in the licensing policy. The cumulative impact policy referred to street drinking in this area. Special polices do not relieve the authorities of bringing future evidence. The policy looked at late night hours and the hours applied for are within these framework hours. Concerns in the policy were regarding late night premises licensed to 1-2 in the morning. These premises would not be adding to the cumulative impact policy as it was previously licensed. Conditions were robust. He considered that there had been misrepresentation of the judges comments at appeal and invited the Sub-Committee to consider the full judgement. Frequent calling of the police by Mr Blowes was because he had wanted to ensure the police were kept informed. The judge at appeal accepted that the calls did not result in criminality. Officers had found him co-operative and a proactive and good manager. The District Judge criticism was of Mr Hassan due to the assault in May 2014. Mr Hassan had not given thought to the style of operation. The review was now due for appeal at the High Court so had not been concluded. The Licensing Authority would have accepted compromise for 2am hours at appeal which were not accepted by the licensee. The police had stated that, up until the assault in May 2014 they had not been seeking a review of the premises. There was nothing noteworthy at these premises. This was a new application and not a nightclub. Complaints regarding noise were generally at 2 or 3 in the morning. Mr Hassan had been co-operative and there had been no criticism in the judgement of Mrs Hassan or Mr Blowes. Their management had not come into question. This had to be looked at in the context of the full judgment which was difficult to get across in ten minutes. Mr Blowes would take over the premises which was to be a coffee/cocktail bar. Refurbishment would cost in the region of £60,000 to £70,000. There was a condition to exclude Mr Bulent. There were other coffee shops that opened at 10:00 am in the area. The premises hadn't received other warnings or summons.

In response to questions, it was noted that this was not a nightclub. There was a structure in place. Conditions were robust. There would be no clubbing at 10:00 am and no charge for admission. The applicant had tried to mediate with police but the police would always maintain their objection. Mr Dadds stated that one resident had stated that if Mr Blowes was managing the premises it would be fine. They would prevent crime or anti-social behaviour through keeping logs, being proactive, reporting to the police. Mr Blowes took his role seriously and understood the important of communication. There would be no admission charge for the function room. This would be used for private hire and would have conditions for hire. The police could have the veto for the downstairs area with the completion of a S696 form if considered necessary. It would be used for events such as birthdays and christenings. The whole capacity of the premises was 150 people, however, the space downstairs was small and would only be able to accommodate small party events. The Sub-Committee could licence upstairs and not the downstairs area if they had sufficient reason.

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In response to questions to the applicant, Mr Blowes stated that he was managing the premises by the end of 2014 to some degree. Mr Hassan was directing him to his management style but also had a say in the business. He did not have sole responsibility but worked on a day to day basis to some degree. Mr Hassan had overall control. Mr Blowes was present on the 10 May 2015, the night prior to revocation. He stated he was present but not in the actual location. Mr Blowes spoke to the woman involved and also her partner. He called an ambulance and they said they would be an hour. He called them again. The police would also not be there before an hour and the woman left by taxi. The couple were on the premises for at least an hour and half. It was Mr Hassan's responsibility to maintain the CCTV at that time. Regarding the incident on the 1 January, he was not aware that the premises had been open until he received an email from the police. He emailed Mr Hassan to inform him although he was no longer involved in the business from 10 May 2015.

The Sub-Committee noted that Mr Hassan had not responded to the authorities regarding this date. The bag was found at another premises. Mr Blowes directed the enquiry to Mr Hassan as he had no involvement with the business at this time. Mr Hassan had gone abroad at the time to assist with his mother-in-law. Mr Blowes was not aware that the police had not contacted him directly. Learning from these incidents he would put all procedures and documents in place. There would be new conditions on the licence. When he was managing the premises he had implemented certain forms and there were logs of controls including a minute by minute report of dispersal along Furlong and Crane Road. The downstairs function room would be hired out. The premises would be a coffee shop by day and cocktail bar at night. It was hoped that the premises would be profitable.

