

Licensing Sub Committee B - 5 November 2019

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 5 November 2019 at 6.30 pm.

Present: **Councillors:** Vivien Cutler (Vice-Chair) Matt Nathan and Kadeema Woodbyrne.

Councillor Vivien Cutler in the Chair

70 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Vivien Cutler welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

71 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Phil Graham.

72 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Kadeema Woodbyrne substituted for Councillor Phil Graham.

73 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

74 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

75 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 3 September 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

76 PAPA JOHNS, 790 HOLLOWAY ROAD, N19 3JH - NEW PREMISES LICENCE (Item B1)

The Sub-Committee noted that the applicant had withdrawn this application.

77 FIREBRAND PIZZA, 84-86 ROSEBERY AVENUE, EC1R 4QY - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the hours for late night refreshment had been reduced to 11.30pm on Fridays and Saturdays. One further representation had been withdrawn following the publication of the agenda leaving one remaining. It was noted that the restaurant had two distinct areas. It had been a pizza restaurant since 2005.

The applicant stated that there would be an adjoining room next to the restaurant which would be used to serve breakfast, coffee and for use as a deli. It was hoped that this would be an extra source of income to the restaurant. It was the same business but with a different brand. A counter in that area reduced the seating from 35 to a maximum of 20/24. The applicant wanted to attract morning and lunch trade so a start time of 8am was requested. There had been no issues at their other branch in Westminster.

In response to questions, it was noted that there would be about six seats outside the premises as there would also be bins outside which would be enclosed in a wooden structure. It was expected that the café would probably operate until about 6pm but they would see how things progressed.

In summary, the applicant stated that the premises had been a restaurant and would continue to be a restaurant. They were good operators. There would be no vertical drinking and no live music. They had residents living above their branch at Westminster and had not had any issues. The premises had been refurbished and it was considered that it would be a good addition to the area. They were professional operators who hoped to be in the area for a long time.

RESOLVED

- 1) That the application for a new premises licence, in respect of Firebrand Pizza, 84-86 Rosebery Avenue, EC1R 4QY be granted to allow:-
 - a) The provision of recorded music from 8am until 11pm Monday to Thursday, 8am to 11.30pm on Friday and from 9am until 11.30pm on Saturday and from 9am until 11pm on Sunday.
 - b) The provision of late night refreshment from 11pm until 11.30pm on Friday and Saturday.
 - c) The on sales of alcohol from 12 until 11pm Sunday to Thursday and from 12 until 11.30pm on Friday and Saturday.
- 2) Conditions detailed on pages 68 and 69 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 took into consideration Licensing Policies 2 & 3. The premises fall within the Clerkenwell cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can

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demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Seven local resident objections had been received. On receipt of the representations the applicant wrote to the interested parties about the nature of the premises. At the time of the meeting, only one objection remained. There had been no representations made by the responsible authorities, although conditions had been agreed with the police.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee heard evidence that the premises had an adjoining room which the previous business used for extra covers. The applicant confirmed that it was intended to use the room for breakfast, coffee and as a deli. It would be the same business but under a different brand. The room would have 20/24 seats rather than the 35 previously. The applicant confirmed that this part of the business would likely close at 6pm.

The Sub-Committee noted that the applicant ran a similar business in Westminster and have had no issues for the past four years. They support local charities and schools. The Sub-Committee noted that the premises had operated as a pizza restaurant since 2005 with longer hours.

The Sub-Committee noted the concerns of the remaining objector, in particular concern that the premises would be divided into two distinct venues which could increase nuisance and noise.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact. The Sub-Committee particularly noted the conditions agreed that the premises would only operate as a café/restaurant, the supply of alcohol would be by waiter/waitress service only and there would be no vertical drinking anywhere on the premises. The Sub-Committee was satisfied that the premises would not operate as a bar and that granting the application with the hours and the conditions proposed was appropriate and proportionate to the licensing objectives and in the public interest.

When making the decision, the Sub-Committee considered licensing policies 5 and 6 in relation to framework hours, 2 and 3 in relation to cumulative impact and 7 and 8 in relation to management standards.

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The meeting ended at 7.00 pm

CHAIR