

London Borough of Islington

Licensing Sub Committee B - 12 May 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 12 May 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair) and Cutler (Vice-Chair) and Joe Caluori.

Councillor Phil Graham in the Chair

- 122 **INTRODUCTIONS AND PROCEDURE (Item A2)**
Councillor Phil Graham welcomed everyone to the meeting and introduced members and officers. The procedure for the conduct of the meeting was outlined.
- 123 **APOLOGIES FOR ABSENCE (Item A3)**
Received from Councillor Matt Nathan.
- 124 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)**
Councillor Joe Caluori substituted for Councillor Matt Nathan.
- 125 **DECLARATIONS OF INTEREST (Item A5)**
None.
- 126 **ORDER OF BUSINESS (Item A6)**
The order of business would be as the agenda.
- 127 **COMMON GROUND, 49 STROUD GREEN ROAD, N4 3EF - NEW PREMISES LICENCE (Item B1)**
The Sub-Committee noted that the application had been adjourned at the request of the applicant.
- 128 **NEW RESTAURANT, 367 HOLLOWAY ROAD, N7 0RN - NEW PREMISES LICENCE (Item B2)**
The Licensing Officer reported that there was no new information to add to the report circulated with the agenda. He noted that the applicant had agreed conditions proposed by the Responsible Authorities. There was one outstanding objection from a local resident, who had not informed the Council as to whether or not they would be attending this meeting.

The applicant stated that the objection was invalid. There were no objections from the Council's Noise Team and conditions had been agreed. The speakers were not in the ceiling, but on the wall. Customers on the premises were allowed to talk. The furniture had felt pads on the base. There was no record of any noise complaints.

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He stated that the premises was identical to others on the parade. It had been built in the early 1900s and parts of the building were made of solid concrete so noise would have to be at a very high volume to go through to the premises above. There had been a centrally fitted false ceiling which had collapsed in 2002. It has not been installed as sound proofing, but was purely for aesthetic reasons. The speakers were not on the ceiling but had been on the walls. The objector had suggested that people downstairs in the premises could be heard speaking through concrete walls. People on the premises were allowed to talk. The furniture in the premises came from catering establishments and had felt on the bases. He stated that there was no proof of complaints from other neighbours. A noise test had had to be abandoned due to the excess noise on Holloway Road. He had never had to call the Police to attend the premises and this was despite the fact that it was visited by Arsenal supporters. He had never encountered problems at these premises. He had held a licence for the premises at 351 Holloway Road, where he ran a coffee bar, and had never had to call the Police to those premises either.

He said that he was happy with the conditions and had offered to soundproof the area around the speakers. Due to the current conditions around Covid19, he feared that it could be the end of the restaurant after 40 years of operation. He maintained that the complaint about noise was unfounded. He added that it would not be worth running a restaurant without an alcohol licence. The previous owners had caused many problems, including the sale of alcohol without a licence but he had operated for 20 years with no problems.

In response to a question from a member of the Sub-Committee as to whether anyone had visited the premises to inspect the speakers, the Licensing Officer said that, prior to this application, the Council's Noise Officer had carried out a lot of work with the applicant. He noted that the Noise Team had not made a representation. The applicant had agreed to conditions proposed by the Noise Team and had also said that he would carry out more remedial work if any noise complaints were substantiated.

In response to a further question from a member of the Sub-Committee, the applicant replied that his brother, his cousin and the ex-manager all held personal licences. The premises was regarded as a Pizza Bar. It was likely that the premises would close early. When he worked as a waiter himself, he used to have to wait until the early hours until the patrons had left the premises. The restaurant was closed now. Everything had changed and he had received offers for the premises. He was not sure if he would open the premises himself, or get staff to run it for him.

The applicant was asked whether there would be ambient background music played at the premises. The applicant confirmed that there would and that he felt that a little ambient music was necessary, but it would not be loud. The applicant was reminded that, since he had not asked for a licence to play live music, it could not be played at the premises.

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In summing up, the applicant stated that he was a good person and had not experienced any alcohol-related problems with the premises, unlike the previous tenants.

RESOLVED:

(a) That the application for a new premises licence in respect New Restaurant, 367 Holloway Road, London N7 ORN, be granted to allow:

- i) The sale by retail of alcohol, on & off supplies, Mondays to Sundays from 11:00 until 22:30; and
- ii) The premises to be open to the public, Mondays to Sundays, from 11:00 until 23:00.

b) That the conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (Appendix 3) be applied to the licence.

Reasons for the 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.

The Sub-Committee took into consideration Licensing Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 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 or subject to certain limitations, 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.

One local resident objection had been received. Conditions were agreed with the police and the noise team.

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

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The Sub-Committee noted that the resident raised concerns regarding noise escape from the premises which included music from speakers, the sound of furniture being moved and from patrons talking loudly.

The Sub-Committee heard evidence from the applicant that speakers were placed on the wall and felt pads had been fitted to furniture legs to help prevent noise. Music played would be at a background level only.

The Sub-Committee noted that noise conditions would be attached to the licence to ensure that noise from the premises would not cause undue disturbance to occupiers of nearby premises. The Sub-Committee noted that the premises had been operating as a proper Italian restaurant for several years but was now mainly a pizza restaurant that would not likely to be opening late.

The Sub-Committee concluded that the premises were not alcohol led and would be operating within framework hours and 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 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 7.00 pm

CHAIR