

**Licensing Sub Committee C - 11 September 2018**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 11 September 2018 at 6.30 pm.

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

**Councillor Rowena Champion in the Chair**

**10           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.

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

There were no apologies for absence.

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

There were no declarations of substitute members.

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

Councillor Cutler declared that Le Coq Epicer was in her ward.

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

The order of business would be as per the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 3 July 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**16           GREENSPACE, CHARTERHOUSE SQUARE, LONDON, EC1M 6AN - NEW PREMISES LICENCE (Item B1)**

The licensing officer advised that the licensing authority, police and noise team had withdrawn their objections as the amended conditions circulated had been agreed. She confirmed that an event had been held under a TENs on 4th, 5th and 6th September and although noise complaints were emailed after the event, they were not made to the noise team at the time of the event so were unsubstantiated.

The Chair of the Florin Court Freehold Association stated that he was speaking on behalf of 74 individuals. He raised concern about noise especially as the flats were in a listed building and did not have double glazing. He raised concern about security, stated that holding events would establish a precedent and referred to a deed that had been in place since 1990. He was liaising with Charterhouse on this and requested the consideration of this item be deferred until an agreement on the deed had been reached. He anticipated this would be in the next couple of months. The deed provided for the use of the square and gardens by the residents of Florin Court. At the time the deed was made, it was not anticipated that the Charterhouse would be open to the public. People took on leases knowing the deed was in place and there were certain expectations. In response to a question from a member, the Chair of the Florin Court Freehold Association suggested that

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the association should know what the events would be so they could approve them in advance.

In response to a question, the applicant stated that if the licence was granted there would be a maximum of 10 events per year. This would equate to ten days in total.

A resident raised concern that Charterhouse Square was in a cumulative impact area and suggested that the Charterhouse was a large charity with considerable resources. They had made a business choice to remove parking from the square which would result in lost revenue.

A resident stated that there were not many green spaces in Bunhill, raised concern that events were being proposed on a burial site and events could be held in the Charterhouse building. Concern was raised about a tent being used for events.

The applicant advised that a significant amount of money had been spent improving the square and this had involved removing parking and lost revenue of £110,000. There was not much green space in Bunhill and the Charterhouse wanted to open the square up to the public following the Charterhouse museum opening. There had been support from the Golden Lane Estate. Meetings had been held with local residents every six months and these meetings to discuss concerns would continue to be held.

The applicant expressed the view that the rights of Florin Court under the deed did not make the application unacceptable. The events would enable the Brothers to meet local people.

The applicant advised that some of the Brothers' bedrooms looked out onto the square and the building did not have double glazing. Efforts would be made to ensure events would not be noisy. There would be no amplification. At the recent event, the traffic meant it was difficult to hear the actors.

In response to a question from a member, the licensing officer reported that the police were happy with the proposed security arrangements. The location of the events would be difficult to monitor with CCTV so instead bodycams would be used.

The applicant advised that although they only wanted events 10 days a year, due to a misunderstanding, they had initially put in an application to be able to hold an unlimited amount of events throughout the year. Due to the objections received, this application had been withdrawn and the new application was for 10 events a year.

The applicant advised that it was not possible to hold all events in the Charterhouse building as it was the home of the Brothers. The charity did not have considerable resources and conservation costs were significant. They also had to pay a large sum to Charterhouse School.

In response to a question from a member, the applicant outlined the type of events that had taken place in the last 18 months. These included a summer fair, a small bonfire party, Handlebars (a performance by actors), a private lunchtime event, a team building sports day, an early evening event with champagne and a harpist and a summer solstice event with jazz singing until 8pm.

Last year the nearby Sutton Arms pub had asked to do a weekly pop up event but due to bad weather this did not often take place. This year, the Charthouse would not be enabling the pop up event.

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In response to members' questions the applicant advised that they had put in this application rather than apply for a TENs each time due to the cost and also because they wanted to schedule a programme of events. An event operational plan had been produced as the applicant was keen for the events to run well. The applicant had received no complaints from residents after the recent event and residents had been given contact details if there was a problem. At events there would be people picking up litter.

In summary, the residents stated that they wanted the gardens to be left as they were and for the space within the Charterhouse building to be used for events.

In summary, the applicant stated that she wanted a wider group of residents to enjoy the square. It was not possible to use the inside space for events as this was the Brothers' home. A dialogue with residents would be continued.

### **RESOLVED:**

That the application for a new premises licence in respect of Greenspace, Charterhouse Square, London, EC1M 6AN be granted

- 1) To allow the sale by retail of on sales of alcohol, provisions of live and recorded music, the provisions of plays and the provisions of films on the site from 11:00 until 22:00 Monday to Saturday.
- 2) Opening hours to be:- 11:00 until 22:00 Monday to Saturday.
- 3) A maximum of 10 events to take place in one calendar year totalling no more than 10 days.

