

**Licensing Sub Committee A - 16 October 2018**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 October 2018 at 6.30 pm.

**Present:**           **Councillors:**           Gary Poole (Chair), Michelline Ngongo (Vice-Chair) and Ben Mackmurdie.

**Councillor Gary Poole in the Chair**

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

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

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

None.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 7 August 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

The Chair paid tribute to Mumtaz Keshani, the legal officer, who had recently passed away. He sent his condolences to her family and gave thanks for the service that she had given the Council and the Licensing Committee.

**28           SHELL HOLLOWAY, 104-106 HOLLOWAY ROAD, LONDON, N7 8JE - PREMISES LICENCE VARIATION APPLICATION (Item B1)**

The Sub-Committee noted that conditions had been agreed with the responsible authorities prior to the meeting and the item had therefore been withdrawn.

**29           TAYER AND ELEMENTARY, 152 OLD STREET, LONDON, EC1V 9BJ - NEW PREMISES LICENCE APPLICATION (Item B2)**

The licensing officer reported that both the objectors lived in Whitecross Street. All interested parties had been written to regarding the hearing.

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It was noted that there were no representations from the responsible authorities.

The applicant's representative considered that the absence of representations from the responsible authorities was due to a comprehensive application. This would be a bar near to Old Street roundabout, with an 80 people capacity, owned and managed by the applicant. The premises were purpose built and double glazed and planning consent had been granted for the hours requested in May/June 2018. The hours allowed a 30 minute drinking up period for dispersal. He was satisfied that it would not add to cumulative impact and fell within the possible exceptions in the licensing policy as it had mixed flexible use, would encourage people to stay in the area after work, was a small independent bar and waste and littering was restricted and sustainable and times for collections and deliveries were conditioned. He stated that members should consider licensing policy 2 and take matters into account including the views of responsible authorities, types of customers, a high standard of management and the physical suitability of the building. The applicant would be happy to join pubwatch or similar. Planning permission had been granted and in the decision given it had been stated that the premises would not give rise to a negative impact although he confirmed that licensing was not bound by this decision. A dispersal policy was included in the report and he stated that the application was within framework hours for Friday and Saturday. The applicant stated that he had been 15 years working in the industry in the UK. He would serve the local community and this would be a cocktail bar/restaurant. Ingredients would be seasonal. He would want to employ local people.

In response to questions the applicant's representative considered that the unusual concept would cater to those who lived and worked in the area. The landlord stated that he was looking for a restaurant to occupy the premises but was impressed after meeting the applicant. The applicant's representative stated that there would be a substantial food offering with drinks and the offer would support people visiting the area during the day and encourage people to stay in the area after work. He stated that the licensing assessment was carried out by someone with 20 years of experience who was well respected. Dispersal was not anticipated to be a problem. There would be CCTV at the premises and taxis would not be able to stop on Old Street as it was a red route. Staff would be trained to keep customers inside whilst waiting for taxis when necessary. It was anticipated that customers would usually go home by public transport as it was near a tube station and buses would be regular. It was expected to be a source of amenity to the office workers in the building who would go home in their normal manner which was unlikely to be through the use of taxis. The applicant would be looking to link with local businesses.

In summary, the applicant's representative stated that the application was for a mixed use premises which supported people visiting during the day and encouraged people to stay after work and would fall under a possible exception to the Bunhill Cumulative Impact Policy.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Tayer and Elementary, 152 Old Street, London, EC1V 9BJ be granted to allow:-
  - a) The provision of recorded music on Monday to Saturday from 11pm until midnight.

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- b) The provision of late night refreshment on Monday to Saturday from 11pm to midnight.
  - c) The supply of alcohol on Monday to Saturday from 11am to midnight and on Sunday from 12 noon to 10:30pm.
  - d) The premises to be open to the public Monday to Saturday from 11am until half past midnight and on Sunday from 12 noon to 11pm
- 2) That conditions detailed on pages 113 and 114 of the agenda shall 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 national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Bunhill 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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Four local resident representations had been received. Two were formal objections to the application and two were in support. It was noted that the residents who had objected both resided on Whitecross Street and had been given notification of the hearing. The Sub-Committee noted the representations from the local residents at pages 104 – 107 of the agenda.

The Sub-Committee noted that there had been no objections from the responsible authorities.

The Sub-Committee heard evidence that the premises are located in a purpose built block with suitable sound insulation and double glazing. The Sub-Committee noted that planning permission had been granted for the hours and use sought in the application. The Sub-Committee heard evidence as to the applicant's experience and vision.

The Sub-Committee noted the submissions on behalf of the applicant that, although the hours sought were outside the framework hours, the applicant was allowing for a 30 minute drinking up period and the application fell within the exceptions set out in the policy in relation to the type and number of customers, the high standards of management, the physical suitability of the building and the views of the responsible authorities. It was submitted that the premises were mixed or flexible use, would support people visiting the area during the day and encourage people to stay in the area after work.

The Sub-Committee noted that, in response to questions, the applicant stated the premises were independent and would not be a chain cocktail bar; they were a quite specific and unusual offer. The applicant emphasised that he was keen to use local suppliers, employ local people and encourage local people to use the premises. The

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Sub-Committee noted the dispersal policy and the applicant's submission that the majority of patrons were unlikely to use taxis.

The Sub-Committee concluded that although the hours sought were outside the framework hours, the high standards of management as demonstrated in the operating schedule combined with the experience of the applicant, dispersal policy and extensive conditions meant that the grant of the licence would promote the licensing objectives.

The Licensing Sub-Committee was satisfied that the applicant had rebutted the presumption in Licensing Policies 2 and 3 and was satisfied that there would be no negative cumulative impact on one or more of the licensing objectives. The Sub-Committee concluded that the grant of the licence with the proposed conditions was reasonable and proportionate.

The Sub-Committee considered licensing policies 2 and 3, licensing policy 6 in relation to hours and licensing policy 8 in relation to management standards.

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### **EXEMPT MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the exempt minutes of the meeting held on the 7 August 2018 be confirmed as a correct record and the Chair be authorised to sign them.

The meeting ended at 7.30 pm

**CHAIR**