

Licensing Sub Committee D - 15 June 2021

Minutes of the meeting of the Licensing Sub Committee D held by Zoom on 15 June 2021 at 6.30 pm.

Present: **Councillors:** Angela Picknell (Chair), Matt Nathan (Vice-Chair)
and Gary Poole

Councillor Angela Picknell in the Chair

- 119 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Angela Picknell welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 120 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 121 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 122 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 123 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 124 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 27 April 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 125 **OUTDOOR MARKET, ESTHER ANNE PLACE, N1 - NEW PREMISES LICENCE (Item B1)**
The Sub-Committee noted that this item had been adjourned at the request of the applicant.
- 126 **ISLINGTON SQUARE, ESTHER ANNE PLACE, N1 - NEW PREMISES LICENCE (Item B2)**
The Sub-Committee noted that item had been adjourned at the request of the applicant.

127

MCQUEEN, 55-61 TABERNACLE STREET, EC2 4AA - SHADOW LICENCE

APPLICATION (Item B3)

The licensing officer reported that this was a shadow licence application. The applicant's representative had written to all objectors setting out the purpose of the application which could be found at page 191-192 of the agenda. Three responses had been received from interested parties which stated that they wished their objections to remain.

The applicant's representative stated that the applicant was the landlord. An application had been made for a duplicate premises licence which would remain dormant, the purpose of which was set out on pages 191/192 of the agenda. This protected the position for the landlord and preserved the status quo in these uncertain times. Eleven objections had been received from residents, the landlord had no involvement with the current operator. Whilst the landlord had sympathy with their concerns it would be more appropriate for objectors to initiate a review against the current operator. The Sub-Committee were invited to grant the licence.

RESOLVED

- 1) That the application for a shadow premises licence, in respect of McQueen, 55-61 Tabernacle Street, EC2 4AA, be granted to allow:-
 - a) The sale of alcohol, on and off supplies, Monday to Wednesday from 10am until 1am, Thursday to Saturday from 10am until 2am and on Sunday from 12 noon until midnight.
 - b) Live music, Monday to Wednesday from 9am to 1am, Thursday to Saturday from 9am to 2am and Sunday from 9am to midnight.
 - c) Recorded music Monday to Sunday 24 hours.
 - d) Performance of Dance, Monday to Thursday from 9am to 1am, Friday to Saturday from 9am to 2am and Sunday from 9am to midnight.
 - e) Late night refreshment Monday to Wednesday from 11pm to 1.30am, Thursday to Saturday from 11pm to 2.30 am and Sunday from 11pm to half past midnight.
- 2) That conditions detailed on pages 195 to 197 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting 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 Bunhill 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. However, a Shadow Licence remains dormant while the current premises licence is extant. There is no negative cumulative impact on any of the licensing objectives and the status quo is preserved.

Eleven local resident objections had been received. None of the objectors were in attendance at the meeting. There had been no representations made by the responsible authorities.

The Sub-Committee noted the letter sent by the applicants' solicitor, as detailed on pages 191/192 of the agenda which explained the situation. The applicant was the landlord of the premises and had no involvement with the current operation at the premises. The local residents had expressed concern with the way the current licence holder was managing the premises. The proper forum for hearing their complaints would be a review hearing against the current premises licence holder.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

128 PARADISO DESI RESTAURANT, 230 HORNSEY ROAD, N7 7LL - NEW PREMISES LICENCE (Item B4)

The Sub-Committee noted that this item had been adjourned at the request of the applicant.

129 THE BEEFSTEAKS, GROUND FLOOR, 74 CHAPEL MARKET, N1 9ER - NEW PREMISES LICENCE (Item B5)

The licensing officer reported that the police and the noise team agreed conditions which were detailed in the report.

The interested party raised objections to the application. He stated that the premises was not adequate for a restaurant. The concrete floors allowed noise to be transmitted to neighbouring premises above. The previous hours were café hours and this application doubled the operating hours which would now run into the evening. There had recently been pop up restaurants in the premises. This business would attract city people unwinding after work with associated bad behaviour. Noise was audible even on the second floor and even noise from a café would be a major problem. There had been noise from the staff kitchens as late as 1 or 2am. Noise was funnelled through to the building and you could hear people talking outside. The current tenants had not experienced the premises when the shop was open. Noise patrol had not been able to deal with the situation. The intermittent noise was difficult to control. Residents were kept awake by delivery

drivers. There was a concern that staff would open the windows on an ad-hoc basis.

In response to questions, the resident stated that the pop up had noise late outside up until 12 – 1 o'clock. He considered that this premises would attract a disrespectful clientele. He was concerned that the noise team would not take any action. He didn't consider the applicant would worry about the licence being removed as this was a restaurant for a sedate meal with wine. The pop up restaurants seemed to be fine without the licence.

The licensing officer stated that a certificate of lawfulness had been approved in September 2019. There was no requirement in planning to restrict the hours and there was no further application required by planning. Most of the windows in the neighbouring flats were single glazed.

