

Licensing Sub Committee B - 22 September 2020

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 22 September 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham (Chair), Vivien Cutler and Paul Convery.

Councillor Phil Graham in the Chair

191 INTRODUCTIONS AND PROCEDURE (Item A1)

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

192 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Matt Nathan.

193 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Convery substituted for Councillor Nathan.

194 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

195 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

196 D AND D GROOMING LOUNGE, 347 HOLLOWAY ROAD, N7 0RN - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that the hours had been reduced from those initially applied for and were detailed at paragraph 1.2 of the report. Conditions on pages 31-34 of the report had been agreed by the responsible authorities. Planning permission had been approved for the rear structure although officers were waiting for action to be taken to build the structure in line with the permission granted. Planning officers had advised that an application for a change of use was no longer required.

A local resident stated that there had been noise disturbance and light pollution emanating from the premises. The back yard of the premises was surrounded by 25- 30 residential flats and due to the shed that had been erected, neighbours could hear every noise. The construction was not fit for purpose and did not meet regulations. It was considered that the building should be erected prior to the grant of the licence. A few parties had already taken place and whilst it was appreciated that the applicant had business difficulties a licence should not be granted at the

Licensing Sub Committee B - 22 September 2020

expense of the local community. This barber shop was now trying to turn into an entertainment enterprise and it was not supported while the building was in the current state. A second resident echoed these concerns and stated that there had been some noise from the backyard even in the past month and on one occasion up until 3am. The front of the building had been locked so he had to wait to speak to someone to turn the music down, which they then did. The structure is very flimsy and neighbours found it hard to sleep. The building was not fit for purpose. Noise and light pollution was their main concern.

In response to questions, it was stated that there was no back wall but the rear exited onto a private locked yard. Patrons would not be able to exit from the rear of the premises. It appeared that a tarpaulin hung over the back of the premises. He had not witnessed patrons evacuating the premises but as there was no back wall to the construction they could hear all the noise anyway. The licensing officer informed the Sub-Committee that he had been informed by the planning officer that there was no issue with the change of use due to the Planning Use Class order made on the 1 September. The structure had not been built but he understood the applicant was going to carry out the work. The licensing officer understood that the planning officer had made a site visit and he himself had visited the premises with the police. It was noted that the applicant had agreed to background music only and was not applying for regulated entertainment in the form of music.

The applicant stated that he appreciated the concerns expressed and thought he had reduced the amount of noise and light pollution. Planning permission had been granted and the building had been built with fire retardant wood which is all that was required. The venue was not planned to be a nightclub but a café and planning consent for the café/lounge had been agreed. They apologised for the disturbance from the celebrations. Staff came out into the yard area to get fresh air. The applicant took over the building in March 2019 for a barbers shop and the rear area for use as a shisha area. An off licence was next door and customers picked up drink from there. LED lights had been removed. He needed this business to survive. He did not serve alcohol but customers brought it in from the off licence. If he had a licence he would be able to control customers. He asked the Sub-Committee to give him a timeframe to do what was required and he apologised for the problems.

In response to questions, it was noted that the customers in the waiting room would be men and women waiting for hair and body care. There was space for 10-13 barbers chairs. He had received planning consent to erect a ground floor rear extension. The rear area was an integral part of the barbers shop. With the new planning law there was no need for planning consent. Customers used the rear area and brought in alcohol from the off licence which he could not prevent. The applicant was advised that he could refuse permission for customers to enter his shop with alcohol. It was proposed to sell coffee and alcohol in the waiting room. The roof was temporary and 50% of the structure was open as a smoking area. Planning permission had been granted for a solid structure. He was unable to afford to build the extension but he stated that he had three years to do so. He

Licensing Sub Committee B - 22 September 2020

was advised that the extension was not built he would need to reapply. The applicant apologised and asked that he be given a timeframe.