Conditions detailed on the circulated sheet of amended conditions 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.

The Sub-Committee noted that the applicant had agreed conditions put forward by the police, the noise team and the licensing authority and that those representations were therefore withdrawn.

The Sub-Committee fully considered the agenda papers and noted the written objections outlined at pages 31-82.

The Sub-Committee heard evidence from local residents that they were concerned with noise, security and whether a precedent would be established. Residents stated that due to the enclosed nature of the square, sound echoed and properties had no double glazing so residents would still hear any noise. Residents stated that at previous events the Charterhouse's security operations were incapable of operating outside and that residents did not believe the applicant to be fit and proper to organise events. The Chairman of Florin Court plc stated that a deed was in place since 1990 and that certain rights under this deed

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would not be possible if the application was granted. Residents were concerned as to the number of licensed premises in the area and that this application if granted would spoil the tranquillity and dignity of the square. The Sub-Committee heard evidence that ordinary people wanted grass and trees. The Sub-Committee noted the concerns of residents that they wanted to know what events were going to be held and they did not want any surprises. The Sub-Committee noted that complaints had been made by residents in relation to the most recent event held in the square, although the Sub-Committee also heard evidence from the Licensing Officer that these complaints were not made contemporaneously and so were not substantiated by any officers.

The Sub-Committee heard evidence from the Chief Executive of the Charterhouse Charity. The Sub-Committee noted that it was the desire of the Charterhouse to open up a green space to the wider community in an area where there was minimal public green space. The Sub-Committee heard evidence that the Charterhouse had meetings every 6 months with local residents and had provided contact email addresses to residents before an event held under a TEN. The Sub-Committee noted that the Charterhouse was only seeking the licence for 10 events per annum and would not be amplifying sound in the square. The Chief Executive confirmed that an event would be 1 day so the Charterhouse was seeking a total of 10 days per annum. The Sub-Committee noted that events would likely be in the summer months apart from one event on Bonfire night. The Sub-Committee heard evidence that Florin Court contributed to the upkeep of the surrounding roads not the square and that the Charterhouse was of the view that the deed did not prohibit the events sought.

The Sub-Committee was of the view that with the conditions agreed, the licence would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee noted that the Charterhouse was seeking to open a grassy space to more residents and locals. The hours of operation, with the licence being sought for only 10 days a year with a terminal hour of 10pm were well within the authority's framework hours. The applicant had agreed strict conditions in relation to the control of noise including conditions in relation to waste, deliveries and also a condition in relation to lighting. The Sub-Committee noted that a condition had also been agreed which required the Charterhouse to consult with police and the licensing authority at least 14 days before each event. The Sub-Committee was satisfied that the operating hours in combination with these conditions would minimise noise and still allow residents to use and enjoy the square. The Sub-Committee noted that conditions had been agreed in relation to supervisors at the event and the Sub-Committee was satisfied that these conditions would ensure sufficient security operations at the events. The Sub-Committee further noted that a condition had been agreed that if any third party was organising one of the permitted events in the square, a contract would be in place between the organiser and the Charterhouse.

The Sub-Committee concluded that the grant of the licence with the agreed conditions would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee considered Licensing Policies 2 and 3 in relation to cumulative impact, 6 in relation to operating hours, 7 and 8 in relation to high standards of management and 10 in relation to cultural spaces.

### **17 FORA, FIFTH FLOOR, 9 DALLINGTON STREET, LONDON, EC1V 0BQ - NEW PREMISES LICENCE (Item B2)**

The licensing officer stated that information from the applicant's legal representative had been sent to the members and interested parties. A resident had provided a document later than the 48 hour prior to the hearing deadline but as the applicant had agreed to its submission, it was shown to the Sub-Committee.

A resident raised concerns about the negative cumulative impact and public nuisance. She explained that the street had no other pubs or bars. The businesses there were a furniture showroom and desk based businesses. There were schools neighbouring the premises and

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apart from at the beginning and end of the day, the street was very quiet. It was also a very narrow street and there were only two trees and no grass so there was nothing to absorb the sound. Children's bedrooms were in very close proximity to Fora. These circumstances meant there would be a particularly adverse impact on this street.

The resident raised concern that granting a licence would change the character of the street. It was not just Fora members that could use the lounge and terrace but also up to three guests for each member and guests pre-registered to attend planned events. Concern was raised that 80 people could leave the building at the same time in the evening after having had consumed alcohol. Concern was raised about the effects on vulnerable people on the street, noise levels from the terrace, from people congregating to smoke outside, from deliveries and from the increased demand for taxis.