In response to questions, Mr Dadds reported that Mr Hassan was the designated premises supervisor under the Peoples Social Club regime and Mr Blowes would be in the future. Mr Hassan would have no involvement. He held a lease but had no financial interest. Mr Hassan had moved on. Mr Hassan was the leaseholder and would sub-lease the premises. There would be a refit and locks would be changed. A commercial rent would be charged. Mr Blowes stated that Mr Hassan had been a good communicator. Mr Blowes had seven years experience with other venues and managed several events. All of these he had managed in some capacity. Mr Blowes stated that he had a management arrangement at the end of 2014. Mr Hassan would have a presence. Mr Blowes would get things started and Mr Hassan would then turn up and ensure everything was running. Mr Blowes saw scope to implement conditions. He arranged signs and security patrols in Furlong Road. There would be a robust dispersal policy in place. The lights would be turned up and the tone of music lessened to help vacate the premises in residential areas. Mr Dadds stated that signs did assist but it was recognised that this was a different business. This was a cocktail/wine bar closing at midnight. When Mr Blowes came on board, positive steps were taken.

In response to a comment assigned to a local resident at the meeting, a local resident reported that Mr Blowes had spoken to her on her doorstep and said that the premises would be a coffee shop and not a bar. She did not inform Mr Blowes that she did not have an objection to a late night alcohol application.

Mr Blowes stated that he would be the predominant designated premises supervisor at the premises. This would be his main job and would be there every evening and Mrs Hassan would cover when he needed time off. There would be approximately six staff. Policies would be drawn up with the legal representative and himself. Mr Aylott would deliver training to staff.

In summary, the police officer reported that emails had been sent to the Peoples Social Club generic email and to Mr Blowes. He stated that he was flabbergasted by the response.

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He would have thought that future licenses would want to see what had gone on. Short emails was all he had received which he did not consider was good proposed management.

The licensing authority reported that the cumulative impact policy did include an increase in access to alcohol. This application was an increase to seven days when it was two days previously. There was no presumption to agree to an application just because of a restriction to framework hours. Each application would be based on its merits. Most bars in Islington could present themselves as coffee shops. Coffee bars did not generally need dispersal policies. Mr Blowes was informed that he was in charge but that did not readily happen. She did not consider that this was an application that satisfied high standards of management.

Local residents queried why Mrs Hassan could not have stepped in. At the time of the appeal Mr Blowes did not know he had a contract which the resident considered was interesting as he was managing people. Alcohol would be served at 10:00 and dispersal could be at 12:30 or 1:00 am. The previous track record showed that conditions were not stuck to. Mrs Hassan had plenty of opportunity to put the brakes on her husband. Alcohol hours were increased from 14 to 74 hours per week so had cumulative impact. A noise plan was only as good as the management in place. The police and the licensing authority had no confidence in the management.

David Dadds reported that the conditions were robust. The hours requested fell within the licensing policy hours. There was a criticism of management but he asked that the Sub-Committee look at the evidence of this. Mr Blowes was not employed by Mr Hassan on the 1 January 2016 but did his duty and communicated events to Mr Hassan. On the 10 May Mr Blowes called the police and ambulance service. He had been open and transparent. He had no cautions or warning. He was a personal licence holder and Mrs Hassan would be able to step in where necessary. Mrs Hassan had already stated that she was in Malaysia and could not assist regarding events on the 1 January. This was to be a coffee/cocktail bar. The cumulative impact argument was a red herring. This was introduced due to crimes that occurred at 1 or 2 am and not for coffee shops and bars. The licensing authority must bring further evidence to the Committee if these were the trends. In relation to the management by Mr Blowes, there was evidence in the full judgement. Mr Blowes made a positive contribution to management and there was a biased objection to the wife of Mr Hassan. It could not be right to disqualify a wife from holding a licence if the husband had lost theirs. The Committee had heard from the applicant. He was the day to day controller and would promote the licensing objectives.

RESOLVED

That the application for a new premises licence in respect of The Coffee Shop and Cocktail Bar, 113 Holloway Road, N7 8LT be refused.

REASONS FOR DECISION

The Applicants are Agnes Hassan and Andrew Blowes.

