

Licensing Sub Committee D - 17 December 2020

Minutes of the meeting of the Licensing Sub Committee D held at by Zoom on 17 December 2020 at 6.30 pm.

Present: **Councillors:** Nick Wayne (Chair), Paul Convery (Vice-Chair) and Joe Caluori

Councillor Nick Wayne in the Chair

93 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Nick Wayne welcomed everyone to the meeting and officers and introduced members and officers. The licensing officer introduced herself, the applicant and the interested parties. The procedure for the conduct of the meeting was outlined.

94 APOLOGIES FOR ABSENCE (Item A2)

None.

95 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

96 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

97 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

98 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 6 February 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

99 HOLY COW, 87 JUNCTION ROAD, N19 5QU - NEW PREMISES LICENCE (Item B1)

The applicant's agent reported that this premises was one of two branches in Islington and a licence had been granted for the other one recently in Archway. Conditions had been agreed with the police, licensing authority and the noise team and these were outlined on pages 38-41 of the agenda. Following representations the hours had been reduced to 11pm from midnight. This premises was an Indian takeaway for food to take home. It was not food that would be eaten on the street.

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Alcohol would be served only with a meal. The chain had been running for about ten years and all eight branches had applied for a licence.

In response to questions it was noted that alcohol would be served only with a substantial meal at a cost of at least £10. Extensive conditions would be applied to the licence and the applicant asked that the Sub-Committee consider these in deliberation.

RESOLVED

- 1) That the application for a new premises licence, in respect of Holy Cow, 87 Junction Road, N19 5QU, be granted to allow:-
 - a) the sale of alcohol, off supplies only, Monday to Sunday from 11am to 11pm
 - b) Opening hours, Monday to Sunday from 11am to 11pm.

Conditions detailed on pages 38 to 41 of the agenda shall be applied to the licence.

REASONS FOR DECISION

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 Archway 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.

Objections had been received from a local ward councillor and the Better Archway Forum. Conditions had been agreed with the noise team, the police and the licensing authority and representations were withdrawn.

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

The Sub-Committee heard evidence from the applicant that alcohol would be served with takeaway food and this was proposed in the conditions. Other comprehensive conditions had been agreed with the police, licensing authority and noise team and as a consequence their representations had been withdrawn.

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.

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HERMIL ISLAND LOUNGE, 230 HORNSEY ROAD, N7 7LL - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the application had been made in the name of the company. The sole director of the company was the applicant. The Sub-Committee was noted that, at the time of the application, there were two directors of the company but there was now one. An application had been submitted to amend the designated premises supervisor and the police had no objection.

The local resident stated that there had been a previous application that had been refused and she did not see any substantial changes to this application. They managed the premises across the road and customers of this premises could not be controlled. She did not consider that parties dispersing at one or two o'clock in the morning was suitable for residents. Rubbish and cigarette butts left outside had never been addressed. She could not see how alcohol with a large group of customers would benefit the community. In the summer the noise from premises was very loud. The applicants had said that they would lower the external shutter to reduce the noise but she had concerns that this would be a fire risk. If the shutter needed to be lowered due to noise from customers this would mean that they could not control their customers. They would allow four smokers at the front of the venue but this was a very small area and had not yet been given planning permission. She considered that the licensee could not abide by Covid rules, would be unlikely to follow other rules and the application should be rejected.

In response to questions, the resident stated that the bar was open during lockdown with a half opened shutter. She stated that she saw customers inside the premises and even if the applicant stated that they were not customers, they should not have had other people outside the household inside the premises. The resident stated that there were often two or three people outside the premises and they started to migrate along from the doorway to outside residents houses. There was rubbish left outside and dumped outside a nearby street sign. Rubbish was increasing and rats had been seen.

The applicant stated that she understood that things were frustrating for the resident but she did not think that the issues mentioned related to this premises. The premises was open in early November but served alcohol with food. They were trying to better their offering, were moving away from christenings and weddings and would remove live music from the application so as not to cause disturbance. This would be a quiet family restaurant, where alcohol was served with a meal and would not stay open later than 11pm. During the time that they were open in early

November, there had been no complaints. They had not been open during lockdown. Workmen had been in the premises who had been fixing leaks. Covid rules had been abided by. The other Director was in a high risk category, was unwell and that is why he was not present at the meeting. Air conditioning and extractor fans had been installed and the noise escape had been checked. They only required background music.

