

Licensing Sub Committee C - 21 April 2022

Minutes of the virtual meeting of the Licensing Sub Committee C held on 21 April 2022 at 6.30 pm.

Present: **Councillors:** Weekes, Graham and Mackmurdie

Councillor Angelo Weekes in the Chair

140 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Weekes welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

141 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Clarke-Perry.

142 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Graham substituted for Councillor Clarke-Perry.

143 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

144 ORDER OF BUSINESS (Item A5)

Item B2 – Safe Store has been withdrawn from the agenda. The order of business would be B1 and B3.

145 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 24 February 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

146 TRAMPOLINE, 27 CAMDEN PASSAGE, N1 8EA - NEW PREMISES LICENCE (Item B1)

The licensing officer introduced the applicant and the applicant's representative. He stated that any issues in relation to the disposal of waste were being dealt with by the waste management team and therefore this was not an issue for the licensing sub-committee. The waste management team was working with premises individually to relocate collections to Essex Road. The licensing officer also stated that Planning had stated that the information provided in the applicant's submissions indicated that the primary use of the premises was a café. This was within use Class E. The submissions had indicated there were some uses which would not fall within use Class E but these were infrequent. It appeared that the use was compliant with the lawful use of the site.

The licensing officer stated that 17 local resident objections had been received and one resident was in attendance. There had been no representations made by the responsible authorities, as conditions had been agreed with the police, noise and trading standards.

The Sub-Committee heard from a resident that he had had concerns relating to noise and disruption arising from waste collection in the early hours; however he confirmed that this was now no longer an issue as it had been addressed by the licensing officer. He then outlined his concerns relating to the capacity of up to 40 customers set out in the application and raised concerns about the small size of the premises relative to that capacity. The resident raised concern about potential noise emanating from open windows and doors and customers spilling out on to the street in the early hours and adding to the general disruption in Camden Passage caused by licensed premises. He was concerned that the viewing of films on the upper floor, probably with windows open, would add to the noise nuisance. He also expressed concern relating to the sale of alcohol at 4pm in an area where there were schools.

The applicant confirmed that the capacity set out in the application was for health and safety purposes only and that there was seating for only 16 customers upstairs and 8 downstairs. The applicant outlined that the premises was a social enterprise working to train and provide employment for refugees.

The applicant stated that any music would be background music only at such a level that conversation could be heard above it and there would only be one speaker on the upper floor of the premises.

The applicant's representative confirmed that the premises would not be used to show movies other than to showcase the aims of the social enterprise. He confirmed the premises would serve alcohol only to seated customers and that premises would operate as a café only up until 4pm and would serve alcohol only from 6pm-9pm when it would be used as a community space to raise awareness of issues relating to refugees.

In response to a member's question as to how the applicant intended to address the issue relating to open windows raised by the resident, the applicant stated that the windows would only be open on rare occasions as the premises had good ventilation and did not experience direct sunlight in daytime hours.

In response to a member's question, the applicant confirmed the application relating to live music had been formally withdrawn.

A member asked how the applicant intended to enforce the Challenge 25 policy. The applicant responded stating that all staff were being given training on Challenge 25 and were part of a 12-week training programme in hospitality. All staff were briefed prior to working shifts and serving alcohol and the business had joined the Business Watch Group.

In summary, the resident stated that there had been 17 representations from residents which was unusual for this area. The main concerns revolved around noise and customers spilling out on to the street after drinking, given that the capacity being requested would render the premises effectively a wine bar. He stated that customers should be seated and that it was unrealistic not to open windows in the premises particularly when it was recommended to reduce the spread of Covid.

In response to comments made by the applicant the licensing officer confirmed that the police had agreed conditions that there would be no vertical drinking and there would also be no recorded music.

In summary, the applicant confirmed that there had been some confusion over the number of customers in the application and that alcohol would only be served to seated customers; the business planned to increase social awareness; create a pleasant place for everyone and all steps would be taken to ensure no nuisance to residents.