The details of the application and the hours requested are set out in the report.

The Sub-Committee considered the written submissions from the Licensing Authority, the Metropolitan Police, the Noise Team, Planning, 26 local residents and a Local Residents Association.

It further considered the oral representations from the Metropolitan Police, the Licensing Authority, Nicky Stewart, representing a Local Residents Association and Richard Lister, representing various residents, Dadds' Solicitors representing the applicants, and Mr.

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Blowes. Mrs Hassan, the other applicant, did not make any oral representation or submissions although she was present at the hearing.

In addition to the above, Mr. Lister attempted to introduce a copy of a Facebook page into evidence. The Sub-Committee ruled against this. The contents of the page were judged to be irrelevant to the proceedings and they were not accepted or taken into consideration by the Sub-Committee in coming to its conclusion.

The premises are within a cumulative impact area. The Sub-Committee were of the opinion that this would add to the cumulative impact. In comparison to the way the premises normally operated under the pre-existing licence, where it was only open to the public and providing licensable activities for two days a week, the number of days for selling alcohol, should the new application be granted, would increase from two days to seven days resulting in an increase from 14 to 74 hours a week. The Sub-Committee found that the applicants failed to demonstrate, both in the application papers and at the hearing, why the operation of the premises would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee were of the opinion that the granting of the licence could impact adversely on crime and disorder, public nuisance and/or public safety.

Both applicants have, until very recently, been directly involved in the management and day to day operation of a licensed premises at the same venue.

The business concerned was the Peoples Social Club.

Mrs Hassan's husband, Mr Bulent Hassan, was the licensee of Peoples Social Club and Mrs Hassan was employed there as was Mr Blowes. From the end of 2014 onwards, Mr Blowes was acting as manager of the premises.

The said licence was revoked by the Licensing Sub Committee in July, 2014. That decision was appealed by Mr. Hassan to the Magistrates Court and the revocation decision was upheld by DJ Allison on 11th May 2015.

Mr. Hassan has subsequently applied for the judicial review of the decision of DJ Allison and the matter is proceeding through the High Court.

In his submissions and his summing up address to the Sub-Committee, the applicants representative, Mr. Dadds, referred to judgement in the Magistrates Court and the reasons given by DJ Allison and requested that the Sub-Committee read and have regard for the full judgement.

The findings of DJ Allison have not been challenged on appeal.

The judicial review is proceeding on a narrow procedural point. The Sub-Committee therefore found that the findings made by D.J.Allison in relation to management abilities and concerns of Bulent Hassan, Agnes Hassan and Andrew Blowes, stand.

In her judgement D.J. Allison found that:-

- Management was not of the high standard required and that the behaviour of patrons could not be controlled leading to crime and disorder both inside and outside the premises and to public nuisance affecting local residents.

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The revocation of the licence at the Peoples Social Club, as can be ascertained from the judgement and the submissions made at this hearing was due to very poor levels of management, resulting in crime and disorder and public nuisance.

Mr. Blowes performed the role of club manager of the Peoples Social Club from the end of 2014 and Mrs. Hassan was the designated Premises Supervisor for many years. Both were involved in the running of the Peoples Social Club.

The Sub-Committee noted that, in relation to the management of the Peoples Social Club while the applicants were directly involved, D.J. Allison commented as follows:-

- The fact that the police are frequently called to the club cannot be disregarded and is indicative of a management that cannot maintain good order on a consistent basis.

This application was determined by the Sub-Committee on its own merits.

Of particular concern to residents and the responsible authorities was the belief that Mr Hassan would continue to have involvement in the new business and that his personality and past behaviour was such that Mr Blowes and Mrs Hassan would be unable to prevent this.

In an endeavour to circumvent this issue, the applicants proposed a condition that Mr Hassan be excluded from the premises.

The Sub-Committee was informed that Mr Bulent Hassan remains the leaseholder of the premises and that he will conclude a commercial sub-lease with the applicants if their application succeeded. As husband of Mrs Hassan, he would therefore have a financial interest in the proposed business.

