

Licensing Sub Committee C - 3 December 2020

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 3 December 2020 at 6.30 pm.

Present: **Councillors:** Michelline Safi-Ngongo, Gary Poole and Phil Graham.

Councillor Michelline Safi Ngongo in the Chair

83 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Michelline Safi-Ngongo welcomed everyone to the meeting and introduced members and officers. The licensing officer introduced himself, the applicant and the interested parties. The procedure for the conduct of the meeting was outlined.

84 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Troy Gallagher.

85 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Phil Graham substituted for Councillor Troy Gallagher.

86 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

87 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

88 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 1 October 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

89 HOLY COW, 98 CHAPEL MARKET, N1 9EY - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that there was no update to the report. Conditions had been agreed with the police, licensing authority and the noise service.

The resident stated that his main concern was the noise from the extractor fan as this made it impossible to sleep. Another neighbour experienced similar problems. He had double glazing installed but could still hear the noise. He had no concerns regarding the sale of alcohol but was concerned about the noise from the extractor fan, particularly in the hot summer months and would not want the noise disturbance until midnight.

In response to questions, it was noted that conditions had been proposed to limit deliveries to vehicles without internal combustion engines where possible to help prevent noise from deliveries. The resident stated that the general noise from the premises at the front of the building was no worse than the other local licensed premises. The chimney at the rear was very noisy and he would be pleased if the noise disturbance did not continue until midnight. The owners had not spoken to the resident about the fan noise, however, they had spoken to him when they had first opened and had told him to call them if there were any issues. The premises was previously a pizza restaurant but he stated that the extractor equipment had been installed by Holy Cow.

The applicant's agent stated that the restaurant had been operating for about ten years. His client had moved the chimney to avoid noise disturbance and had installed a silencer. Conditions had been agreed with the noise service to prevent noise nuisance emanating from the premises. They amended the application to reduce the hours applied for to 11pm. Alcohol would only be sold with a take away meal and Challenge 25 conditions had also been proposed. All the franchises had now applied for alcohol licences and he expected his client to work with his neighbours to ensure that they were comfortable with the noise escape. It was noted that the extractor was managed on a full service contract and filters were changed when necessary.

The Sub-Committee welcomed the removal of the application for late night refreshment and the importance of engaging with neighbours in the future was highlighted.

In summary, the resident was happy with the amendment to the hours and had no issues with the sale of alcohol. He would want the fan to be turned off at 11pm. The applicant's agent welcomed that the amendment had resolved the issues and considered that the application could be granted.

RESOLVED

- 1) That the application for a new premises licence, in respect of Holy Cow, 98 Chapel Market N1 be granted to allow:-
 - a) The sale of alcohol, off supplies only, Mondays to Sundays from 11 am until 11pm.
 - b) The premises to be open to the public, Mondays to Sundays from 11am until midnight.
- 2) Conditions detailed on pages 37 and 39 of the agenda shall be applied to the licence with the following additional condition:-
 - That the extractor equipment is turned off at 11pm.

REASONS FOR DECISION

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This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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

Two local resident objections had been received. Conditions had been agreed with the noise team, the police and the licensing authority and no representations were made at the meeting by the responsible authorities.

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

The Sub-Committee heard evidence from a resident who lived above the premises, who stated that the flue/extractor fan noise prevented him sleeping. He was concerned that he would not be able to go to bed before midnight. He accepted that there was a lot of noise from pubs outside the front of his premises but his main concern was noise from the flue/extractor at the rear of the premises where his bedroom was situated. He had no issue with the sale of alcohol from the premises.

The Sub-Committee heard from the applicant's representative who said that his client wished to be on good terms with neighbours and the responsible authorities. There was an arrangement with a company for a full regular service of the flue including checking and changing the filter when necessary. He was prepared to reduce the hours to 11pm with no late night refreshment. The resident indicated that he was happy with this provided that the fan was switched off at 11pm and he had no issue with anything else.

The Sub-Committee considered that an additional condition should be added to ensure that the extractor equipment be turned off at 11pm.

The Sub-Committee concluded that the granting of the licence with the additional and 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 was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

90 **SKYCAFE, 541 HOLLOWAY ROAD, N19 4BT - NEW PREMISES LICENCE**
(Item B2)

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

The meeting ended at 7.15 pm

CHAIR