

Licensing Sub Committee A - 1 June 2017

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 1 June 2017 at 6.30 pm.

Present: **Councillors:** Rakhia Ismail, Michelline Ngongo and Nick Wayne
Also **Councillors:** Gary Poole (Item B2)
Present:

Councillor Nick Wayne in the Chair

164 INTRODUCTIONS AND PROCEDURE (Item A1)

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

165 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Gary Poole.

166 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Wayne substituted for Councillor Poole.

167 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

168 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

169 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting held on the 3 April 2017 be confirmed as a correct record and the Chair be authorised to sign them.

170 TITANIA, 113 HOLLOWAY ROAD, N7 8LT - NEW PREMISES LICENCE (Item B1)

The Sub-Committee noted that confirmation had been received from the applicant agreeing to an adjournment to the 19 June 2017. The interested parties had also been in agreement to this.

RESOLVED

That the application for a new premises licence, in respect of Titania, 113 Holloway Road, N7 8LT be adjourned until the 19 June 2017.

171

HUMBLE GRAPE, 11-13 THEBERTON STREET, N1 0QY - NEW PREMISES LICENCE
(Item B2)

The Sub-Committee noted the additional papers tabled; a letter submitted by the interested parties and a proposed list of conditions submitted by the licensing officer reflecting the comments of the interested parties. These papers would be interleaved with the agenda papers. The Sub-Committee noted that the applicant agreed to delete conditions 1, 6 and 7d but stated that they would prefer conditions 3 and 8 to remain.

The licensing officer informed that due to an administrative error, Councillor Gary Poole had been unable to submit a representation.

The licensing authority reported that the latest documents had been considered and in response to a question from the Chair of the Sub-Committee clarified that the representation still remained but should the Sub-Committee grant the application they would suggest imposing the tabled conditions.

The Sub-Committee noted that condition 5 regarding CCTV was a condition that was regularly applied to licences.

The noise team reported that the applicant had agreed the noise conditions.

The interested parties reported that they had met with the applicant. A resident raised concerns that the premises had been food led for the past twenty years and would now be drinks led if this application was granted. The cumulative impact would be significant. There were many residents living in close proximity and they would want the impact to be mitigated. The resident would prefer a condition to restrict the sale of alcohol with the provision of food and they would also require a limit on the number of events held. Residents remained opposed to the off-licence. The resident stated that the area was saturated with off licences. Residents were opposed to the outdoor tables and stated that there was a narrow pavement outside the premises and the noise from customers would be a nuisance to neighbours. There would need to be an off sales licence if serving alcohol to the tables outside. Deliveries were already a nuisance, particularly at those premises adjoining Humble Grape and residents would not want a 10pm delivery service which they considered would change the nature of the establishment.

In response to questions, the Sub-Committee noted that the pavement outside was narrow for tables and chairs outside which made it difficult to pass by unencumbered. The road opposite acted as a funnel for noise from the tables and chairs and the resident stated that there would be a loss of amenity. It was noted that Humble Grape at Fleet Street had a different location type and this application would be judged on its merits in this location. The Sub-Committee noted that this premises had its own curtilage and did not require a tables and chairs licence. However an off licence would be required to serve alcohol to the outside tables and chairs.

The applicant informed the Sub-Committee that the business was a new concept where wines were imported from tiny vineyards and served with ethically sourced food. It would be a seated wine bar which served food. The applicant lived next door to a Humble Grape premises in Battersea and considered that the business would be good for the neighbourhood. The premises would be local neighbourhood reliant and the applicant would distribute telephone numbers and email addresses in case of problems, although it was considered that there would not be any. The member of staff at the reception would show customers to the bar or a table. Wine to be taken away could be selected and taken back to the manager for wrapping. Retail spirits and beers were available at other sites but would not be available at these premises. It was intended that there would be four tables

outside, each with two chairs. A 1.8m gap would be maintained. There would be a manager at the entrance who would supervise the outside area to ensure there was no disturbance. There were no immediate neighbours and the business would not sell alcohol to outside tables after 10pm. It was considered important to undertake deliveries between 6 and 9 pm although the applicant would consider a cut off time between 9pm and 10pm if 10pm was considered too late.

