

London Borough of Islington

**Licensing Sub Committee C - 3 July 2018**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 3 July 2018 at 6.30 pm.

**Present:**           **Councillors:**           Champion (Chair), Cutler and Nathan

**Councillor Rowena Champion in the Chair**

**1           INTRODUCTIONS AND PROCEDURE (Item A1)**

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

**2           APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

**3           DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**4           DECLARATIONS OF INTEREST (Item A4)**

Councillor Cutler declared that the Queen's Head was in her ward.

**5           ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

**6           MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 24 October 3018 be confirmed as a correct record and the Chair be authorised to sign them.

**7           OLD QUEENS HEAD, 44 ESSEX ROAD, LONDON, N1 8LN - PREMISES LICENCE VARIATION (Item B1)**

The licensing officer advised that a noise management plan had been submitted and following the modification of an existing condition which had been agreed by the applicant, the noise team had withdrawn their representation.

In a response to concern from a member that the licence was for 270 people including staff and the application stated 270 people excluding staff, the applicant's legal advisor stated that the applicant was willing for the 270 figure to include staff.

The applicant's legal advisor confirmed that the applicant had agreed the condition proposed by the noise team. He stated that this was an unusual case. The applicant was not seeking to change capacity, hours, licensable activity; just to bring the front room into use.

The applicant's legal advisor referred to the objection from the resident, who was not in attendance at the hearing, and stated they were under the misapprehension that the

## Licensing Sub Committee C - 3 July 2018

applicant wanted to increase capacity. The applicant was simply seeking to reconfigure the space.

In response to questions from members, the applicant's legal advisor explained the location of the front room and advised it looked over Essex Road and assured the sub-committee that the 270 capacity figure would not be exceeded as this was the legal limit. The variation would give the applicant more flexibility in terms of the use of the space within the premises.

### **RESOLVED**

1) That the application for a premises licence variation in respect of the Old Queens Head be granted to :

- add an additional room on the second floor of the premises but not increase the overall capacity.

Conditions detailed in Annex 2 and Annex 3 on pages 36, 37 and 38 of the agenda shall be applied to the licence with Condition 5 in Annex 3 amended to read

"The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise from patrons and music from the second floor front and rear room. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to second floor of the premises being used for regulated entertainment".

The following additional condition shall be applied to the licence:

Maximum levels of sound for both rooms on the second floor should be expressed on the premises 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 national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fell within the Upper Street/Angel cumulative impact area. Licensing policy 3 created a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused following the receipt of representations, unless the applicant could demonstrate in the operation schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

One local resident submitted written representations opposing the application and one local resident submitted written representations supporting the application.

There were no verbal submissions from any residents and none of the Responsible Authorities made any submissions.

## Licensing Sub Committee C - 3 July 2018

The application was for variation to add an additional room on the second floor of the premises but not to increase the overall capacity.

The Sub-Committee was satisfied that the granting of the application for a variation with the added conditions, specifically the conditions in relation to numbers in that there would be no increase to the permitted number of people in the premises including staff at any one time. The Sub-Committee was satisfied that the granting of the application, would not negatively impact on any of the licensing objectives.

The Sub-Committee accordingly decided to grant the application subject to the additional conditions.

### **8 LE PECHE MIGNON, 6 RONALDS ROAD, N5 1XH - PREMISES VARIATION APPLICATION (Item B2)**

The licensing officer advised that additional correspondence had been circulated to the committee, licensee and residents who had made representation. This would be interleaved with a copy of the agenda. She stated that she had checked whether any noise or smell complaints had been made to the council regarding the premises and none had been made.

The resident advised that he had not made any complaints but he sometimes had to close his windows. If the garden was used in the evening as well as the day, this would mean the noise and smells would go on for longer and this would be more of a problem. He raised concerns that this would result in the peace being disturbed all day and all evening long and did not consider it appropriate to have a previous residential garden turned into a café garden. He did not object to the café having a licence but did not want the garden of the café to be used at night.

In response to a question from a member, the applicant advised that the garden was approximately 12m<sup>2</sup>. The garden's usage was weather dependent as there was no cover and there would be a maximum of 10 people using the garden at any one time.

