

Licensing Sub Committee C - 6 March 2017

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 6 March 2017 at 6.30 pm.

Present: **Councillors:** Rowena Champion, Asima Shaikh and Flora Williamson,

Councillor Flora Williamson in the Chair

142 INTRODUCTIONS AND PROCEDURE (Item A1)

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

143 APOLOGIES FOR ABSENCE (Item A2)

None.

144 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

145 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

146 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

147 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 17 January 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

148 PIZZA X DRINK, 30 CROUCH HILL, N4 4AU - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that the police conditions had been agreed and they had withdrawn their objection. No planning consent had been granted for Sunday.

The licensing authority reported that noise conditions 15-22 on page 28 of the agenda had been agreed by the applicant. They would not want the premises to be used as a bar or off licence but as a restaurant. If off sales of alcohol were required for delivery they suggested the deletion of proposed condition 14 and an amendment to condition 22 restricting the alcohol order to four 33 cl cans/beers or one 750ml bottle of wine. The licensing authority raised concerns that delivery drivers would need to be trained in underage sales and proposed a further two conditions in relation to this. The licensing authority stated that if all measures were in place the application would be acceptable although they raised concerns that this was the first time of engagement by the applicant.

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The noise officer stated that she had concerns about off sales and customers waiting to be served with drinks. She stated that no off sales would be acceptable.

In response to questions it was noted that the applicant accepted all the conditions proposed and that there would be no vertical drinking in the premises. It was accepted that the amended condition 22 did limit the amount of off sales. Regarding concerns about off sales it was stated that the onus was on the applicant to ensure that the delivery company trained staff on underage sales and this should be included in a service level agreement with the delivery company.

The applicant stated that the noise team had agreed the application with conditions. The delivery company had informed the applicant that they would not deliver without an off sales licence. The applicant stated that once the driver had taken the alcohol it was their responsibility. He operated another restaurant in Chiswick. This was a small restaurant and he would like to sell alcohol to customers if a friend was having a meal. The conditions proposed would not allow this and he stated that he may have to come back to Sub-Committee if this did not fit in with his business model. He stated that he accepted the conditions and would work with them. He stated that the business had been trading for over twenty years on a Sunday. He had not yet had a response from Planning regarding the premises opening on a Sunday but he would get the situation rectified.

In response to questions the applicant stated that it was up to the driver from the delivery company to ensure that they did not give alcohol to underage customers. He worked with big companies and was sure that they did checks. He had never had any problems. The applicant was reminded by the Sub-Committee that it was his responsibility to check that the delivery company had good practices. He stated that where customers only wanted a drink but did not want food this could cause customer confrontation and was concerned that his customers would be restricted. He stated that he had managed the business in Chiswick since 2014. He gave the Sub-Committee an indication of the prices he charged for alcohol. He stated that officers were looking at the extreme scenario. He would manage the premises well and had no problems in his Chiswick restaurant. He would have to regularise the planning situation. The Sub-Committee advised the applicant that he should ask the delivery company what checks they would make and could ensure that his contract with the delivery company included checks that were required. Where people ordered online there could be a restriction on the amount of alcohol that could be included with the order for off sales.

In summary the licensing authority raised concerns that the applicant did not consider that the sale of alcohol to underage customers was his responsibility once alcohol had left the premises. He was advised that the sale was made at his premises and it was therefore his responsibility. Unless delivery companies could provide him with this assurance he should not use them.

In response to questions from the Sub-Committee the Licensing Authority stated that they may have to arrange test purchases to police delivery businesses. The licensing authority expected the applicant to have proper procedures in place.

The noise team shared the misgivings regarding off sales.

In summary the applicant stated that if he suspected underage sales at the till he would stop them e.g if there was an order to a school. He asked how Tesco controlled their deliveries of alcohol.