RESOLVED:

- 1) That a new premises licence in respect of Trampoline, 27 Camden Passage, N1 8EA be granted to allow:
 - a) the sale of alcohol, on and off the premises from Monday to Sunday from 11am until 10pm.
 - b) the provision of film, Wednesday to Sunday, 6pm to 10pm.
 - c) the premises to be open to the public, Monday to Sunday from 7am to 10pm.
- 2) That conditions detailed on pages 50 to 52 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.

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.

Seventeen local resident objections had been received. There had been no representations made by the responsible authorities, as conditions had been agreed with the police, noise and trading standards.

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

The Sub-Committee heard from the Licensing Officer that any issues in relation to the disposal of waste were being dealt with by the waste management team and therefore this was not an issue for the licensing sub-committee.

The Sub-Committee heard from a resident that he had concerns relating to noise and disruption arising from waste collection in the early hours; however he confirmed that this was now no longer an issue. He then outlined his concerns relating to the capacity of up to 40 set out in the application, the small size of the premises relative to that capacity; noise emanating from inevitably open windows given the size of the premises and the fact that customers would spill out on to the street in the early hours adding to the general disruption already suffered by residents in Camden Passage from licensed premises. He was concerned that the viewing of films on the upper floor, probably with windows open, would add to the noise nuisance. He also expressed concern relating to the sale of alcohol at 4pm in an area where there are schools.

The Sub-Committee heard from the applicant that the capacity set out in the application was for Health and Safety purposes only and that there was seating for only 16 customers upstairs and 8 downstairs. The applicant outlined that the premises was a social enterprise working to train and provide employment for refugees.

The applicant stated that any music would be background music only at such a level that conversation could be heard above it and there would only be one speaker on the upper floor of the premises.

The applicant's representative confirmed that the premises would not be used to show movies other than to showcase the aims of the social enterprise. He

confirmed the premises would serve alcohol only to seated customers and that premises would operate as a café only up until 4pm and would serve alcohol only from 6pm-9pm when it would be used as a community space to raise awareness of issues relating to refugees.

A member asked how the applicant intended to address the issue relating to open windows raised by the resident and whether the application relating to live music had been formally withdrawn. The applicant confirmed the application relating to live music had been formally withdrawn. The applicant stated that the windows would only be open on rare occasions as the premises has good ventilation and does not experience direct sunlight in daytime hours.

A member asked how the applicant intended to enforce the Challenge 25 policy. The applicant responded stating that all staff were being given training on Challenge 25 and were part of a 12-week training programme in hospitality. All staff were briefed prior to working shifts and serving alcohol and the business had joined the Business Watch Group.

The resident summarised his concerns by stating there had been seventeen representations from residents which he said is unusual and fairly significant. The main concerns revolved around noise and customers spilling out on to the street after drinking, given that the capacity being requested would render the premises effectively a wine bar. He stated it was unrealistic not to open windows in the premises particularly in current times.

The licensing officer confirmed that the police had agreed conditions that there would be no vertical drinking and there would be no recorded music.

The applicant confirmed that there had been some confusion over the number of customers in the application and that alcohol would only be served to seated customers; the business planned to increase social awareness; create a pleasant place for everyone and all steps would be taken to ensure no nuisance to residents.

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 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.

147

SAFESTORE, 451-453 HOLLOWAY ROAD, N7 6LJ - PREMISES LICENCE VARIATION (Item B2)

This item had been withdrawn from the agenda as all representations had been withdrawn.

148

**JE FINE FOODS 187 BLACKSTOCK ROAD, N5 2LL - NEW PREMISES
LICENCE (Item B3)**

The licensing officer introduced all parties. He stated that there were no additional documents submitted.

The Police reported that the applicant had applied to sell alcohol 7 days a week inside the premises up until 1am and from 1am-3am through a hatch. The Police stated that Finsbury Park was saturated with venues offering late night refreshments. There was an onus on the applicant to demonstrate the premises would not impact on the cumulative impact zone and the applicant had not done this other than to mention inhouse training.

The Police stated that when the premises was run by the previous owners, there had been issues. The applicant had applied for TENS to demonstrate there would be no problems. However, the applicant had disregarded police advice to use these in March, April and May and instead used them in January and February which were quiet times. The applicant had now run out of TENS so there was no way to test their ability to serve alcohol until the times that had been requested.

