

Licensing Sub Committee B - 6 August 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 6 August 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Vivien Cutler and Nick Wayne.

Councillor Phil Graham in the Chair

- 175 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Phil Graham welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced herself and the interested parties. The procedure for the conduct of the meeting was outlined.
- 176 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Matt Nathan.
- 177 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Wayne substituted for Councillor Nathan.
- 178 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 179 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 180 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meetings held on 30 June 2020 and the 7 July 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 181 **SHOP CUVÉE, 189 BLACKSTOCK ROAD, N5 2LL - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that the objectors had submitted additional comments, a copy of which had been sent to the applicant and Members. An email notifying calls to the anti-social behaviour team and reports of visits to the premises had also been given to the applicant and Members.

One interested party stated that there were outlets that sold alcohol either side of the premises and also on the other side of the road. The applicant had a restaurant nearby which would be retained. The premises was in close proximity to a bus stop and the heavy footfall from the playgroup and schools and into the evening would create congestion on the pavement. This was unwise with social distancing. The

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restaurant did not comply with regulations and people spilt out onto the pavement. Refrigeration units and extractor fans from several businesses, including from the restaurant owned by the applicant, were really loud. The other interested party stated that she objected to the onsite drinking and customers spilling out onto the pavement. The pavement was very busy and narrow with a bus-stop and after Covid would be increasingly busy. Customers were not always just queuing at the restaurant as some had been seen outside for hours congregating. It would also encourage the football crowds. There was a bench outside the restaurant and with bikes outside it was impossible to walk past without people being forced to walk into the road. It was stated that there would be an accident. She welcomed the deli/wine shop but would not want on site drinking. The withdrawal of recorded music from the application was welcomed. The main concern was public safety.

In response to questions, it was noted that one resident had been in touch with some of the business regarding the noise from the refrigeration units. The complaint was dismissed and the business had now changed ownership. You were able to hear noise from the extraction fans in the bedrooms at the rear of their properties. The applicant had been approached regarding the fan noise at his restaurant which was on from 8am until midnight and sounded like the noise from an aeroplane. The applicant had been receptive and offered to turn the fan to the lowest setting. However, at this setting it was still noisy and had been left on overnight on occasion. The owner had apologised for this. It had not been confirmed that an extractor fan would be used at the wine bar. The interested party stated there was a lot of noise pollution in the area and another one would add additional noise. The premises was currently an empty shop. This was a very busy area with three primary schools, a secondary school and a nursery within 250 yards. There was a safety issue with the amount of crowding on the pavement and the bus shelter outside.

The applicant stated that this was an application for a new licence for a wine shop/delicatessen. His restaurant served high end food and wine and had been well received by local customers. Due to lockdown the restaurant had become a shop and customers commented that this should be a permanent feature. The new premises would sell alcohol ancillary to retail sales and it was proposed to host wine tasting events. The restaurant had only received one complaint regarding the extractor fan. It was a legal requirement to have one and it was not relevant to the application for the shop. They had two complaints in February which had been dealt with. A party had been held. There had been no issues when officers paid a visit recently. Their business should not be associated with others. There had been no further issues and they were upholding the licensing objectives. The business had a zero tolerance to drugs and were responsible operators. Deliveries were by bicycle courier. He raised concerns regarding the dangerous road layout in the area. They were following social distancing guidelines. There was no extraction to the shop and the fridges were internal so there would be no external noise. This was not a bar and football crowds were not what they would want.

In response to questions, the applicant stated that he would have wanted the possibility for those having a wine tasting to stand and drink outside the premises

but stated that if this was an issue he would concede. It was not his intention to operate in the same way as a bar. The application for recorded music had been an error. They would have music played on a small stereo in the background and did not come under the requirements for recorded music.

In summary, a resident stated that there should not be outside drinking even if there was a wine tasting event. This was a busy high street and drinkers outside would block the pavement. Outside the restaurant there was no space and the bench and bikes added to the blockage. She wanted the bench to be removed. The second resident stated that the owner had made concrete assurances, she would like there to be no exterior noise and if this was the case it would be welcomed.

The application stated that there was no access to the rear of the premises. There would be no installation of extraction or external refrigeration and he was happy to concede regarding customers being allowed drinking outside on the pavement area.

RESOLVED

- 1) That the application for a new premises licence, in respect of Shop Cuvee, 189 Blackstock Road, N5 2LL, be granted to allow:-
 - a) The supply of alcohol, on and off sales from 9 am to 11pm Monday to Sunday.
 - b) The premises to be open to the public from Monday to Sunday from 9am to 11pm.

- 2) That conditions detailed on pages 53 and 54 of the agenda be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the written application, the verbal representations made by the applicants' representative at the hearing, the written representations submitted by seven residents as well as the verbal submissions made at the hearing by two of those residents.

No representations were made by any of the Responsible Authorities.

The premises at present were not operating.

The Sub-Committee noted that the premises (189 Blackstock Road) were not in an area based Cumulative Impact Area in relation to "on sales" of alcohol.

Licensing Policy 4 however, provides for a borough-wide cumulative impact area for "off sales" of alcohol for consumption off the premises. The Council's Licensing Policy sets out possible exceptions for off sales. The Sub-Committee concluded that the exceptions were applicable, namely that the business would be operating a specialist premises where the selling of alcohol would be ancillary to the main business, operating a Deli selling specialist foods, cheeses and cured meats. The

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Sub-Committee further concluded that the risk of alcohol purchased from the premises being consumed in the street was minimal due to the nature and type of alcohol being sold. The premises would be selling relatively expensive wines and craft beers. The sale of alcohol would be within the Licensing Policies core hours and the premises in question fell outside the Council's area based Cumulative Impact zones.

The Sub-Committee concluded that the applicant demonstrated in the Operating Schedule that there would be no cumulative impact on one or more of the licensing objectives.

The Sub-Committee fully considered the concerns expressed in the written and verbal submissions of residents and specifically the concern that the granting of the application would result in patrons sitting and consuming alcohol and food outside the premises or standing outside the premises and consuming alcohol. The applicant accepted that the people drinking at the wine tastings would be on the premises and the Sub-Committee was satisfied that condition stating that vertical drinking shall only be permitted on the premises would ensure that this will happen.

The Sub-Committee accordingly concluded that it would be proportionate to grant the licence with the conditions set out on pages 53 and 54 of the agenda.

The meeting ended at 7.15 pm

CHAIR