The Sub-Committee noted the concerns that the Police representative had, in relation to the proposed management of the venue and the concern that Mr Hassan would continue to be involved in the premises despite the proposed conditions that he be excluded therefrom.

The Police reported that in February 2015, PC Harrington had a conversation with Mr. Blowes in which he stated that he did as he was told by Mr. Hassan.

Since Mr. Blowes took over the management of the premises in 2014, an incident occurred on 10 May 2015. This was the day prior to the decision of the Magistrates Court. The Council was not aware of this incident until very recently.

On the 10 May 2015, a female victim, according to her statement to the Police, was assaulted by three people in the premises and was bleeding from the head. She stated that she asked the venue to call both an ambulance and the police. She stated that the Manager advised her against this as they were concerned about losing their licence, pleading that the club was his life and he offered her money. She continued to ask for help but instead of being given help, she was pinned against the wall by her throat, lifting her feet from the floor. She stated that her boyfriend was also approached and warned not to report the assault.

Mr. Blowes was questioned about this incident by the Sub-Committee.

Mr. Blowes initially told the Sub-Committee that he was present at the time of the incident. He later stated that he was not at the actual scene of the incident. Mr Hassan was.

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Mr Hassan's presence at the club on the 10 May 2015 was despite the assurances given to PC Harrington that Bulent Hassan would take a back seat in the management of the company from 2014 and that the management would be left to Mr Blowes.

No record of this incident was retained on the clubs CCTV system. This, despite the fact that Mr Blowes had been involved with the appeal hearing by this stage and was well aware of the requirement to comply with existing conditions.

The Sub-Committee also took into consideration the second incident referred to in the submissions by the Police, namely the incident on 1st January 2016.

On 1st January 2016, the police received a report concerning the theft of a bag at the premises. There was no licence to operate the business on this date, the licence having been revoked in May 2015. The victim alleged that the incident occurred at 2am and that she had been in the venue for "quite a while" and that "it was packed".

The Sub-Committee noted that the applicants and the licensee did not at the time and have not since, provided an explanation as to what occurred at the premises on 1st January 2016. The applicants were asked by the police in January 2016 for copies of the CCTV footage of the incident. To date this has not been supplied. Both Mrs. Hassan at the time and Mr. Hassan through his solicitor at the hearing stated that they were in Malaysia at the time of the incident. Mr. Blowes stated that he was not involved in the management of the premises on 1st January 2016.

The Sub-Committee noted that despite Mrs. Hassan being present at the application hearing, she did not avail herself of the opportunity to explain what event took place at the premises on 1st January 2016 and how it came about that the event took place.

The Sub-Committee was concerned that no explanation has been given regarding the authorisation of the event on 1st January 2016. The Hassans presumably have the keys to the premises as they are the leaseholders and yet no explanation has been forthcoming.

The Sub-Committee was also concerned that, since 2014, Mr. Hassan was supposed to be taking a back seat in relation to the management of the business. Mr. Blowes assumed the role of management. Yet in the incident on 10th May 2015, Mr. Hassan had again assumed the role of manager and was directly involved in attempting to pressurise a victim of a violent assault at the premises from reporting the matter.

On 1st January 2016 he allowed/permitted an event to take place at the venue. The venue was packed. As leaseholder and person in possession of the keys to the premises, he or Mrs. Hassan his wife, should have known who used those keys to gain access to the premises to hold the function. They should also know what kind of event it was and they should have taken action in relation to the incident. There is a deafening silence from Mr. and Mrs. Hassan in relation to this entire situation. Neither Mr or Mrs Hassan have taken responsibility for the possible illicit use of the premises. The Sub-Committee was of the opinion that this raised concerns regarding the reliability of other proposals and suggested conditions in the application.

Taking all the above factors into consideration together with all the representations made both written and oral, the Sub-Committee was not satisfied that the applicants have demonstrated a commitment to high standards of management. The applicants track record is weak and they have failed to demonstrate that they are able to run the proposed business lawfully and in accordance with good business practices. The Sub-Committee found that the applicants failed to demonstrate comprehensive knowledge of best practice.