The Licensing Authority stated that their representation was as stated in Appendix 1. The applicant using up the TENS at the quietest time of the year meant there was no means of judging them. The area was saturated with off-licences. The applicant had not outlined how the premises would be operated and managed beyond 11pm and the applicant had not been in contact with the Licensing Authority. There was also concern that selling alcohol from the hatch could cause street drinking.

The applicant's representative stated that the premises was not in a cumulative impact zone and that he had submitted documents which stated that they were aware of concerns. He also stated that there were already posters about street drinkers in the shop and staff would inform them they would not be served. Any drunkenness would not be tolerated.

The applicant's representative stated that when the applicant took over the premises he did not know anything about the previous owners. The conditions on the licence were more stringent than for other off licences. Single cans of alcohol or strong alcohol above 6.5% were not permitted to be sold, unlike in other premises in the area. The applicant's representative stated that these products aided street drinking.

The applicant stated that the premises previously had a 24-hour licence. He had changed the double-glazed door and at night only two people were permitted in the shop at a time. The more experienced staff were put on the till and checked ID. Two members of staff had personal licences and three more were in the process of obtaining them. There were several notices in the shop relating to unacceptable behaviour. CCTV cameras would show the public entering the shop.

The applicant's representative stated that the applicant did not realise that the TENS should have been staggered. The shop and area were always busy and

customers had themselves asked that the premises stay open until later. The hatch would be used from 1am until 3am for safety reasons.

A member observed that the licence holder not knowing about TENS showed a lack of knowledge.

In response to a member's question about how the application would promote the licensing policy, the applicant's representative stated that high strength alcohol and single cans would not be sold; there was 24 hour CCTV retained for 31 days; Challenge 25 was followed; log registers were kept for at least 12 months and there was a refusals book and an incident book behind the counter. Training records could also be checked.

A member asked why the licence had been revoked under the previous owners. The applicant stated he was unaware of the history. His understanding was that the licence he had taken on was a 24 hour licence but he later found out it was only until 11pm. The member raised concern that an experienced licence holder would not check the licence with the Licensing Authority or through their legal representative when taking on the licence. The applicant stated that since they had discovered the licence was until 11pm, these licensing hours had been followed.

In summary, the Police stated that it was concerning that a licence holder with 12 years' experience had taken on a licence without knowing the previous history and had made a basic error in exceeding the limit of TENS. The Police also questioned the effectiveness of signs inside the premises on intoxicated people outside the premises. The Police were concerned that there was nothing in the application about impacts of the requested variation to the licence. The Police stated he had no confidence in the applicant.

In summary, the Licensing Authority confirmed that the premises was not in a cumulative impact zone; the representation had been made in relation to Licensing Policy 4 in that the proposal would add to the cumulative impact of off-licences in the area. In addition, taking on a licence without checking it with the Licensing Authority or via a solicitor's search showed a naivety about licensing law, regulations and procedures.

In summary, the applicant's representative stated that there was not naivety as it was the same licence but with the name changed; the premises was not in a cumulative impact zone; the annexed conditions were important as they were more stringent than the conditions placed on other shops. The applicant's representative stated that the applicant would reduce the hours sought to 1am if this was more feasible and that the applicant was running the premises well. He further stated that the applicant had applied for three or four TENS but he did not know how many days each one was for. This showed naivety but was done in good faith. The applicant's representative stated that the 24 hour licence was the one displayed in the shop at the time the applicant took it over. He also advised that the posters in the shop were facing customers, both inside and outside of the shop.

RESOLVED:

That a premises licence variation in respect of JE Fine Foods, 187 Blackstock Road, London, N5 2LL be refused.

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 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.

No local resident objections had been received. Representations had been made by the Licensing Authority and Police.

The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 6.

The Sub-Committee heard evidence from the Police that the applicant had applied to sell alcohol inside the premises up until 1am and from 1am-3am through a hatch. The police stated that Finsbury Park was saturated with venues offering late night refreshments. There was an onus on the applicant to demonstrate the premises would not impact on the cumulative impact zone and the applicant had not done this other than to mention inhouse training.

