

**Licensing Sub Committee D - 2 November 2021**

Minutes of the meeting of the Licensing Sub Committee D held by Zoom on 2 November 2021 at 6.30 pm.

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

**Councillor Angela Picknell in the Chair**

- 130      **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.
- 131      **APOLOGIES FOR ABSENCE (Item A2)**  
None.
- 132      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no declarations of substitute members.
- 133      **DECLARATIONS OF INTEREST (Item A4)**  
There were no declarations of interest.
- 134      **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda.
- 135      **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED:**  
That the minutes of the meeting held on 15 June 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 136      **AQUILLA CAFE, 151A COPENHAGEN STREET, N1 - NEW PREMISES LICENCE (Item B1)**  
The licensing officer reported that three further documents had been circulated following agenda despatch. These included a Fire Risk Assessment, the Code of Conduct and Behaviour and a response from the applicant to the representations. All conditions from the Licensing Authority and the Noise Team had been agreed and the Licensing Authority had accepted the 10pm close of the external seating area. The applicant had accepted a condition of no deliveries. There were no residents in attendance.

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The applicant stated that he had accepted all the conditions and the police had agreed the CCTV. In response to questions about the cumulative impact policy, his agent, who supported him at the hearing, stated that this was a café and the applicant had taken comprehensive steps to ensure all people were safe. Customers would have an option of having alcohol with food. The premises would not be alcohol led and was not a pub. He had been working closely with the applicant and he would be compliant and ready to work with the authorities. Regarding concerns about a terrace that had been built without planning permission, the applicant's representative advised that this did not require planning permission and was an area for two or three customers to smoke. The licensing officer confirmed that she had been advised that the terrace did not need planning permission but should not be used as a smoking area as it was an enclosed space. A fire risk assessment had been conducted and a fire alarm system had been installed. The agent could answer the questions on this assessment. Food would be delivered to the premises using reputable delivery services although this would be used very rarely. Food served would be mainly sandwiches and light Eritrean food and snacks.

In summary, the licensing officer stated that she had met with the applicant and had gone through all of the conditions with him.

The applicant's representative stated that there had been a fire risk assessment and policies in place. He considered that the premises would be good for the local authority. He stated that it would be prudent to allow the licence and the applicant would comply with the regulations.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Aquilla Café, 151A Copenhagen Street, N1 0SR be granted to allow:-
  - a) The sale of alcohol, on and off sales from 1pm until 11pm Monday to Thursday, 1pm until midnight on Friday, from noon until midnight on Saturday and from noon until 10pm on Sunday.
  - b) Late night refreshment from 11pm until midnight on Friday and Saturday.
  - c) Opening hours to be from 8am until 11pm Monday to Thursday and from 8am until midnight on Friday and Saturday and from 8am until 10pm on Sunday.
- 2) That conditions detailed on pages 51 – 55 of the agenda 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 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. It appeared that this could be considered an exceptional case in that this fell within licensing policy 3 paragraph 48. The applicant was assisted by his agent who was able to clarify certain issues. From the evidence given by the agent this was not an alcohol led premises and the hours of operation were within framework hours (licensing policy 6 – restaurant/café and coffee shop).

The objectors had not attended and there was no evidence before the Sub-Committee that the complaints made in the representations were substantiated during the period that the premises had been open. The applicant and the agent had worked with the police, the noise team and licensing and had agreed the conditions suggested so that there were no representations from responsible authorities.

However, in view of the cumulative impact policy and the possibility of noise as a result of the use of the external rear area a condition was imposed restricting use of the back yard to 9pm. The applicant had already submitted in writing that the use of the billiards facility would be restricted to a maximum of six people and customers would not be allowed access from the billiards facility to the external rear area.

The Sub-Committee concluded that the applicant had rebutted the presumption of refusal with the nature of his business, which was for the sale of food with alcohol and was not a bar, and with the robust conditions proposed which had been largely agreed by him. There was unlikely to be a negative cumulative impact on any of the licensing objectives.

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

**137 PACIFIC WINES, 102 ISLINGTON HIGH STREET, N1 - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that a summary of the submission had been circulated to members and interested parties.

The applicant's representative stated that this was a premises with limited hours, from 11am until 9pm, and was an off sales business with tasting events. Tickets for the tasting events would be sold in advance. Sit down events would have a maximum of 10 patrons and standing events would have a maximum of 30 patrons. The premises would sell high end wine from America at an average of £25-£30 per bottle. There had been negotiations with the police and the noise team and conditions had been revised and were on pages 2-6 of the circulated document.

Hours were limited and the price point would determine the type of customer. Wine would be consumed on the premises at tasting events. Standing up events would be in the region of £30 a ticket and seated events were £80 a ticket. Standing events were not anticipated to be the main event. The conditions proposed ensured that the premises could not be turned into a bar. Planning consent was correct. The premises would not impact on the cumulative impact area. The hours would be limited. On sales would be through a paid ticket. This was a specialist niche independent shop with a maximum of 30 people. The police and the environmental pollution team supported the application. He invited the Sub-Committee to grant the application with amended conditions. The applicant stated that this was a specialist business. He and his daughter had travelled to the West Coast of America and had a passion for products from California and Oregon. Tastings were integral to the business. He believed that this was the only shop of its type in London.

In response to a question about the noise the applicant stated that the standing events were likely to be one or two a month although they would be demand driven.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Pacific Wines, 102 Islington High Street, N1 8EG, be granted to allow:-
  - a) The sale of alcohol, on and off the premises on Monday to Sunday from 11am until 9pm.
  - b) The premises to be open to the public from 12:00 until 01:00 Monday to Sunday.
- 2) That conditions detailed on page 85 to 87 of the agenda 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 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Pacific Wines would be small premises with a capacity of less than 50 people operating well within framework hours set out in Licensing policy 6.

