

Licensing Sub Committee C - 4 July 2017

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 4 July 2017 at 6.30 pm.

Present: **Councillors:** Rowena Champion, Asima Shaikh and Flora Williamson (Chair)

Councillor Flora Williamson in the Chair

159 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Flora Williamson welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

160 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence.

161 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

162 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

163 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda. The Sub-Committee noted that Item B2 had been withdrawn from the agenda.

164 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 2 May 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

165 FORA SPACE, GROUND FLOOR, 71 CENTRAL STREET, EC1V 8BU - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that the application for Sunday had been withdrawn to keep hours in line with the planning consent.

One local resident reported that he was objecting to the variation for four reasons. The premises were in a cumulative impact area and there were only limited circumstances for the licence to be permitted, there were a large number of restrictions in the original licence which would not be on this one, there had been many issues since the premises had been operating and at a previous meeting the applicant had given an assurance that this licence

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would not be extended. He stated that, at a previous meeting the applicant wanted to serve alcohol until 3 or 4 am. These premises were in a cumulative impact area with a large number of families with one entrance only. Patrons would leave in large groups that were noisy and there were insulation problems with the accommodation at Worcester Point. The resident circulated photographs which he stated showed patrons drinking outside the premises which was a breach of licence conditions. Staff smoked beneath their balconies until midnight and some patrons were seen leaving at 11.40pm despite the opening hours being until 10pm. He stated that a neighbour had been stared at by members of staff and she had felt fearful. He was concerned about the number of hearings that had been held and the piecemeal manner of the grant of the licence.

In response to questions it was noted that all conditions from the previous grant of the licence would remain on the licence if granted. It was noted that the opening hours of the rest of the building were later than 10:30pm. The resident stated that patrons were drinking outside windows later than 10:30pm. The resident stated that he had not spoken to the manager about the problems with people smoking outside the entrances but had spoken to the administration desk. The applicant stated that they had not realised there were any problems with noise from smokers until they had seen the objections to the application. The resident stated that he had complained to the licensing team. The licensing officer confirmed that the premises had been visited and no problems had been witnessed. The resident stated that he was concerned about people shouting, fighting and smoking outside the residents' flats. One resident stated that they had spoken to either Fora or the restaurant and they said they would ask staff not to use the side doors. She had seen chefs standing in the door entrance who had been speaking very loudly. The resident did not think that staff would tell management about complaints if they were causing the problems themselves. The resident stated that customers did not leave until 11.30pm currently, as evidenced by the photographs, and the applicant had requested a half hour extension. The Sub-Committee noted that as the office shut later than the restaurant it could not be confirmed where the people were leaving from. The applicant's representative stated that the alcohol displayed in the photos had not been purchased from the restaurant and staff were unable to bring their own alcohol into the building. The resident stated that a large number of people had been photographed sitting in the restaurant at 11.14pm and they had not left until 11.40pm.

The applicant's representative reported that the licensing committee granted hours for the restaurant until 10pm to fit in with the planning consent. There had been 30/40 objections to the previous application and Katrina Larkin, the co-founder of Fora Space, had given residents her email for complaints. Since this grant she had not received a single complaint from residents. Her office was in the premises. The licensing team had visited on at least two occasions and no breaches had been found. There was a multi purpose working space, an internal members bar area and a restaurant at the front of the premises. This application related just to the restaurant area. He believed the opening hours for the offices were 24 hours. The Planning Committee varied the hours to 11pm and this application was to bring the hours into line with the planning consent. The hours fell within the core hours detailed in licensing policy 8 and the premises was not alcohol led. All those who had made representations had been emailed and no response had been received. The objections for this application had been reduced to 11 people from the previous application. Regarding the photographs tabled by the resident the bin bags indicated did not belong to the restaurant and the bottle shown was not sold in the restaurant. Tills were turned off at 10pm. There had been no police objections, this was a well respected restaurant and there were no objections from the licensing authority, who had visited. Staff were not allowed to smoke in the front door entrance. It was accepted that there was a family party on the 29 June who had stayed beyond licensing hours but was in line with planning consent. The applicant did not accept there had been fighting or large numbers of patrons outside. They

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would work with residents. They had received no response from the objectors present at the meeting. He did not accept that the restaurant caused nuisance.