The Sub-Committee heard further evidence from the Police that when the premises was run by the previous owners, there had been issues. The applicant had applied for TENS to demonstrate there would be no problems. However, the applicant had disregarded police advice to use these in March, April and May and instead used them in January and February which were quiet times. The applicant had now run out of TENS.

The Sub-Committee heard evidence from the Licensing Authority that their representation was as stated in Appendix 1. The applicant using up the TENS at the quietest time of the year meant there was no means of judging them. The area was saturated with off-licences. The applicant had not outlined how the premises would be operated and managed beyond 11pm and the applicant had not been in contact

with the Licensing Authority. There was also concern that selling alcohol from the hatch could cause street drinking.

The Sub-Committee heard evidence from the applicant's representative. He stated that the premises was not in a cumulative impact zone and that he had submitted documents which stated that they were aware of concerns. He also stated that there were already posters about street drinkers in the shop and staff would inform them they would not be served. Any drunkenness would not be tolerated.

The applicant's representative stated that when the applicant took over the premises he did not know anything about the previous owners. The conditions on the licence were more stringent than for other off licences. Single cans of alcohol or strong alcohol above 6.5% were not permitted to be sold, unlike in other premises in the area. The applicant's representative stated that these products aided street drinking. The applicant stated that the premises previously had a 24 hour licence. He had changed the double glazed door and at night only two people were permitted in the shop at a time. The more experienced staff were put on the till and checked ID. Two members of staff had personal licences and three more were in the process of obtaining them. There were several notices in the shop relating to unacceptable behaviour. CCTV cameras would show the public entering the shop. The applicant's representative stated that the applicant did not realise that the TENS should have been staggered. The shop and area were always busy and customers had themselves asked that the premises stay open until later. The hatch would be used from 1am until 3am for safety.

A member observed that the licence holder not knowing about TENS showed a lack of knowledge.

In response to a member's question about how the application would promote the licensing policy, the applicant's representative stated that high strength alcohol and single cans would not be sold; there was 24 hour CCTV retained for 31 days; Challenge 25 was followed; log registers were kept for at least 12 months and there was a refusals book and an incident book behind the counter. Training records could also be checked.

A member asked why the licence had been revoked under the previous owners. The applicant stated he was unaware of the history. His understanding was that the licence he had taken on was a 24 hour licence but he later found out it was only until 11pm. The member raised concern that an experienced licence holder would not check the licence with the Licensing Authority or through their legal representative when taking on the licence. The applicant stated that since they had discovered the licence was until 11pm, these licensing hours had been followed.

In summary, the Police stated that it was concerning that a licence holder with 12 years' experience had taken on a licence without knowing the previous history and had made a basic error in exceeding the limit of TENS. The Police also questioned the effectiveness of signs inside the premises on intoxicated people outside the premises. The Police were concerned that there was nothing in the application

about impacts of the requested variation to the licence. The Police stated he had no confidence in the applicant.

In summary, the Licensing Authority confirmed that the premises was not in a cumulative impact zone; the representation had been made in relation to Licensing Policy 4 in that the proposal would add to the cumulative impact of off-licences in the area. In addition, taking on a licence without checking it with the Licensing Authority or via a solicitor's search showed a naivety about licensing law, regulations and procedures.

In summary, the applicant's representative stated that there was not naivety as it was the same licence but with the name changed; the premises was not in a cumulative impact zone; the annexed conditions were important as they were more stringent than the conditions placed on other shops. The applicant's representative stated that the applicant would reduce the hours sought to 1am if this was more feasible and that the applicant was running the premises well. He further stated that the applicant had applied for three or four TENS but he did not know how many days each one was for. This showed naivety but was done in good faith. The applicant's representative stated that the 24 hour licence was the one displayed in the shop at the time the applicant took it over. He also advised that the posters in the shop were facing customers, both inside and outside of the shop.

The Sub-Committee was concerned that the granting of the variation would not promote the licensing objectives. The hours sought were not within the hours specified in licensing policy 6. The Sub-Committee took into consideration Licensing Policy 4 dealing with cumulative impact and noted the area already had a significant number of licensed premises. The Sub-Committee considered that, in their application, the applicant had failed to rebut the presumption that further licensing applications which were likely to add to the existing cumulative impact would not be granted.

The meeting ended at 7.55 pm

CHAIR