

Licensing Sub Committee B - 21 July 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 21 July 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Matt Nathan and Marian Spall.

Councillor Phil Graham in the Chair

167 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Phil Graham welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced himself, the interested parties and the applicants. The procedure for the conduct of the meeting was outlined.

168 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Vivien Cutler.

169 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Spall substituted for Councillor Cutler.

170 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

171 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

172 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 18 June 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

173 OLD QUEENS HEAD, 44 ESSEX ROAD, N1 8LN - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that an additional submission from the applicant had been circulated.

The local resident reported that they lived near the premises and there were a number of bars nearby that were open until 3am. The resident had been unable to sleep and this had been happening for several years. Customers made the most noise outside the Old Queens Head and he was concerned about the extra hour to serve alcohol on a Saturday evening and the extra half an hour in opening time. He could appreciate the reduction in hours during the week but stated that the premises was usually closed during that time anyway and the problems were much

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worse during the weekend. If the licence was granted, other local premises would also apply. He understood the Covid 19 revenue issues but stated that these times were a big issue for residents. He noted that it was stated that there had been no complaints but he had called the noise team several times at 3 or 4 am and these calls should be logged. An extension in hours would make the situation worse.

In response to questions, it was noted that he had complained to the anti-social behaviour team in summer 2019. He would have called them more often but there was a balance between trying to sleep and calling the noise team. Customers stayed outside until 3 or 4 am and now the time was being further extended. It was noted that in the case of The Winchester, local residents had lodged a review of the licence. The licensing officer confirmed that there was no record of the noise team writing to the premises formally since the last application and the resident confirmed that he was not aware of the submission of any formal complaints.

The applicant's representative stated that the premises was facing insolvency and had made proposals that tailored this application for the cumulative impact area. All responsible authorities had been satisfied but he was aware that he needed to satisfy the Sub-Committee. The applicant was asking for an extra hour of trade on Saturday night, their best evening, and in return they were reducing the terminal hour by a total of three hours on Monday to Wednesday evenings, offering a net reduction in hours. In addition, they had also accepted additional police conditions. The responsible authorities had not objected and the noise team had previously made suggestions which had been taken on board. They had also traded for the extra hour on four occasions in the past 18 months and there had been no complaints. This was not the same type of premises as the Winchester. It was a more peaceful demographic and there had been no complaints. Exit procedures were well controlled and senior management were present. There had been one resident complaint against this application and the licensee would be happy to work with him. There was no supportive evidence of issues. The representation made by Councillor Klute was based on issues from the Winchester. It was stated that this was an entirely different situation. The Winchester had been reviewed by residents and with the support of the responsible authorities. This was an entirely different case. The application was for one added hour on a Saturday for those licensable activities as detailed on page 7 of the report with an additional half hour on Saturday to opening hours. In response to a question from the legal officer it was confirmed that there was no application for an additional hour on a Saturday for live music.

In summary, the resident stated that the extension should not be granted. This would make a case for granting similar extensions and would make existing issues worse. He asked the Sub-Committee to visit the area at 3am and see what it was like for themselves.

The applicant's representative stated that the Sub-Committee base their decision on the facts. There had been no objections from responsible authorities and only from one resident. The premises had been operating for sixteen years without causing any issues. The objector had not contacted the licensee who would have rectified

any issues if informed. This would not be a precedent as each case was decided on its merits.

RESOLVED

- 1) That the application for a new premises licence, in respect of the Old Queens Head, 44 Essex Road, N1 8LN be granted to allow:-
 - a) The sale of alcohol, on & off supplies, Mondays to Wednesdays from 10:00 until 01:00, Thursdays & Fridays from 10:00 until 02:00, Saturdays from 10:00 until 03:00 and Sundays from 12:00 until 02:00;
 - b) The provision of live music, Mondays to Wednesdays from 18:00 until 23:00, Thursdays & Fridays from 18:00 to 00:00, Saturdays and Sundays from 12:00 to midnight.
 - c) The provision of recorded music, Mondays to Wednesdays from 12:00 until 01:00, Thursdays & Fridays from 12:00 until 02:00, Saturdays from 12:00 until 03:00 and Sundays from 12:00 until 02:00.
 - d) The provision of late night refreshment, Mondays to Wednesdays from 23:00 until 01:00, Thursdays & Fridays from 23:00 until 02:00, Saturdays from 23:00 until 03:00 and Sundays from 23:00 until 02:00 and
 - e) The premises to be open to the public, Mondays to Wednesdays from 10:00 until 02:00, Thursdays & Fridays from 10:00 until 03:00, Saturdays from 10:00 until 03:30 and Sundays from 10:00 until 03:00.
 - f) The following non-standard timings for Sale of alcohol, Recorded Music Late Night Refreshment and the hours open to the public on:
 - New Year's Eve, until the time authorised on the following day; and
 - An extension to the permitted hours on 1st January, Easter Sunday and Sundays preceding bank holiday Mondays by an additional hour.
- 2) That conditions detailed on pages 37 and 38 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 Angel and Upper Street 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.

One local resident objection had been received and an objection from a Ward Councillor. There had been no representations made by the responsible authorities at the hearing.

The Sub-Committee heard evidence from the resident that he had called the anti-social behaviour team on several occasions and the last time he had called them had been summer 2019. The resident gave evidence that he was disturbed by noise late at night particularly at weekends.