In response to questions, the applicant outlined the licensing objectives. She stated that, with regard to crime and disorder they had security at the front of the premises and had a list of patrons; regarding public safety, alcohol would be with food; regarding public nuisance they would ask the customers dispersed quietly and signs would be erected as a reminder and lastly they would operate Challenge 25 and would not allow children in the café after 6pm without a parent. She informed the Sub-Committee that all involved in the business were high risk from Covid so would not break the rules. The previous Director was her father and he has been removed from the business. She was the sole director and both her and her father had invested in the business. She was in the process of obtaining her personal licence. The previous director had been removed from the business as it was causing him illness and it was a family decision that she would take over. This was her only business. She had worked in the bar at university for two and half years but this was her first experience in a restaurant. She stated that her father had lots of experience and would presumably take back the reins if he got better following his recent illness. They had opened the premises at the start of November using Temporary Events Notices. She had mentioned to one resident that she would be open for the five days. Music would be played at a low volume and there would be no loitering. She had not worked in Zara's Café. She had not been aware of any complaints over the five days.

The resident stated that she had not addressed any issues from the previous application that was refused. Many customers were older men. When the premises was open in November it had appeared to be quite full even until close.

The applicant stated that the staff at the restaurant were amazing and she would be working with her cousin who had five years' experience. It was intended to be a luxury family restaurant and they had not broken rules and could show CCTV footage as evidence. Their customers were all ages and not just older men. They had put their heart and soul into this business.

RESOLVED

That the application for a new premises licence, in respect of Hermil Island Lounge, 230 Hornsey Road, N7 7LL be refused.

REASONS FOR DECISION

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 Holloway Road and Finsbury Park 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.

Three local resident objections had been received. 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 6.

The Sub-Committee heard evidence from the resident that the premises had been open to patrons despite Covid regulations as she had witnessed customers through a half open shutter sitting and eating inside. She observed that the failure to comply with Covid 19 regulations would be reflected in a failure to manage the licensed premises appropriately. She also stated that were ongoing issues with rubbish, deliveries and noise in Hornsey Road and these needed addressing if the licence were to be granted. She emphasised that this was a cumulative impact area and that one more licensed premises would exacerbate existing problems.

The Sub-Committee heard from the applicant that the application was made in the company name and that she was now sole director. She confirmed that she was aware of the four licensing objectives and stated that this was to be a family style restaurant business catering for local residents and that food would accompany any alcohol purchase. She confirmed she had two and half years' experience working in hospitality; however, not in a management capacity. She stated that her co-worker had hospitality experience and had young children to whom she would want to return to in the evening, meaning that the premises would not be open late. She confirmed that she had not yet acquired her personal licence.

The Sub-Committee was concerned that the applicant had not adequately addressed the concerns raised by the resident and also had said nothing to rebut the presumption that a new licence would not be granted in a cumulative impact area. They were also concerned that she had little experience of managing a licensed premises, particularly in a challenging cumulative impact area, and that she had not acquired a personal licence at the time of the application.

The Sub-Committee concluded that granting the licence would not promote the licensing objectives. The Sub-Committee was not satisfied that the application had not demonstrated the requisite standards of management and that the proposed use meant that the premises would add to the cumulative impact.

The Sub-Committee was not satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

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FINKS GILLESPIE, 88 GILLESPIE ROAD, N5 1LN - NEW PREMISES LICENCE (Item B3)

The licensing officer stated that the local resident representation had been withdrawn as conditions had been agreed in relation to deliveries.

The applicant stated that the business owner who had organised the petition had concerns about competition. However, this business had a very different offering and it was hoped would complement the other business. They had another premises in Hackney where this had been the case.

RESOLVED

- 1) That the application for a new premises licence, in respect of Finks Gillespie, 88 Gillespie Road, N5 1LN be granted to allow:-
 - a) the sale of alcohol, off supplies only, from Monday to Sunday from 11am until 5pm.
 - b) Opening hours to be Monday to Friday 08.30am to 5pm and Saturday and Sunday from 9am to 5pm.
- 2) Conditions detailed on pages 120 to 122 of the agenda shall be applied to the licence with the following additional conditions.
 - Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 - No rubbish will be moved, removed or placed in bins outside the premises between 23:00 - 07:00hrs.
 - The collection of refuse or delivery of consumables shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No deliveries or waste collections shall be made on a Sunday or Bank Holiday.
 - The delivery of licensable goods shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No deliveries shall be made on a Sunday or Bank Holiday.
 - The outside frontage shall be swept and cleared of any rubbish and smoking litter associated with the business at the end of trade each evening.

REASONS FOR DECISION

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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

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the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

One local resident objection had been received and a petition had been received from a local business. Conditions had been agreed with the police and trading standards and there had therefore been no representations made by the responsible authorities.

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

The Sub-Committee noted that, following the acceptance of additional conditions in relation to rubbish and deliveries, the resident representation had been withdrawn.

The Sub-Committee heard from the applicant that this premises would have a very different offering from the local business who had started the petition. It was hoped that the applicant would be able to work to complement the other local business rather than be in direct competition.

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 granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

The meeting ended at 8.15 pm

CHAIR