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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee was satisfied with the evidence that this was a small shop with a limited capacity. There would be a maximum of 30 people at ticketed standing events which would be held once or twice a month, depending on demand. Seated ticketed events would only accommodate a maximum of 10 people and would be educational in nature. In accordance with Licensing Policy 4 paragraph 74(b), the applicant had demonstrated that the risk of alcohol purchased from the premises being consumed on the street was minimal due to the nature and type of alcohol being sold. The shop was unusual and specialist, catering for wines from the West Coast of America.

The Sub-Committee noted that conditions had been accepted from the police and noise team and no responsible authorities were continuing with representations.

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.

**138     HALF CUT MARKET, GROUND FLOOR, 396 YORK WAY, N7 - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that additional papers received from the applicant had been circulated to the Sub-Committee following agenda despatch.

A resident stated that there was anti-social behaviour on York Way which spilled over into Camden Mews which included drug dealing and urination. He was concerned that if this establishment was not managed well the anti-social behaviour would be left for residents as the police did not deal with the bad behaviour. He was not objecting to the establishment but was concerned about the late hours and the anti-social behaviour. The noise team was not available when most needed and he was concerned about the noise from music in addition to the problems that residents already had. A second resident stated that problems included the behaviour of people that came into the area and loud music which was played which was amplified. He was concerned that the applicant had not stated in the

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application that he was applying for music on the premises. A third resident stated that amplified music was a large problem. People visiting pulled up in cars and Councils needed to step in and manage the behaviour. She was concerned about the tables and chairs outside the premises as loud conversations could be heard.

The residents indicated for the Sub-Committee the location of the premises in relation to Camden Mews.

The applicant's representative stated that the Live Music Act 2012 deregulated live music and allowed premises which sold alcohol to play amplified live music or recorded music up until 11pm. The applicant only required background music but to restrict this to possible future use the applicant had agreed conditions with the noise team. If music was heard from the premises, this would be a breach of condition. Patrons would be seated except for during wine tasting events and this was reflected in proposed condition 27. York Way was a very busy road with bookmakers, pubs, cafes and smart shops. The police had spoken with the owners and agreed a large number of conditions. Future licensees would not be able to run any other type of operation without a new application. The premises could not be run as a bar as conditions were proposed that all patrons had to be seated, except in relation to wine tasting events, and the premises had to operate as a delicatessen/wine shop so could not be operated as an off licence. Residents were concerned about litter from take away food but this premises would not add to that problem and there was no reason for patrons to hang around the area. There would be four additional covers with two outside tables and four chairs and this could be the difference between profit and loss for the business. Tables and chairs also encouraged customers to the business so was a useful marketing tool. Four people at tables outside would not be heard above the noise of a busy road. It was considered that the business was an exception to the licensing policy. Alcohol was expensive and not sufficient strength. Patrons who wanted strong alcohol would visit the off licence next door. The applicant wished to engage with local residents and if other sites were a public nuisance would help residents to take these premises to review. He urged the Sub-Committee to grant the licence as sought.

In response to questions the applicant's representative stated that they would distribute staff email details and phone numbers to residents in order to remain open to dialogue with local residents.

In summary, the residents stated that they were concerned about the outside tables and chairs as they considered that they would be difficult to manage. Once customers left a venue they were no longer the responsibility of management and if staff were running a busy restaurant they would not have the time to deal with noise issues. One resident asked if the licence could be granted on a temporary basis.

The applicant's representative stated that a licence could not be granted on a temporary basis unless this was the application, but the residents had the ability to review a licence if necessary. The premises had drawn up a dispersal policy and there were two tables and four chairs which were limited and would be supervised.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Half Cut Market, Ground Floor, 396 York Way, N7 9LW, be granted to allow:-
  - a) The sale of alcohol, on and off supplies, Monday to Thursday from 10am until 11.30pm, Fridays and Saturdays from 10am until 11.30 pm and Sundays from 10am until 9.30pm.
  - b) The premises to be open to the public, Monday to Thursday from 10am until 11.30pm. Fridays and Saturdays from 10am until midnight and Sundays from 10am to 10pm.
- 2) That conditions and detailed on pages 122 to 126 of the agenda 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.

Five representations had been received from local residents. Three residents spoke on behalf of all the objectors. Conditions had been agreed with the police and the noise team and there were no representations from responsible authorities.

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

The Sub-Committee heard evidence that although the objectors were largely in favour of the premises operating they were concerned about serious anti-social behaviour issues around Camden Mews which was across the road from the premises. Noise was amplified through a tunnel, patrons of other premises urinated in the street and there was drug dealing from cars. Because of the tunnel they were concerned about the potential for noise nuisance from patrons sitting at the tables and chairs proposed outside the premises.

The Sub-Committee heard from the applicant's representative that only background music would be played and it would be breach of the condition proposed if there was any music noise audible outside the premises. The premises would sell unusual wines and beers. 75% of alcohol offered for sale would be labelled as craft, bio-dynamic, artisan wine or organic. The alcohol would be complemented by small Asian style plates of food served to seated customers only. Food would be sold from the delicatessen as well as wine. Pre booked ticketed events would accommodate up to 25 people standing and this would be the only occasion when alcohol would be consumed on the premises when not seated. In relation to residents' concerns, toilet facilities would be available on the premises for patrons. There would be two

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tables outside with four seats and patrons would be supervised by staff. The applicant was keen to engage with the local community and members of staff in attendance were prepared to give mobile phone numbers so that any complaints could be swiftly addressed.

The Sub-Committee was concerned about the existing anti-social behaviour issues in the area but considered granting the premises licence with the conditions for this type of speciality business would actually help to improve the area.

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.

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

The meeting ended at 8.15 pm

**CHAIR**