

London Borough of Islington
DRAFT
Licensing Sub-Committee B – 3 December 2013

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 3 December 2013 at 6.30 pm.

Present: Councillors: George Allan (Item B3, C1 and C2), Tracy Ismail (Item B1 and B2), Phil Kelly and Claudia Webbe.

COUNCILLOR CLAUDIA WEBBE IN THE CHAIR

188. **INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedures were on page 4 of the agenda papers.

189. **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

190. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

Councillor Ismail substituted for Councillor Allan for Items B1 and B2.

191. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

192. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be as the agenda.

193. **MINUTES (ITEM A6)**

RESOLVED

That the minutes of the meeting held on the 15 October 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

194. **HILL AND KNOWLTON, 3rd and 4th FLOORS, 49 CLERKENWELL GREEN, EC1 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing officer reported that there had been no formal statement from the Clerkenwell Preservation Society to indicate that the local resident was speaking on their behalf. He drew the attention of the Sub-Committee to the papers tabled by Hill and Knowlton in support of their application. These would be interleaved with the agenda papers.

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Local resident, Ruth Ainger, spoke against the application. She considered that the application was not an exception to the cumulative impact policy as it was not a small premises and as it was a bar, would be alcohol led. The premises were in a residential area and staff would remain in the area for longer after their working day. There were no limits set to the maximum number of staff using the bar and there was no terminal hour for drinking. There would be disturbance from deliveries and there was no loading/waiting area. She considered that the application would add to the cumulative impact.

Nicola Smith, agent, supported by applicants Lee O'Sullivan and Tony Stimpson, spoke in support of the application. She informed the Sub-Committee that the organisation was due to move to the third and fourth floors from Westminster. They had planning permission for use as an office and the sale of alcohol would be ancillary to its use. They had a track record of running a café bar within offices in mixed commercial and residential neighbourhoods and had consulted and held a public meeting with residents. The application was for limited hours. Deliveries were conditioned. The café bar was limited to staff and guests and there would be no access to general public. The application was therefore considered an exception. There would be no draught alcohol or spirits. It was not considered appropriate to have a capacity number as this was an office space and not for conferences or events. The terminal hour for the sale of alcohol was 9pm with an hour drinking up time.

In response to questions the applicant agreed to add an additional condition taken from their dispersal policy regarding the hiring out of the space to external users. The hours for deliveries and rubbish collection were amended by the applicant. It was also agreed that security staff would be able to remind staff to leave quietly. It was noted that there were four trained personal licence holders and staff were likely to be older than 18 years.

In summary, the local resident stated that there was a cumulative impact policy for the area, Clerkenwell was a very different area to Soho and was residential and she did not consider that a 10pm closing time could be enforced. She raised concerns regarding the delivery times. The applicant reported that staff were already on site, there was no public access to the premises, there were no objections from the responsible authorities and if there were problems there was the power to review the licence.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

1) That the application for a new premises licence in respect of Hill and Knowlton, 3rd and 4th floors, 49 Clerkenwell Green, EC1 be granted to permit the premises to sell alcohol, on supplies only, Mondays to Fridays from 17:00 until 21:00 hours.

2) That conditions as outlined in appendix 3 as detailed on page 100 of the agenda with the following additions and amendments shall be applied to the licence.

Condition 10 to read – There shall be no deliveries on Sundays or Bank Holidays or between the hours of 18:30 and 08:00 daily.

Condition 11 to read – Rubbish shall not be placed outside on Sundays or Bank Holidays or between the hours of 18:30 and 08:00 daily.

The space will never be 'hired out' as event space for external users.

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Security staff employed by the applicant shall remind all staff and guests to leave the premises quietly.

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 the concerns expressed by the resident/interested party who also spoke on behalf of the Clerkenwell Preservation Society. The Sub-Committee considered that the conditions consistent with the operating schedule and those agreed with the responsible authorities would address these concerns.

The Sub-Committee heard evidence from the applicant that the area would not attract additional people to the area as there was no access to the café/bar to the general public but only to staff and their guests. The Sub-Committee considered that the application would not undermine the licensing objectives.

