

Licensing Sub Committee A - 25 October 2016

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 25 October 2016 at 6.30 pm.

Present: **Councillors:** Aysegul Erdogan, Michelline Safi-Ngongo and Flora Williamson

Councillor Flora Williamson in the Chair

134 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Williamson welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

135 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Diarmaid Ward.

136 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Erdogan substituted for Councillor Ward.

137 DECLARATIONS OF INTEREST (Item A4)

Councillor Michelline Ngongo stated that she was a Councillor in Hillrise Ward.

138 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

139 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meetings held on the 1 and 6 September, including the exempt minutes, be confirmed as a correct record and the Chair be authorised to sign them.

140 SAM'S CHICKEN, 328 HOLLOWAY ROAD, N7 6NJ - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that the premises were in a cumulative impact area. The premises were currently licensed until midnight for late night refreshment 7 days a week. A letter had been sent from the applicant to residents outlining a reduction in hours. The letter would be interleaved with the agenda papers. No representations had been withdrawn and one resident had requested a terminal hour of 11pm. The police had withdrawn their representation following agreed conditions.

The licensing authority reported that they objected on the grounds of public nuisance, crime and disorder and the protection of children from harm. The onus was on the applicant to demonstrate that the premises would not have a negative impact and this had not been satisfied in the operating schedule. The premises were currently licensed for late night

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refreshment until midnight. There was a concern that younger clientele would use the premises. They were concerned about how the alcohol would be managed and monitored. They would support an application for late night refreshment but not the application for alcohol.

The local resident raised concerns about noise and disturbance. There had been noise previously from teenagers outside. He was concerned about the extension in hours and raised concerns about noise from the ventilation equipment which he considered could increase if they grilled rather than fried chicken. There was also noise from the waste collection service which operated at 3 or 4 am.

In response to questions, the local resident said their main concern was about the noise but alcohol was also a concern and he did not want to negotiate people who were drunk outside and would not want further extended hours.

The applicant stated that the previous chicken shop had been closed for two years as it was unsustainable. The applicant was going to sell the premises but decided to try a new branding which was intended to provide a high end model which would attract a different consumer type. The new brand name would be Ministry of Chicken and they would sell burgers with a gourmet twist. They would expect an average spend of £13-£15. They would not rely on local footfall and a licence to sell alcohol would enable customers to sit down and enjoy alcohol with their meal. They wanted to try something new. The police had agreed conditions and hours had been reduced in consultation with the police. The noise team had not made any comments.

In response to questions, the applicant stated that they were not trying to operate a fast food restaurant. The applicant tabled a menu for the Sub-Committee which would be interleaved with the agenda papers. He stated that the menu was not targeted at children. There were other shops in Holloway Road that had low pricing. The new brand had been in the pipeline. They knew their target market and would have a 12 – 16 seater restaurant. Customers would not stand up when drinking. The applicant stated that they considered it would be a restaurant and would sell gourmet food with a fast food theme. There were other similar premises locally that sold alcohol. This area of Holloway Road needed to be redeveloped. He did not think that with his clientele there would be any nuisance caused. Alcohol would only be sold with food. As the premises would not be attracting younger clientele he did not foresee problems. There were good management systems in place, they would not serve people who were drunk and CCTV would be available if there were problems. Alcohol would be displayed behind the counter. Alcohol was only to be sold 'on sales'. The applicant agreed to an additional condition that alcohol would only be sold ancillary to food and stated that they would be willing to surrender the current premises licence.

The applicant noted that they had now changed to a different waste management contractor and would not cause a nuisance to neighbours with the timing of collections. There was a condition about the flue if they caused a nuisance to neighbours. He was expecting new extractor fans to be quieter. He stated that he would have 16 seats in the restaurant and agreed to a condition that the number of seats would be limited to 16.

In summary, the licensing authority stated that they had concerns about the sale of alcohol and how patrons drinking alcohol would be managed. She asked if there would be table service and raised concerns that staff would not be able to manage the tables if they were serving behind the counter. The licensing authority was happy to agree to an additional hour for late night refreshment on Friday and Saturday but not to the alcohol hours. The applicant stated that the new concept would attract a more upmarket clientele. He understood concerns but stated that the police had no concerns regarding public nuisance

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and crime and disorder. He stated that there needed to be the right balance between the residents and the commercial needs of businesses.

RESOLVED

- 1) That the application for a new premises licence, in respect of Sam's Chicken, 328 Holloway Road, N7 6NJ, be granted to allow:-
 - a) The supply of alcohol, on sales only from 11:00 hours until 23:00 hours Sunday to Thursday and from 11:00 hours until midnight Friday and Saturday;
 - b) Late night refreshment from 23:00 hours until midnight on Sunday to Thursday and 23:00 hours until 01:00 hours on Friday and Saturday.
 - c) The premises to be open to the public from 11:00 hours until 12:30 hours on Sunday to Thursday and from 11:00 hours until 01:30 hours Friday and Saturday.
- 2) That conditions outlined in appendix 3 and detailed on pages 47 and 48 of the agenda shall be applied to the licence with the following additions:-
 - Alcohol shall only be sold ancillary to food
 - The applicant shall relinquish the current premises licence
 - That the number of seats in the premises shall be limited to 16.