In response to questions the applicant stated that the offices were open from 7am until midnight on Monday to Friday and 9am to 9pm on Saturdays. The office building was open 24 hours. There was a limited capacity with 153 people in occupation. People were recognised and looking at the photographs these were not office workers. There was SIA security at the front of the building and they asked people to move on. This was a new business and they were aware that if they did not comply with licences they would not get a licence variation. There was an off licence to cover alcohol sales for the board room and two meeting rooms. There was a bar area for Fora residents. There was a revolving door at the main entrance with a reception desk. The bar area had hours until 10pm. The applicant was only aware of the problems caused by smokers once representations had been received. There were usually only two to three people smoking. There was a concierge by the door at night and no incidents had been logged. The problem raised about smokers could easily be resolved. There were 70 covers in the restaurant. The applicant stated that she was often at the premises from 7am until midnight as it was a new business. The maximum number of smokers allowed outside were 6 from the restaurant. Smokers from the office building were not under her control. There would be 70 people leaving the restaurant throughout the evening, which was not a large number. Patrons would be not be causing a nuisance. The applicant stated that she could reinforce to residents the need to leave the area quietly in a weekly newsletter. If staff behaviour was unacceptable they would be informed.

In summary, the local residents stated that the licence should not be granted as this was in a cumulative impact area, conditions had not been observed and applications were being made piecemeal. He stated that the applicant had not spoken to him and they did not have his email. There was no planning permission for planters or signage. He was able to show a video of fighting outside the premises.

The applicant's representative stated that this application was within policy hours and was not alcohol led. The application was for the restaurant only. Conditions from the previous licence would remain on the licence. The applicant would liaise with residents. There had been no objections from the police or licence authority. The smoking issue had been addressed and any problems with dispersal would be addressed. The bins were not from the restaurant and nor was the beer seen in the photos.

RESOLVED

That the premises licence variation in respect of the restaurant at Fora Space, 71 Central Street, EC1V 8BU be granted:-

- a) To increase the terminal hour for the sale of alcohol, on and off sales, from 10 am to 10.30pm Monday to Saturday.
- b) Opening hours to be – 10am to 11pm Monday to Saturday.

REASONS FOR THE 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 Licensing Policy 1 and that the premises were located in an area of cumulative impact with residential premises in close proximity. No representations had been received from the responsible authorities. However, a number of residents were deeply concerned that there would be an impact as a result of the extension of licensing hours.

The Sub-Committee took into consideration Licensing Policy 2, and home office guidance 13.30-13.38. The premises fall within the Bunhill cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to 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 hours sought were within the hours specified in licensing policy 8 and the extension of licensing hours was by half an hour, by premises that were a restaurant and not 'alcohol led'. The extension of opening hours until 11pm seemed sensible to allow a more gradual dispersal. In the circumstances and after careful consideration of the objections raised by the residents and the responses by the applicant, the Sub-Committee concluded that this variation of the premises licence would be unlikely to add to the existing cumulative impact on the licensing objectives in that area. Granting the variation was appropriate to the licensing objectives and proportionate.

Note of the Sub-Committee

The Sub-Committee were concerned regarding the smoking area and the dispersal of customers and would ask the applicant to review their policy on this matter. The Sub-Committee also asked that the applicant liaise with the objectors on a regular basis.

166 SHOREDITCH GRIND, 213 OLD STREET, LONDON, EC1M 4AY - PREMISES LICENCE VARIATION (Item B2)

The Sub-Committee noted that this application from the agenda had been withdrawn as it had been agreed with all parties.

167 HOP, BURNS AND BLACK, 38 BALLS POND ROAD, N1 4AU - NEW PREMISES LICENCE (Item B3)

The licensing officer reported that one representation had been withdrawn.