In making their decision the Sub-Committee took into account licensing policies 1, 2, 7, 8, 9, 10, 11, 13, 16, 18 and 19, 20 and 21 and considered that the conditions imposed would uphold the licensing objectives.

195. **EURO NEWS, 26 CROUCH HILL, N4 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)**

The Sub-Committee noted that this item had been adjourned.

196. **HIGHBURY STUDIO RESTAURANT, UNIT 7, 6 HORNSEY STREET, N7 - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)**

The noise officer reported that the noise conditions had been accepted.

The applicant Keiko Waters, supported by partner and Director, Takatoshi Mitsuhashi and also Ashley Walkman on behalf of the landlord, spoke in support of the application. It was reported that this was a Japanese restaurant. It was not in the interests of the business to cause disturbance to residents.

In response to questions, the applicant agreed to an additional condition regarding dispersal of patrons. It was noted that the translation for Japanese Sake was alcohol and that it was not intended to sell large amount of beers. The applicant stated that Japanese beer was usually 4.5% strength. It was expected to attract local residents to the restaurant.

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In summary the applicant reported that the application was for a restaurant and not a bar. The concern of local residents was appreciated but the licence holder was the owner of the restaurant and would not wish to affect trade by causing a nuisance to residents.

RESOLVED:

1) That the application for a new premises licence in respect of Highbury Studio Restaurant, Unit 7, 6 Hornsey Street, N7 be granted:-

i) to permit the premises to sell alcohol, on and off supplies, Mondays to Sundays from 11:30 until 22:30 hours.

ii) allow the premises to be open to the public, Mondays to Sundays from 11:30 to 22:30.

2) That conditions as outlined in appendix 3 as detailed on page 163 of the agenda with the following additions shall be applied to the licence.

- Staff shall encourage customers not to remain in the vicinity of the premises.

197. **URGENT NON-EXEMPT/CONFIDENTIAL ITEMS**

The following items were considered urgent as the temporary events were to be held prior to the next ordinary meeting of the Licensing Sub-Committee.

The following two items were considered together.

198. **ROTARY, 70-74 CITY ROAD, EC1 - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 FOR THE 9 DECEMBER 2013 (Item C1)**

The licensing officer reported that this was an application for two temporary events on the 9 and the 16 December. The police and noise officers attended the premises at the end of October 2013 after a complaint had been received during a temporary event. Rotary Operational Policies were tabled and would be interleaved with the agenda papers.

The police officer reported that, at the previous TEN in October, an officer had visited and agreed conditions with the applicant. On the evening of the event there had been issues. He considered that the event had been poorly managed and there was nothing from the applicant to suggest that this would not happen again.

The noise officer reported that at the previous temporary event in October officers had witnessed 80-100 people outside the premises causing noise disturbance, rubbish was left outside and there was also music escape from inside the premises. The noise officer had no confidence in the management.

Sol Negrin, operations manager, supported by the manager, informed the Sub-Committee that the last event was not managed well and they would not be undertaking that type of event again. The events in December were for 150 and 130 people only. It was proposed to hold the events in the basement so noise escape would be minimal and the ground floor would be closed. They did not think there would be queuing as these events would not hit capacity, but if there was, queues would be held on the ground floor.

In response to questions, it was noted that the operation policies were drawn up following events on the evening of 30/31 October. 1 SIA door staff would be provided per 100 guests. The events in December were for Christmas staff parties. The applicant considered that they did

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not manage the event in October very well due to the large numbers of people. They were confident that the numbers for the events in December would be manageable. Guests of the parties would not all be members of the club. The Sub-Committee noted that some complaints made were not related to the numbers. Loud music had been heard and rubbish had been left outside the premises. The applicant reported that the event in October was a one off and there had been no complaints during a normal operating weekend. They had learnt from the problems and were working with the police and the noise team. The applicant stated that they did not expect more than 150 people to turn up to these events. Excess customers would be kept on the ground floor. No drinks would be allowed outside the premises. This event would be starting at 7pm and guests would be arriving at different times. The noise officer reported that when she had driven past on a normal Saturday evening there had been no activity from the venue.