In response to questions the applicant reported that need was not a relevant licensing issue. The nature of the wines to be sold was unique and obtained from different wine regions and would not be able to be obtained elsewhere. The take out percentage was 15% of revenue in the Battersea premises with 20% delivery as percentage of retail sales. There was a reasonable use of the delivery service between 6pm and 8pm and Deliveroo used 60/70% of cycle use and 30% of moped use. After six months of using Deliveroo they may be able to specify use to cycles only. It was likely that there would be 65% alcohol sales and 35% food sales. 80/90% of customers would end up eating some food. The applicant encourages customers to eat and showed them the small plate menu. Providing snacks would often encourage customers to eat more. Walk in custom usually took place between 6-9 pm. Walk in demand after 9pm was low. The applicant stated that he would accept an off sales time restriction of 10pm. The applicant stated that he lived next door to the bar in Battersea and had never been contacted by residents. They had a good dispersal policy. It was noted that the minimum requirement distances for tables and chairs was 1.8m and the applicant stated they would conform to this.

In summary, the resident stated that this was in a saturation zone which had posters on display with the words 'are you thirsty' indicating that this was a drinks led premises. The abv strength of wine was higher than beer. A condition that alcohol could not be served without food would alleviate many concerns. Regarding the pavement area there were concerns that customers outside would be abusive and the pavement crowded. The resident was unsure how a space of 1.8m for tables and chairs would work in the small space and asked that, should the licence be granted, an early finish time of 9pm be conditioned. The scooters would be noisy and a condition to curtail the lateness of delivery orders would be welcome.

The applicant stated that 10% of customers who would not be eating were crucial to the business and having to dine with food would discourage some people attending. The applicant was happy to agree a 1.8m gap for the tables and chairs and invited the Sub-Committee to have a 10pm cut off delivery time. He stated that there would not be pre-booked events.

RESOLVED

- 1) That the application for a new premises licence, in respect of Humble Grape, 11-13 Theberton Street, N1 0QY be granted to allow:-
 - a) To allow the sale of alcohol, on and off sales, Sundays from 12:00 noon until 10pm, Mondays to Thursdays from 11am until 11pm and Fridays and Saturdays from 11am until midnight.
 - b) The provision of late night refreshment, Fridays and Saturdays from 11pm until midnight.
 - c) The premises to be open to the public, Sundays from 12 noon until 10.30pm, Mondays to Thursdays from 10am until 11.30pm and Fridays and Saturdays from 10am until half past midnight.

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Conditions detailed on pages 162 and 163 be agreed with the following amendments:-

- Deletion of condition 1.
- Condition 4 – Deletion of ‘or to persons attending a pre-booked wine tasting event or a pre-booked function’.
- Condition 6 to be deleted.
- Condition 7 d to be deleted.
- Condition 8 to read. Alcohol sold for consumption off the premises will only be as follows:-
 - a. Up to 21:00, to persons seated at tables lawfully placed on the private forecourt on Theberton Street, for consumption by those persons seated at such tables.
 - b. Up to 23:00 hours, wines only (not spirits, beers or lagers) in sealed containers to persons to take away from the premises.
 - c. For delivery by the licence holder or their agent to an address in Great Britain. Delivery agents should not visit the premises after 21:30.

Additional condition. All tables and chairs be removed by 22:00 hours.

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 current national guidance and the Council’s Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Angel and Upper Street 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 now within the hours specified in licensing policy 8 having been amended following consultation with the police.

The Sub-Committee noted that the residents had met with the applicant and had proposed changes to some of the conditions detailed in the report. The Sub-Committee heard evidence from a resident who represented the Theberton Street and Moon and Studd Street Residents’ Associations. They raised concerns that the new business would be drinks led rather than a food led premises, which it had been previously, and they were opposed to off-sales in an area of cumulative impact. They were also opposed to tables and chairs outside the premises citing issues including loss of amenity and noise nuisance. They also raised concerns about the noise created from deliveries.

The Sub-Committee heard evidence from the applicant that the business was a unique concept where wines were imported from tiny vineyards from all over the world and food served at the premises would be ethically sourced. It would be a seated wine bar which would have waiter/waitress service. It was not a destination venue and the applicant was keen to secure the patronage of local residents and fit in with the neighbourhood. Customers would be encouraged to order food with drinks. He stated that there would be a manager or trained staff member at the front door who would be responsible for seating customers inside and would also manage the outside area to prevent nuisance from the use of the tables and chairs. The applicant stated that the delivery service was a significant part of the business turnover and it was provided for by bicycles 60/70% of the time.