The applicant stated that the building was a good fit for his brand. Pie and mash would be included on the menu. The previous occupier, Manze's Pie and Mash shop, could not meet the increased rent without the sale of alcohol. The proposed police and noise conditions addressed the noise concerns. There were windows at the rear of the premises which provided ventilation. The landlord had an acoustic survey which stated that there would be no negative impact if the correct extractor and a silencer were used. There had been many market closures so he had wanted to invest in a building. The lease for this building was conditional on approval by licensing and the receipt of listed building consent. He would then sign up to a ten year lease. Pop up restaurants were not in the business for the long haul. This would be a restaurant serving British food with nice wines and perhaps a few cocktails. They would be serving sustainable meat and fish with vegetarian options. They would not be over serving alcohol and were to be an inclusive family friendly restaurant. He had spoken to a neighbour regarding sound proofing to the ceiling of the premises and had consulted a sound proofer who would be attending the premises at the end of June. This was a listed building with a suspended and glass ceilings with wood benches and marble tables. He considered that it was not sustainable to run a café in the premises.

In response to questions the applicant stated that he had spoken to residents and had informed them of the proposal. A silencer would be installed on the extractor fan. He wanted to be an example of best practice. He would ensure that signs asking customers to leave quietly would also apply to staff. He stated that he could provide a mobile phone number to residents in case of any issues. He stated that adequate ventilation was a feature of the premises and a supply of fresh air was required. The application for listed building consent had been submitted.

In summary, the resident stated that only 50% of the building was listed and the kitchen area did not have listed status. It was this area that was the most concerning.

The applicant stated that he was actively looking into sound proofing. He would be a long term prospect and he believed it was essential to get on with neighbours.

RESOLVED

- 1) That the application for a new premises licence, in respect of Beefsteaks, 74 Chapel Market, N1 9ER be granted to allow:-
 - a) The sale of alcohol, on supplies only, Monday to Sundays from 12 noon until 10.30pm.
 - b) The premises to be open to the public, Monday to Sunday from 12 noon until 11pm.
- 2) Conditions detailed on pages 275 to 277 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting 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 Kings Cross 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 concerns that the special policy addressed included adverse impacts associated with late night venues and alcohol related anti-social behaviour. Possible exceptions listed in paragraph 3.9 were premises operating within framework hours which were not alcohol led and where there was no vertical drinking and it appeared that this particular application was capable of falling within this exception to the cumulative impact policy.

Objections from two local residents and from a property managing agent had been received. There had been no representations made by the responsible authorities although conditions had been agreed with the noise team and the police.

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

The Sub-Committee took into account the need to balance the needs of businesses with those of local residents. Paragraphs 35 and 36 of the Licensing Policy refers to the aim of maintaining a well-managed evening economy that meets residential and business needs. Licensing policy 9 states that the licensing authority seeks to promote applications for venues that are not alcohol led. Mixed use venues with alcohol sales being offered to customers alongside food and applications for premises that will provide an all seated environment for customers are encouraged.

The Sub-Committee heard that part of the premises needed listed building consent. It had been used for one hundred years as a café and had certain features such as marble tables. Recently there had been periods of vacancy and use for pop up restaurants. For a long time it had been used as a pie and mash shop.

The Sub-Committee heard evidence from a local resident who stated that sound travelled through the restaurant into all surrounding flats. The windows of the flats and premises were mainly single glazed. The applicant stated that the windows of the kitchen needed to be open, even though it backed onto a courtyard. This was because of the heat of the kitchen. He had installed an extractor fan which had a silencer. He was aware of the concerns of local residents and wanted to be a good neighbour. He himself lived over a restaurant and understood the problems. He was arranging to sound proof the restaurant in the area where the neighbour above was most affected. The applicant had contacted all residents already and he was prepared to provide a mobile phone number to residents.

The resident said that previous experiences with the pop-up shops had been bad. They had been operating until the early hours of the morning causing him loss of sleep, and his partner who was a nurse needed to get up early at 6am. At one point pizza delivery drivers had caused noise which funnelled through the alley way and the street gate. He had called noise patrol but had found their response ineffective. He was concerned about the likely clientele at a 'gentlemen's club'.

The Sub-Committee heard from the applicant that this was essentially a modern British restaurant seeking to attract a wide range of clientele including families. The hours were within the framework set out in the licensing policy. The applicant would not be delivering pizzas. It was not viable to run the premises without the sale of alcohol. The applicant was signing up for a ten year lease and would have to walk away if he did not get the alcohol licence or if he were to lose the alcohol licence. Pop up shops did not have the same need to engage with neighbours.

The Sub-Committee took into account that the residents were better protected by the grant of the licence with conditions and the residents remedy in case of breaches of the conditions would be to complain to the licensing authority which could be more effective than complaints to the noise patrol.

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 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 7.45 pm

CHAIR