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In addition thereto, the Sub-Committee in light of past and fairly recent behaviour, was not satisfied that the condition in relation to Mr. Hassan being excluded from the premises is realistic.

Taking all the above factors into consideration, the Sub-Committee concluded that it was proportionate to refuse the application.

106 **MCDONALDS, 23 HIGHGATE HILL, N19 5LP - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that this item had been deferred by the applicant.

107 **CITY FOOD AND WINE, 377 ST JOHN STREET, EC1V 4LD - NEW PREMISES LICENCE (Item B3)**

The Sub-Committee noted that this item had been deferred by the applicant.

108 **LOLO, 43 UPPER STREET, N1 OPN - NEW PREMISES LICENCE (Item B4)**

The licensing officer reported that the applicant's solicitor had written a letter to the objectors and, as a result, one objection had been withdrawn. The letter and response from an applicant were tabled and interleaved with the agenda papers.

The local resident reported that alcohol would be sold until midnight on Fridays and Saturdays and not Sundays as stated in the report. She reported that this premises was in the cumulative impact zone. It was general acceptable if alcohol was ancillary and the impact negligible. She had concerns regarding the off licence. In the past eighteen months there had been six applications in the area. Three had been refused or withdrawn. Others had been granted an off licence for outside dining, with a take away or for bottles that had not been finished at the restaurant. She was pleased to see the restriction to wines and beers although concerned regarding the increasing number of craft beers with a high alcohol content. She requested a condition to restrict the off licence.

The applicant recognised the concerns regarding the off licence. The applicant proposed that no more than 20% of the trading area shall be used for the display of wine and beer for off sales. This would require future licensees requiring a variation if they needed further off sales. If there was a limit to Spanish wine, champagne could not be served. If food had to be taken away with off sales of alcohol this may result in littering.

In response to questions it was noted that there would be a small area which would be open to customers for them to handle the wine. It was considered that an allowed percentage would be preferable to an drawn area. If the area was ever moved the licensee would be in breach.

In summary, the resident considered that any area would need to be small enough to deter future occupiers.

RESOLVED

- 1) That the application for a new premises licence in respect of Lolo, 43 Upper Street, N1 OPN, be granted to permit:-
 - a) The sale by retail of alcohol, on and off supplies, Sundays to Thursdays from 10:00 until 23:00 and Fridays and Saturdays from 10:00 until midnight and
 - b) The premises to be open to the public, Sundays to Thursdays from 08:00 until 23:00 and Fridays and Saturdays from 08:00 until midnight.

- 2) Conditions as outlined in Appendix 3 as detailed on pages 192/193 of the agenda, with the following addition, shall be applied to the licence.

- No more than 15% of the entire floor area shall be used for the display of wine and beer for off 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 Angel 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 local resident requested that the off sales for this premises be restricted for this premises, in line with other licences in the area which had been granted in the last eighteen months.

The applicant's representative considered that a condition be placed on the licence restricting the display of wine and beer for off sales to 20% of the trading area. He considered that this could address concerns of residents. The residents considered that the area for off sales would need to be small enough to deter future licensees.

The Sub-Committee considered that a condition restricting the display area to 15% of the total floor space would be necessary and proportionate.

The Sub-Committee concluded that, although the premises fall under the Angel cumulative impact area, the granting of the licence, subject to the additional condition, would not add to the cumulative impact of the area and the licensing objectives would be promoted.

109

GALLEY RESTAURANT, 105-106 UPPER STREET, N1 1QN - PREMISES LICENCE VARIATION (Item B5)

The licensing officer reported that this was an application to change the layout and to extend the hours Thursday to Sunday mornings from 9am. Conditions had been agreed with the police. A letter outlining the business concept and a menu was tabled and would be interleaved with the agenda.

A local resident stated that she had been disturbed by noise from builders for the past five months. She had never had such poor relations with the occupiers previously. The area was not short of restaurants, bars or nightclubs but was short of accommodation. In Upper Street, noise could be heard up until 4am despite triple glazing and earplugs. Deliveries then started very early in the morning. There was a lack of space for pedestrians due to the litter and tables and chairs outside. There should be more consideration for residents.