RESOLVED

- 1) That the application for a new premises licence, in respect of Pizza X Drink, Ground Floor, 30 Crouch Hill, N4 4AU be granted to allow:-
 - a) The supply of alcohol, on and off sales from 11am until 11pm Monday to Sunday.
 - b) The premises to be open to the public from 11am until 11pm Monday to Sunday.
- 2) That conditions as detailed on pages 27 and 28 of the agenda shall be applied to the licence with the deletion of condition 14, amendment of condition 22 and an additional two licensing authority conditions as detailed below:-
 - Condition 22. Any off sales shall be limited to re-sealed bottles of wine not wholly consumed by the customers at the time of order and no more than 4 x 33cl beers/ciders or a 750ml bottle of wine to be delivered per main meal.
 - Additional condition. Couriers will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18.
 - Additional condition. Any person taking an order for the supply of alcohol on behalf of the premises licence holder will inform all customers that proof of age by way of photographic driving licence, passport or a form of identification with the PASS hologram will be required before alcohol is supplied.

REASONS FOR DECISION

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 heard evidence that the conditions proposed by the Noise Team and Police had been agreed.

The Sub-Committee accepted the concerns raised by the Licensing Authority regarding the delivery service and the fact that deliveries would be carried out by sub- contractors.

The Sub-Committee agreed that the additional conditions proposed by the LA were necessary to promote the licensing objectives.

The Sub-Committee accordingly granted the application with the additional conditions.

The Sub-Committee noted that the premises do not have planning permission for Sunday trading. The applicant was informed that planning permission would be required before he could operate the licence on Sundays.

The Sub-Committee advised the applicant to liaise with and seek guidance from the licensing authority on how to implement the additional conditions.

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PERI PERI CHICKEN, 262 PENTONVILLE, ROAD, N1 9JV - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that this was an application for late night refreshment rather than for the sale of alcohol as detailed in the report at paragraph 1.2. He advised that additional papers were tabled which would be interleaved with the agenda papers.

The police stated that all conditions had been agreed with the applicant but he had not been agreeable to a reduction in hours. The premises was in a cumulative impact zone and from statistics taken from one month there were 19 offences and only one of these had not taken place on a Thursday, Friday, Saturday or Sunday. These offences were related to alcohol and a late night venue would keep people in the area who had been drinking. 50% of criminal offences occurred after 3am. They had asked the applicant to accept reduced hours and had allowed an extension to core hours based on his previous experience. The police would want to see their proposed hours with the conditions proposed.

In response to questions it was noted that most offences took place between 2am and 5am and were mostly alcohol fuelled. The sale of late night refreshment did not help as customers congregated in the area and the premises became a flashpoint. Late night eating venues attracted people who had been out drinking. The police had brought crime data for the area but he was unable to say which venue any problems were attributed to. There were other venues in the area with late hours but they were trying not to add to problems in the area by increasing the number of venues. The police did not consider that the applicant, even with his experience, could manage the premises until 5am. Unlike McDonalds this was a restaurant. McDonalds had door staff and closed seating areas during late hours of operation in order that customers would not stay too long. The police officer stated that he would not agree with a 5am hour as this would add to the cumulative impact. He asked that if the Sub-Committee were minded to grant the licence until 5am that a condition regarding SIA door supervisors be considered. He did not consider that door supervisors were required for the hours he recommended.

The licensing authority was supportive of the police representation and stated that where patrons had been to alcohol venues they then moved to late night refreshment premises. The licensing policy set out clear core hours and the premises was in a cumulative impact area. The onus was on the applicant to persuade the Sub-Committee why they should deviate from the policy, in this case by four or five hours. He considered there was nothing exceptional to this premises. Managing to a high standard was not considered exceptional and this was detailed in the licensing policy. An increase in hours to 2am was recommended but not until 5am where patrons had another three hours to hang around and cause possible disorder. Their recommendation was already an increase in licensing policy core hours.