In response to questions from members, the resident stated that he did not object to the licence for inside the premises being granted until the time specified but considered that licensing the garden until this time would harm amenity in the evening.

The applicants stated that they were sorry to hear that the café had caused problems for the resident. They advised the committee that they had run the café for 12 years. The café was not the only commercial premises in a residential area and there were other businesses nearby. Their premises had always been commercial.

The applicants advised the sub-committee that they were also residents and lived above the café with their young children. They did not want to impact upon their children or neighbours. The premises was a café that also sold specialist foods including organic, low intervention, biodynamic wine, beer from microbreweries, preserves and cured meats. Wine was currently sold by the bottle but if granted, the licence would mean it could be sold by the glass to customers wanting to have a glass with food. The shop was 35m<sup>2</sup> and the kitchen was very small. There was no room for expansion.

In response to a questions about the food the café served, the applicants replied that there was a breakfast trade in the morning and mainly croissants and pastries were served. At lunchtime sandwiches and cheeseboards were served. The food served at lunchtime would be served in the evening. Food would not be cooked in the evening.

The licensees stated that they had not known there were any issues with smells but would be willing to look at extraction.

## **Licensing Sub Committee C - 3 July 2018**

In response to a question about the capacity of the indoor area of the café, the applicants advised that although it was 20, this would not be reached as it included a large communal table against a wall.

In response to a question from the chair as to whether, if the sub-committee was minded to grant the variation, the applicant would accept the garden being open until 8pm, the applicant stated they would.

In response to a question as whether any steps could be taken to reduce noise in the garden, the applicants stated that they could replace their metal garden furniture with wooden furniture.

### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of Le Peche Mignon, be granted to allow:-
  - 1) To allow the provision of on and off sales of alcohol from 11:00 until 22:00 Monday to Sunday;
  - 2) Opening hours from 07:30 until 22:30 Monday to Sunday.
  
- 2) That the conditions detailed in Annex 2 on pages 68 and 69 of the agenda shall be applied to the licence with the exception that Condition 8 shall be substituted with Condition 8 on page 65 to read:

Alcohol for sale shall be limited to specialist wine (including sparkling wine) and beer (organic and biodynamic wines from small independent winemakers and beer from local microbreweries).
  
- 3) The following condition shall be applied to the licence:

Last orders for the outside tables and chairs shall be 20:00 and then the outside area shall be cleared by 20:30. Adequate notices shall be displayed to inform patrons of this requirement.

### **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 premises did not fall within a cumulative impact area.

Four local resident objections had been received from two addresses. There had been No representations made by the responsible authorities. One resident representative made verbal submissions at the hearing.

The Sub-Committee also received verbal submissions from the applicant.

The business concerned was a small business which sold food and specialist wine and beer. The application to vary the licence in essence concerned the ability to provide on sales of alcohol and to extend the hours to 22:00 Monday to Sunday.

## Licensing Sub Committee C - 3 July 2018

The main concern of the resident who made verbal submissions was the noise that would emanate from the 12sqm garden and the effect this would have on his neighbouring residential property, seven days a week and until 10pm each night.

The applicant was responsive to the concerns of the resident.

The Sub-Committee took the concerns of the resident into consideration in reaching a decision and decided to grant the application.

The alcohol for sale to be limited to specialist wines and beers as set out in condition 8 on page 65 of the application, and that last orders for the outside tables and chairs should be 20:00 and then the outside area should be cleared by 20:30. Adequate notices should be displayed to inform patrons of this requirement.

The Sub-Committee concluded that the application with the added conditions referred to above more than adequately covered all the licensing objectives and accordingly concluded that the new application should be granted.

### **9 ODEON LUXE AND DINE, 13 ESTHER ANNE PLACE, ISLINGTON, LONDON, N1 1UL - NEW PREMISES APPLICATION (Item B3)**

The Sub-Committee noted that this application had been withdrawn from the agenda as it had been agreed with all parties.

The meeting ended at 7.40 pm

**CHAIR**