The Sub-Committee noted the applicants' commitment to engage with residents and also noted that the applicant had a successful similar operation in south London in a residential neighbourhood in Battersea.

The Sub-Committee concluded that granting the application, within the core hours and with the proposed conditions, would not adversely impact on the cumulative area or otherwise impact adversely on the promotion of the licensing objectives.

When making their decision the Sub-Committee also considered licensing policy 8 regarding licensing hours, licensing policy 20 regarding outside areas, licensing policy 9 and 10 regarding standards of management and licensing policy 18 in relation to noise.

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SOURCED MARKET, 7-12 GOSWELL ROAD, EC1M 7AH - NEW PREMISES LICENCE (Item B3)

It was noted that this item had been adjourned from the meeting on the 22 May in order that planning issues be further considered. One interested party had discussed the application with the applicant and had withdrawn their representation. The Sub-Committee noted that the opening hours would be from 7am to 10pm. In respect of the planning consent, planning officers considered that the proposed use would be ancillary to the hotel use. If the situation changed there would need to be a planning application.

The applicant stated that this was a small premises which was a specialist delicatessen/bakery/café that was seeking to sell alcohol. In other branches, alcohol accounted for 10% of sales and 80% was consumed on the premises. There were likely to be a maximum of 45 customers on the premises.

RESOLVED

- 1) That the application for a new premises licence, in respect of Sourced Market, Ground Floor, 7-12 Goswell Road, EC1M 7AH, be granted to allow:-
 - a) To allow the supply of alcohol on the premises from 11am until 10pm from Monday to Sunday.
 - b) Opening hours to be 7am until 10pm Monday to Sunday.
- 2) That conditions detailed on page 196 of the agenda be applied to the licence.

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 current national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Bunhill 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.

Four local resident objections had been received. There had been no representations made by the responsible authorities.

The Sub-Committee considered licensing policy 8 and noted that the hours sought had been reduced following discussions with interested parties including a resident who was present at the previous meeting, who had now withdrawn their representation on this basis.

The Sub-Committee heard evidence from the applicant regarding the nature of the operation and noted that it was not alcohol led. The Sub-Committee also noted the limited number of covers provided.

The Sub-Committee concluded that granting the application, within the core hours and with the proposed conditions, would not adversely impact on the cumulative area or otherwise impact adversely on the promotion of the licensing objectives.

When making their decision the Sub-Committee also considered licensing policy 9 and 10 regarding standards of management.

173

TRANSPORT, 70-74 CITY ROAD, EC1V 2BJ - PREMISES LICENCE VARIATION (Item B4)

The Sub-Committee noted that this was a variation application to reduce the hours and to amend the plan. Conditions were tabled which had been agreed by the applicant and would be interleaved with the agenda papers. There was to be a seated restaurant on the ground floor.

The noise officer reported that the premises would be an improvement and she'd had good communication with the acoustic consultant who had taken on board all advice given.

The interested party reported that he lived 100m away from the premises. He had met with the applicant who had accepted all but 1 of his proposed conditions. He raised concerns about the 'counter area' indicated on the proposed plan which he considered could be an issue in the future.

It was noted that a variation could allow for a change in curtilage, although there was no provision for off sales and this would require a new variation application. The applicant's representative agreed that the counter area could be excluded from the plan and undertook to submit a revised plan within seven days.

The applicant's representative reported that a reduction in hours to 2am would reduce the cumulative impact and the business plan would turn an alcohol led premises into a food led business. The footprint of the licensed area would be reduced to 280sqm and there would be a reduction in capacity to 350 persons. Disabled access would be improved. Two lobbies had been installed to prevent noise escape. Noise levels had been calibrated to ensure there was no noise at the nearest residential premises. There was a new dispersal policy with a good operator. The responsible authorities had not objected and comments made by residents had been taken on board and turned into conditions.