The applicant informed the Sub-Committee that he had worked in the area at McDonalds for six years and had won lots of awards and gained knowledge during this time. McDonalds was the most difficult place to work and this would be a small restaurant which he considered he had the ability to handle. He did not believe there would be any disorder and staff would be trained. He would train staff and have CCTV. He was the person at McDonalds who had reduced crime.

In response to questions he stated that he was an exception to the policy as he would not add to crime. The premises was not alcohol led. He would have proper training and procedures for staff. He would use his own staff as door supervisors. He stated that crime was in the early evening rather than in the early hours of the morning. He required a 24 hour licence for his survival and he was experienced in conflict resolution and first aid. He wanted a licence until 5am as the weekends were very busy and he did not get many customers before 11pm. The premises would not be too crowded as it was a small café. Customers would be those coming in after drinking. With the introduction of the night tube possible customers would go straight home. He accepted the conditions. He did not think the extra hours proposed by the responsible authorities would do anything for him. The police stated that they were concerned with the safety of the area and reminded the Sub-Committee that the licence went with the premises. The applicant thought that security

would be impossible in such a small restaurant and did not think he could afford SIA door staff. The applicant agreed conditions 16 and 17 proposed by the licensing authority. The licensing authority accepted that the police were the lead authority for crime and disorder and if the police had not asked for door staff, it would be difficult for the licensing authority to insist on this condition. However, the police did state that if the premises was licensed until 5am they would ask that there be a condition about door staff and advised that they would need to be SIA registered.

In summary, the police stated that McDonalds had a lot of support to train staff. The applicant was not in the same position and advised that any door staff would need to be SIA registered. They stated that the applicant would not always be the person running the venue in the early hours. The expectation was that customers at 3am would have been drinking. He had not changed his mind about the hours he had proposed but stated that if the licence was granted until 5am there be a condition imposed about SIA registered door staff. The licensing authority asked that the hours be given as recommended. He was happy to delete the door staff condition unless hours granted were later than 2am on Friday and Saturday.

The applicant stated he would agree to an SIA door supervisor on Fridays and Saturdays if the licence was granted until 5am.

RESOLVED

- 1) That the application for a new premises licence, in respect of Peri Peri Chicken, 262 Pentonville Road, N1 9JY, be granted to allow late night refreshment, on and off the premises from 11pm to 1am Monday to Thursday and from 11pm until 2am on Friday and Saturday and from 11pm until midnight on Sunday.
- 2) That conditions outlined on pages 53 and 53 of the agenda shall be applied to the licence with the deletion of condition 15 and an additional condition as detailed below:-
 - Opening hours to be:- 7am to 1am Monday to Thursday, from 7am until 2am on Friday and Saturday and from 7am until midnight on Sunday.

REASONS FOR DECISION

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 2. The premises fall within the Kings Cross cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the hours sought were in excess of the framework hours specified in licensing policy 8.

The Sub-Committee heard evidence from the Police that in the last three months there had been 19 offences in the area around Kings Cross, half of which took place during the night time economy after 2am in the morning. These offences were driven by alcohol.

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The Licensing Sub-Committee accepted the fact that the offences occurred due to people remaining about outside venues in the early hours of the morning after they have gone out drinking

The Licensing Sub-Committee notes that the applicant agreed to all the proposed conditions from the Police with the exception being the opening hours.

The Licensing Sub-Committee was not satisfied that the applicant had rebutted the presumption that the granting of the licence until 5am would add to the existing cumulative impact.

The Licensing Sub-Committee were of the opinion that granting the application for the premises to trade until 5am, would negatively impact on the promotion of the licensing objectives.

The Licensing Sub-Committee accordingly granted the application with the agreed conditions and the hours recommended by the Police and LA. In addition the Licensing Sub-Committee added the condition that the opening hours of the business are 7am to 1am (Tuesdays to Thursdays), 7am to 2am (Fridays and Saturdays) and 7am to midnight (Sundays).

The meeting ended at 8.35 pm

CHAIR