In response to questions, the applicant stated that he now only had capacity for four barbers chairs. He was expecting to have 20/24 seats in the café and had kitchen equipment for snacks to serve with beer. He had a fridge and a coffee machine and would serve snacks such as crisps and nuts with beer. That was his plan. He currently had only 4 barbers chairs. He would be moving the alcohol into half of the shop and had partitioned halfway down the shop. The applicant's partner stated that he had run a restaurant/bar in Blackstock Road that had served alcohol until 11pm/midnight. He stated that only 18 years and over would be allowed in the garden. He was asked about the process of refusing to sell alcohol to those underage and he stated that he would ask for ID if they appeared to be under 25 years of age and there were other procedures to follow which he was too nervous to recall. They would train three people to obtain a personal licence. He had a personal licence. It was stated that there had been no kitchen installed in the premises. The bar and preparation area had been situated where the four chairs at the rear of the shop were indicated on the plan. There was no office space now.

In summary, the local residents stated that the rear structure appeared to be used as a bar area. This was the area that created the noise disturbance. One resident stated that he understood their financial concerns but he was concerned that they be able to run a shisha lounge separate from the main shop. Smoking would take place in the rear yard which had no exit point. Should the licence be granted to 2am it would be very hard to live with in its current state.

The applicant stated that he understood the concerns. The building was to be built with the proper insulation. He had been given quotes to carry out the work. The bar would be inside the premises so noise would not be heard. He would do the works within a few months.

RESOLVED

That the application for a new premises licence, in respect of D & D Grooming Lounge, 347 Holloway Road, N7 0RN 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

Licensing Sub Committee B - 22 September 2020

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.

In considering applications for new licences the local authority will take the matters listed below into account:-

Whether the premises are in an area of cumulative impact;

The type of premises and the cumulative impact on the area and the mix of properties in the area;

The proximity to residential properties;

The potential impact to residents living in close proximity;

The physical suitability of the building proposed for licensing activities.

Under licensing policy 3, paragraph 56, the Sub-Committee may consider as possible exceptions premises that are not alcohol led and hours consistent with framework hours.

Licensing policy 6, paragraph 53, stated that the licensing authority recognises that it has to balance the needs of businesses with those of local residents and it will utilise its licensing policy to address these local issues.

Four local resident objections had been received. There had been no representations made by the responsible authorities but conditions had been agreed with the police and the noise team.

Advice had been received from the Planning team that planning permission had been granted for the use of the premises but the present structure had to be demolished and rebuilt. It was essentially a temporary structure at the rear of the barbers shop without sound proofing. The applicant explained that he intended to build the structure in the next few months and had builder's quotes. It was important for the survival of his business that he utilised this space. Previously he had 10-13 barber chairs but now only four due to Covid 19 restrictions. The residents expressed surprise that the applicant was seeking licensing permission before constructing the new building.

The Sub-Committee heard evidence that there had been late night parties in the premises causing disturbance to the residents whose flats were situated above the barbers shop. Residents emphasised that because of the lack of sound proofing in the premises they could hear everything. There was also light pollution and about 25-30 residential flats surrounding the backyard where the premises were situated. Residents could not sleep. The applicant apologised, said these were private family parties and there would be no recurrence of the nuisance. He said that the new building would have insulation.

The Sub-Committee questioned the applicant about the plan submitted but were not satisfied with his answers. It was not clear where the kitchen would be and the applicant explained that he would be serving mainly beers and food would consist of pre-packaged crisps and nuts. There would be 20/24 patrons in total with seats. It

was clear that the plan submitted with the application bore little relation to the current configuration of the building or to the intentions of the owner for its future use and layout.

The applicant had described his application as a café. However, a café would normally serve more substantial meals and would be described as 'not alcohol led'. The applicant said that he had also partitioned the barbers shop for use as a lounge. The Sub-Committee concluded that the plan submitted with the application was therefore inaccurate.

The Sub-Committee concluded that there was serious risk of public nuisance from noise and light pollution if the licence was granted.

The Sub-Committee was concerned that the licensable activities were likely to add to the existing cumulative impact in the area. The applicant had failed to rebut the presumption against granting the licence and had failed to demonstrate that there would be no negative cumulative impact on the licensing objective of prevention of public nuisance. It was proportionate and appropriate to the promotion of the licensing objectives and in the public interest to refuse the application for a new premises licence.

197 **MRS LOVELLS GREENGROCERS, 28 Highbury Park, N5 2AA - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that this item had been withdrawn as conditions had been agreed by all parties.

The meeting ended at 7.35 pm

CHAIR