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In response to questions it was noted that music had been tested in the nearest residential premises on a Wednesday evening. Different tracks had been played and noise levels adjusted as necessary. Once the business was open this would be repeated. A phone number would be made available to residents. The noise officer advised that a limiter would be installed and certificates issued. It was advisable to check noise levels on a regular basis. The noise team would respond if there were issues.

In summary the applicant's representative stated that he considered that all issues had been resolved with residents.

RESOLVED

- 1) That the application for a new premises licence, in respect of Transport, 70-74 City Road, EC1V 2BJ, be granted to allow:-
 - a) To change the plan attached to the premises licence
 - b) To reduce the hours for the provision of regulated entertainment including live music, recorded music and performance of dance: 10 to midnight, Sunday to Wednesday, 10 to 1am Thursday and 10 to 2am Friday and Saturday.
 - c) To reduce the hours for the sale of alcohol for consumption on the premises 10:00 to midnight, Sunday to Wednesday, 10:00 am to 1am Thursday and 10 am to 2am Friday to Saturday.
 - d) To reduce the hours for the provision of late night refreshment 11pm to midnight Sunday to Wednesday, 11pm to 1am Thursday and 11pm to 2am Friday and Saturday.
 - e) To reduce the opening hours of the premises from 10am to half past midnight Sunday to Wednesday, 10am to 1.30am on Thursday and 10am to 2:30 am Friday and Saturday.
 - f) Annex 2 Condition 13 to be amended (details at Annex 4 of the report).
- 2) That the conditions detailed below shall be applied to the licence.

Amendments/Deletions to existing conditions

1. Amended ground floor plan to exclude noise lobbies from licensed area within red-line (see attached). (Basement Plan to remain as proposed in original variation application).
2. Delete condition 8 of Annex 2 (Notices) – duplication of condition 17
3. Delete condition 10 of Annex 2 (under 18's to be accompanied by adults at all times) – conflicts with concept of food-led community venue and is unnecessary
4. Delete condition 12 of Annex 2 (Technical Standards for Places of Entertainment) – reflects old licensing regime.
5. Amend condition 13 of Annex 2 to read: "The maximum number of persons accommodated at any one time in the premises shall not exceed 350 customers with a maximum capacity for each floor as follows: Ground Floor – 200. Basement 200". (i.e. as originally proposed in application)

Additional conditions proposed by resident and accepted by applicant

6. Any music or other sound played within the licensed premises should not be audible at any residential receptors in City Road, Mallow St or Featherstone Street.
7. The premises shall operate in accordance with a written dispersal policy which includes the following measures:
 - a. The ground floor area will be closed and patrons will be asked to leave approximately 30 minutes prior to the basement area.
 - b. Music noise levels will be reduced gradually over the final 30 minute period for each area.
 - c. All patrons leaving the venue will be encouraged to do so in a quiet manner.
 - d. At closure time the premises will be managed to ensure a gradual dispersal of customers.
8. From 6pm on Thursday, Friday and Saturday a senior member of management will stand outside the premises until 02.30hrs with a doorman on both exits and an extra member of security.
9. One staff member will be positioned at the corner of Featherstone Street and City Road and the other at the City Road entrance. Security will patrol the area around Featherstone Street and Mallow Street to ensure that customers walking near to residential premises do not create a disturbance.

The following additional condition:-

- That a revised plan be submitted within seven days to exclude the 'to go counter' area.

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 current national guidance and the Council's Licensing Policy.

Four local resident objections had been received. There had been no representations made by the responsible authorities.

The Sub-Committee heard evidence that the variation application was to reduce the existing hours as the nature of the business had changed and would now be food led rather than alcohol led. Additional conditions were proposed by the resident which had been accepted by the applicant.

The Sub-Committee heard evidence from the resident who raised an issue regarding the plan and specifically an area marked 'to go counter' which he considered could be used in the future. The applicant noted the concerns raised by the resident and agreed to re-serve the plan with this area removed, within seven days.

The Sub-Committee concluded that granting the application with the additional conditions, would not adversely impact on the cumulative area or otherwise impact adversely on the promotion of the licensing objectives.

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When making their decision the Sub-Committee also considered licensing policy 9 and 10 regarding standards of management, licensing policy 18 in relation to noise and licensing policy 21 in relation to dispersal.

The meeting ended at 9.05 pm

CHAIR