The Sub-Committee noted that the applicant was offering up three hours of trading, Monday to Wednesday, with a proposal for an extra hour of trade on Saturday with an additional thirty minutes closing time. The Sub-Committee concluded that therefore the variation would not add to the existing cumulative impact. The Sub-Committee were satisfied that the applicant provided a high standard of management in accordance with Licensing Policy 8. The Sub-Committee also noted that there had been no formal action by the noise team regarding any complaints of anti-social behaviour and conditions proposed by the Police had been agreed.

The Sub-Committee concluded that the granting of the variation of the licence with the agreed conditions was reasonable and proportionate and would promote the licensing objectives.

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

The licensing officer introduced the applicant, his representative and a local resident who was speaking on behalf of interested parties who lived near the premises. It was noted that additional submissions from one of the objectors and a further submission from the applicant's representative in response had been circulated.

The interested party stated that some objectors had been residents in the area for 20 years and one for over 50 years and they had seen the decline in the area with the increase in licensed premises. Regarding the licensing objective for the prevention of public nuisance, it was stated that numerous calls had been made to the noise team and they were on record. These included one about a contractor operating an angle grinder late in the evening. It was stated that patrons from the applicant's other venue across the road would loiter outside, late into the night, shouting and slamming doors. Mini cabs and private vehicles would be attending day and night. There had been a recent altercation outside the premises which had been dismissed by the applicant. The atmosphere was intolerable for females. Smokers were outside at all hours. There would be predictable results by moving the smokers to the rear of the premises in a residential area. Males outside other premises were seen spitting, holding drinking games and littering. A change in the name of this premises would not improve matters. Assurances that music noise would not escape from the premises were not believed. There were already a large number of licensed premises in the area and another grant of a licence was one too

many. An additional bar would attract unsavoury customers. The flow of traffic was constant and parking inconsiderate. He did not consider that the applicant was a pillar of the community as had been reported by his representative. He had been a Director of at least two dissolved companies and he considered that he had not passed the fit and proper person test. The invitations to meet the applicant had not been received or had been received too late to attend. He urged the Sub-Committee to refuse the application on the grounds of preventing public nuisance and on public safety. He considered that the area had already reached breaking point.

In response to questions, the licensing officer reported that there had been no complaints about the premises. The premises was not yet open and had not been operated as it was unlicensed. The invite to objectors from the applicant had been sent with the notice of hearing. The licensee managed a premises across the road.

The applicant's representative stated that they had consulted pre-application stage and had heard nothing from residents. As soon as objections had been received a response was sent, covering all concerns and all were invited to the venue to meet the owner yet no objector had turned up. The previous licensee had ceased trading one year previously. There had been no construction using an angle grinder at this premises although the applicant was aware of other premises which had used one after hours. It was noted that the application for live music and recorded music had been removed after 11pm in response to concerns from residents. An air conditioning unit and kitchen fan had been installed and the applicant had asked residents if they could be heard. He would deal with any issues immediately and would not wish to upset neighbours. He emphasised that the premises was to be a quiet family restaurant.

In response to questions, the applicant stated that the rear garden area would be used to serve meals outside and for smokers. This area would be closed at 10pm. This had been agreed with the Licensing Authority pre-application. The area out the front had been set back approximately two to three metres with enough room for six people smoking. There was a maximum capacity for 4 to 6 people. There could be chairs and tables in the morning for coffee and tea. The applicant stated that the front area was 2 x 5 metres and was not angled. The rear garden had a capacity of 30 people. Residents were 18 metres away from the rear. The rear garden area was 20 square metres i.e 4 x 5 metres. Members noted that the plan in the report had not been drawn to scale. The licensing officer advised that due to the Covid restrictions he had not made a site visit to the premises. It was also noted that there was a factory at the rear that closed at 5pm. The premises had previous tenants for 20 years and the applicant stated that the premises was the same as when he took over the lease.

In summary, the objector stated that the applicant's premises over the road held parties and so he considered that this would also happen at these premises. The frontage had not always been set back and planning consent would be required for these works. He did not know how 4-6 smokers would be able to smoke in that space. He stated that the noise complaint regarding the angle grinder was from this premises and the noise team had caught them in the act. He stated that the Sub-

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Committee should refuse the application on the grounds of public nuisance, crime and disorder and public safety.

The applicant's representative stated that the applicant's other restaurant opposite the premises had received no complaints. If any issues had been brought to his attention he had tried to sort them out. He was a model licensee. There had been no objections from the police or the licensing authority and he asked that the Sub-Committee grant the application.

RESOLVED

That The Sub-Committee has agreed to defer the decision regarding Hermil Island Lounge, 230 Hornsey Road, N7 7LL, in the public interest, for the Sub-Committee to receive information on the following:-

- the front and rear areas of the premises - the dimensions, the proposed use and capacity of each of these areas and whether they are to be licensed,
- for the licensing officer to carry out a site visit;
- details of the complaint investigated by the noise team about the anti-social use of the angle grinder; and
- the planning position regarding the front and rear of the premises.
- The matter would be considered by the three members of the Sub-Committee present this evening.

REASONS FOR THE DECISION

The Sub-Committee decided to defer the decision because there was insufficient information presented to enable them to determine the application.

The meeting ended at 8.00 pm

CHAIR