The applicant reported that this was a shop selling high end craft beers. This was a shop mainly which also did a number of tasting events and the extra hours were for these events. There were a number of letters of support. The price point for the beers would not attract street drinkers. This premises would not add to late night problems. This application was within core hours. There were no objections from the police or environmental health. The applicant considered that it would be a benefit to the local area.

In response to questions it was noted that the seating area was limited. Events would be ticketed with a maximum of twenty people. The shop would be closed during these events. These events were held once a month at their current premises. Usually the premises were open until 8pm Monday to Thursday, 9pm on Fridays and Saturdays and 6pm on Sunday. A capacity had not been offered but there was not enough space for the shop to hold more than 30 people.

RESOLVED

- 1) That the application for a new premises licence, in respect of Hop, Burns and Black, 38 Balls Pond Road, N1 4AU be granted to allow:-
 - a) The sale by retail of alcohol, for consumption on and off supplies, from 10am until 10:30 pm Monday to Sunday.
 - b) The premises to be open to the public from 10 am to 11pm Monday to Sunday.

2) That conditions detailed on pages 164 and 165 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 noted that one resident had withdrawn leaving one objector.

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

The Sub-Committee heard evidence that this was a specialist shop using its licence for ticketed events, held approximately once a month.

The objection concerned existing premises in the area and problems around them and it seemed that granting this licence would not give rise to concerns in relation to the licensing objectives. Street drinkers would not be attracted to this kind of shop.

Home office guidance, paragraph 9.42, states that decisions should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate.

The Sub-Committee concluded that in this case, granting the licence was justified as appropriate for the promotion of the licensing objectives and proportionate.

168

PALMERA OASIS, 332 ESSEX ROAD, N1 3PB - NEW PREMISES LICENCE (Item B4)

The licensing officer reported that planning consent had not been granted for the hours requested but only until midnight. The licensing officer had received an email from the planning department which stated the grant of planning consent for additional hours was likely to be agreed. The licensing policy stated that the licensing authority expected applicants to ensure that they had planning consent for the intended hours of operation.

In response to questions it was noted that this was not an application for alcohol or music. The applicant had been selling cold food after 11pm. There were a number of premises open until 2 or 3am in that area.

The Sub-Committee adjourned for a short time to consider whether or not to hear the application as planning consent had not been granted. Upon return the Sub-Committee stated that they would hear the application.

The applicant reported that they did not cause noise problems. He had spoken to a resident at the rear of the premises and he was happy with the application. Tables and chairs were placed outside the premises but would not be there late at night. There was a sign to ask patrons to keep quiet.

In response to a question from the Sub-Committee the applicant stated that he would be happy to remove the tables and chairs at 11pm.

In summary the applicant stated he had reduced staff as he was unable to serve hot food past 11pm. He stated that an extension of hours would be beneficial to the business.

RESOLVED

- 1) That the application for a new premises licence at Palmera Oasis, 332 Essex Road, N1 3PB be granted:-
 - a) to allow the provision of late night refreshment from 11pm until 1am Sunday to Thursday and from 11pm until 3am Friday and Saturday.
 - b) Opening hours to be:- 11am to 1am Sunday to Thursday and from 11am until 3am Friday and Saturday.
- 2) Conditions detailed on page 189 of the agenda shall be applied to the licence with the following additional condition:-
 - Tables and chairs outside the premises to be removed at 11pm.

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 the applicant agreed to remove the tables and chairs from outside the premises at 11pm and that he had a sign at the door to remind patrons to keep quiet. The front of the premises only would be used to serve take away food. The premises were operated as a take away and restaurant but did not serve alcohol. The hours sought were no later than several other premises in the area.

The Sub-Committee noted that there were no objections from any of the responsible authorities.

The Sub-Committee concluded that granting the licence was appropriate to the licensing objectives and proportionate.

Note of the Sub-Committee

The Sub-Committee would remind the applicant that, until planning permission is granted for these extended hours, food should not be served after midnight despite the grant of this licence.

The meeting ended at 8.20 pm

CHAIR