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 within 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.

There were five local resident objections. A representation had been made by the licensing authority. Conditions had been agreed with the police authority.

The Sub-Committee heard evidence that the applicant was proposing to try a new brand and style at the premises, moving away from a traditional chicken shop. The new operation would be based around a 16 seat restaurant. The Sub-Committee was satisfied that the premises could be licensed to sell alcohol on the premises within the framework hours set out in licensing policy 8. Therefore the Sub-Committee decided that the application hours should be reduced accordingly.

The Sub-Committee noted residents' concerns about nuisance caused by the extractor fan and relating to the collection of waste from the premises. The Sub-Committee was satisfied that the applicant would make arrangements for the collection of refuse which would not disturb residents as they had experience of making similar arrangements at other premises. The Sub-Committee also noted that the applicant accepted conditions proposed by the noise team and that, because of the new style of food offer, a higher specification extractor would be in place that would cause less noise nuisance.

The Sub-Committee heard evidence that alcohol sales were ancillary to food and there would be no off sales. There would be no vertical drinking. The Sub-Committee heard

evidence that the premises would be using a new concept 'Ministry of Chicken' and the food range would be set at a price which would be outside the affordability of young people and the operation would be focussed at a different target market.

The Sub-Committee noted that there was already a late night refreshment licence in place and that the applicant was willing to surrender this licence. The Sub-Committee accepted that the premises should be treated as an exception under licensing policy 2 because these were small premises and would not be alcohol led.

The Sub-Committee was also satisfied that with the change in style of operation and all the agreed conditions, the licensing objectives would be promoted.

141

HOME LONDON, 54-58 CALEDONIAN ROAD, N1 9DP - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that condition 33 had been amended to allow access to the laundry facilities.

The applicant's representative reported that a previous application had been refused. This was a revised application and following amendments only two resident objections had been received. Police conditions had been accepted. It was stated that there could be an argument that there would be a reduction in the cumulative impact should the licence be granted as currently patrons could buy alcohol from a local off licence and drink outside. Alcohol had been banned from the premises. Patrons would use the bar in the kitchen area and would not be allowed to drink on the outside terrace. Residents could ring the hostel reception if there were any incidents and patrons would be barred from the premises if they had two warnings. No under 18s were allowed on the premises unless they were with a responsible adult. There was no application for off sales or for late night refreshment. Patrons were not allowed to drink in their room. This was a hotel type premises. Passports were necessary for hotel bookings. The premises would be monitored by CCTV. The applicant's representative considered that with conditions, limited hours and with no objection from the responsible authorities the licence should be granted. He considered that it would not add to the cumulative impact.

In response to questions it was noted that condition 34 was amended to read 'alcoholic' drinks and conditions 16 and 17 would be deleted to avoid duplication.

RESOLVED

- 1) That the application for a new premises licence, in respect of Home London, 54-58 Caledonian Road, N1 9DP, be granted to allow:-
 - a) The supply of alcohol, for consumption on the premises from 4pm until midnight Monday to Sunday.
 - b) Opening hours of 4pm until half past midnight in the licensed area, Monday to Sunday.
- 2) That conditions outlined in appendix 3 and detailed on pages 72-74 of the agenda shall be applied to the licence with the following amendments:-
 - Condition 33 to read. The outside terrace area shall be closed to guests at 20:00 save for access to the laundry facilities.
 - Condition 34 to read. No alcoholic drinks shall be permitted on the outside terrace at any time.
 - The deletion of conditions 16 and 17.

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 within the King's Cross cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for a 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.

There were two local resident objections. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8.

The Sub-Committee heard evidence that alcohol sales were only to hotel guests and for consumption by them on the premises. The applicant agreed an amendment to condition 34 that patrons could not use the outside terrace to drink alcohol at any time. CCTV would monitor the bar and the outside area. A telephone number would be made available to residents and signs would be put up requesting patrons not to go into Keystone Crescent.

The Sub-Committee concluded that the granting of the new licence would not undermine the licensing objectives.

The Sub-Committee was satisfied that the premises would not add to the existing cumulative impact as the sale of alcohol would only be for patrons of the hostel to be consumed within the licensed area. The concerns of residents had been addressed by the applicant and the Licensing Sub-Committee was satisfied that the agreed conditions would promote the licensing objectives.

142 **NISA LOCAL, 89-91 HOLLAND WALK, N19 3XU - PREMISES LICENCE TRANSFER (Item B3)**

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

143 **EXEMPT MINUTES FROM THE 6 SEPTEMBER 2016 (Item D1)**

RESOLVED

That the exempt minutes of the meeting held at 6pm on the 6 September 2016 and the exempt minutes of the meeting held at 5pm on the 6 September 2016 be confirmed as a correct record and the Chair be authorised to sign them.

The meeting ended at 8.10 pm

CHAIR