In response to questions it was noted that the resident heard noise from the refurbishment and the restaurant. The manager was not present all the time to address complaints. The resident above the restaurant had stated that the noise was awful as the acoustic boards did not work. Staff hung around outside smoking. The smell of cooking was horrendous. The builders had agreed that the noise was shocking. The resident had the contact details and made complaints on a daily basis. She considered she had not been treated very well by the licensees.

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The applicants stated that this was a family run business. Speakers could be regulated separately. They had checked noise levels with the father of the occupant of the flat above and he was happy. They would wish to have a good relationship with other occupiers. They were a high end restaurant. The applicant admitted there were problems with the speakers initially but removed the ceiling speakers. The bar manager had won an award for his drink and hours were requested to provide a signature drink with brunch. They had problems with the flat roof leaking into their premises and this had been resolved. New extraction fans were installed.

In response to questions it was noted that as a restaurant it was not expected that smokers would stand outside. There was a nightclub next door and smokers would share their space with the occupants of the nightclub. A table licence had been applied for. Some work had been carried out on the objectors door which the builder had not yet completed. Deliveries of fresh fish were made from Cornwall and the deliverer would be asked to be as quiet as possible. All other deliveries were made during the day. A shutter had been installed so that customers from other premises would not urinate in the porch area.

In summary, the resident reported that there was constant noise from traffic and constant vibration which she accepted was not all the fault of the applicants.

The applicant stated that the objections did not revolve around the licensing hours. Any complaints had been addressed and dealt with quickly.

RESOLVED

- 1) That the application for a premises licence variation in respect of The Galley Restaurant, 105-106 Upper Street, N1 1QN be granted to permit:-
 - a) The sale by retail of alcohol to commence from 09:00 Thursday to Sundays;
 - b) To allow the revised authorised layout.
- 2) Conditions as outlined in Appendix 3 as detailed on page 227 of the agenda shall 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 local resident expressed concerns about the noise escape from the venue and the noise from deliveries in the morning. She stated that there was increasing noise from the venues and from traffic in Upper Street.

The Sub-Committee heard from the applicant that speakers had been removed from the ceiling of the venue and noise levels agreed with the flat upstairs. The request for earlier hours was to enable the restaurant to serve Bloody Marys with the brunch menu. The applicant stated that they had listened to the local resident and taken her comments on board.

The Sub-Committee were satisfied that the licensing objectives would be promoted with the grant of the variation with the additional conditions imposed.

110

FIVE FOUR ATE, 548 HOLLOWAY ROAD, N7 6JP - NEW PREMISES LICENCE (Item B6)

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The applicant stated that he had a family run business and had a good connection with the neighbourhood. He had applied originally for a 09:00 am start but following discussions with the licensing team had revised it to 10:00 am. He accepted all of the proposed police conditions.

RESOLVED

- 1) That the application for a new premises licence in respect of Five, Four, Ate, 548 Holloway Road, N7 6JP be granted to permit the sale of alcohol, on supplies only, Monday to Sunday from 10:00 hours until 21:00 hours.
- 2) Conditions as outlined in Appendix 3 as detailed on pages 252/253 of the agenda shall 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 noted that there was one resident objection to the application. The resident had not attended the meeting. Conditions proposed by the police had been agreed by the applicant. Following consultation with the licensing team, the applicant had amended the application to commence the sale of alcohol at 10:00 am.

The Sub-Committee noted that the premises would be run as a restaurant and alcohol would be ancillary to meals. The Sub-Committee was satisfied that the proposed operation would promote the licensing objectives and therefore agreed to grant the application.

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THE ARTISAN OF CLERKENWELL, 53 ST JOHN SQUARE, EC1 - TEMPORARY EVENT NOTICE APPLICATION (Item C1)

The Sub-Committee noted that the temporary event notice had been withdrawn by the applicant.

The meeting ended at 9.50 pm

CHAIR