In summary, the noise officer reported that there were some concerns regarding public nuisance. The police still had concerns and considered that more dialogue with the applicant was required. The applicant admitted that the event in October had not been run properly but stated that the numbers for the events in December would be similar to their normal evenings.

RESOLVED:

That the application for a temporary events notice for Rotary, 70-74 City Road, EC1 on the 9 December 2013, be granted subject to the condition that all licensing activities shall cease at 01:00 hours.

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 considered the document entitled 'Rotary Operational Policies' in support of the application. The document contained details of policies relating to dispersal, smoking, security and the prevention of disorder and violence and it was submitted by the applicant that this would be implemented at the event. The Sub-Committee was satisfied that the policies addressed the concerns raised by the responsible authorities objecting to the notice.

In granting the application the Sub-Committee had a clear expectation that the operational policies would be strictly adhered to at the event, in order that the licensing objectives would be promoted.

199. **ROTARY, 70-74 CITY ROAD, EC1 - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 FOR THE 16 DECEMBER 2013 (Item C2)**

The licensing officer reported that this was an application for two temporary events on the 9 and the 16 December. The police and noise officers attended the premises at the end of October 2013 after a complaint had been received during a temporary event. Rotary Operational Policies were tabled and would be interleaved with the agenda papers.

The police officer reported that, at the previous TEN in October, an officer had visited and agreed conditions with the applicant. On the evening of the event there had been issues. He considered that the event had been poorly managed and there was nothing from the applicant

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to suggest that this would not happen again.

The noise officer reported that at the previous temporary event in October officers had witnessed 80-100 people outside the premises causing noise disturbance, rubbish was left outside and there was also music escape from inside the premises. The noise officer had no confidence in the management.

Sol Negrin, operations manager, supported by the manager, informed the Sub-Committee that the last event was not managed well and they would not be undertaking that type of event again. The events in December were for 150 and 130 people only. It was proposed to hold the events in the basement so noise escape would be minimal and the ground floor would be closed. They did not think there would be queuing as these events would not hit capacity, but if there was, queues would be held on the ground floor.

In response to questions, it was noted that the operation policies were drawn up following events on the evening of 30/31 October. 1 SIA door staff would be provided per 100 guests. The events in December were for Christmas staff parties. The applicant considered that they did not manage the event in October very well due to the large numbers of people. They were confident that the numbers for the events in December would be manageable. Guests of the parties would not all be members of the club. The Sub-Committee noted that some complaints made were not related to the numbers. Loud music had been heard and rubbish had been left outside the premises. The applicant reported that the event in October was a one off and there had been no complaints during a normal operating weekend. They had learnt from the problems and were working with the police and the noise team. The applicant stated that they did not expect more than 150 people to turn up to these events. Excess customers would be kept on the ground floor. No drinks would be allowed outside the premises. This event would be starting at 7pm and guests would be arriving at different times. The noise officer reported that when she had driven past on a normal Saturday evening there had been no activity from the venue.

In summary, the noise officer reported that there were some concerns regarding public nuisance. The police still had concerns and considered that more dialogue with the applicant was required. The applicant admitted that the event in October had not been run properly but stated that the numbers for the events in December would be similar to their normal evenings.

RESOLVED:

That the application for a temporary events notice for Rotary, 70-74 City Road, EC1 on the 16 December 2013, be granted subject to the condition that all licensing activities shall cease at 01:00 hours.

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 considered the document entitled 'Rotary Operational Policies' in support of the application. The document contained details of policies relating to dispersal, smoking, security and the prevention of disorder and violence and it was submitted by the applicant that

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this would be implemented at the event. The Sub-Committee was satisfied that the policies addressed the concerns raised by the responsible authorities objecting to the notice.

In granting the application the Sub-Committee had a clear expectation that the operational policies would be strictly adhered to at the event, in order that the licensing objectives would be promoted.

The meeting ended at 9.30 pm

CHAIR