In response to a question from a member about the impact on the adjoining school, a resident advised that the parents had been very concerned about the application and many had put in representations. They were particularly concerned about inebriated people leaving the premises and those drinking on the terrace overlooking the school. One person who worked at the school and used Fora's facilities had submitted a representation in support of the application but the resident stated that this person's views were not shared by the parents.

The resident requested that if the licence was granted, it should only be granted between 5pm and 8pm Monday to Friday to enable children to sleep and residents' to have nuisance free evenings and weekends.

In response to a member's question, a resident confirmed that she had made complaints to both the council and Fora. She stated that the management at Fora were very responsive and there was a good working relationship with residents. The noise team stated that the council had not received any complaints in relation to Dallington Street.

The applicant stated that Fora primarily provided office facilities for those who wanted to rent workspace rather than rent their own building. Alcohol would be an ancillary feature and it was not anticipated that large volumes of alcohol would be sold. Currently the premises was 98% let. The manager stated that four or five complaints had been received in the last month in relation to the time of deliveries and waste collection. Management had worked to address these issues and would continue to do so. Some events had been held where alcohol had been provided free of charge and there had not been any complaints from residents then. Patrons were also able to bring their own alcohol and there had been no complaints from residents. Residents had been given the contact details of the managers and it was proposed that there be a litter pick four times a day and quarterly meetings held with residents.

The applicant advised that they were granted a licence for another branch of Fora a few months ago and there had been no issues. They had spent time with Dallington School and the school did not object and had space at Fora. 1.7m high planters had been placed all around the terrace to prevent overlooking so it was not possible to see into the school from the terrace.

A member asked whether information on Fora's website which stated that Fora offered "hotel like hospitality and members' club like service" was misleading when Fora was primarily an office space. The applicant's representative raised concern that this question was unfair as the information was not in the papers and he had not read information on the website. However, the applicant responded that this statement referred to all staff having been trained in hospitality and providing excellent service and professionalism.

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In response to a member's question about the mix of businesses using Fora, the applicant advised that there was a broad mix, ranging from design led to lawyers. Fora provided a premium offer and was more expensive than co-worker space. It had a professional tone.

In response to a question about the anticipated impact of alcohol being sold, the applicant advised that there would be no change to the event strategy of the last 8 months. Drinks for Fora members and talks from market leaders would still be used. All Fora members including those from Fora, Clerkenwell were welcome to attend and bring registered guests. Technology events were held. Fora management managed all events held. The applicant advised that the terrace was currently used and at 6pm the doors were shut. There had been no issues with this arrangement. If drinks were sold rather than given out, this could be less enticing.

In response to a member's question about whether the applicant would agree to an earlier closing time, the applicant advised that they had been running events without any noise complaints, the premises was run professionally and alcohol was currently consumed on the premises so they were reluctant to agree. However, the applicant's representative stated that they would prefer the licence was granted to a certain time than refused.

In response to a member's question about the management of smoking, the applicant advised that all Fora members had been emailed to ask that if there were more than 5 people outside the premises, that they disperse. The management swept up cigarette butts. If an agreement could be reached about the best place for people to smoke, this would be arranged.

In response to a member's question about seating on the terrace, the applicant advised that there was seating for 16 people. If there were more than 20 people out there, some were asked to go inside. The applicant confirmed that children could not see on to the terrace.

In response to a question as to why Clerkenwell Fora members would attend talks at Dallington Road, the applicant advised that talks were arranged at one of the Fora branches and members from both could attend. When an earlier application had been submitted, it requested that members from any Fora branch could attend but this had been reduced at the residents' request. The numbers that could attend talks were capped and Fora members had to register in advance.

In response to a member's question about light pollution, the applicant's representative stated that automated blinds had been ordered and were being specially built.

In summary, a resident stated that children could not sleep with noise from Fora. If the licence was to be granted, it was requested that it should only be between the hours of 5 and 8pm Monday to Friday.

In summary, the legal representative stated that during events staff stood outside to ensure residents were not disturbed. Events had been held under TENs and no complaints had been received. Residents had been provided with the contact details of management and if issues were raised, these would be dealt with immediately.

### **RESOLVED:**

That the application for a new premises licence in respect of Fora, Fifth Floor, 9 Dallington Street, London, EC1V 0BQ be granted

- 1) To allow the sale by retail of on sales of alcohol and recorded music from 12:00 until 15:30 and from 17:00 until 21:00 Monday to Saturday.

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- 2) Opening hours of the premises to be:- 07:00 until 23:00 Monday to Sunday.
- 3) To allow a residents lounge on the fifth floor, with an outside terraced area. In line with the planning permission the terrace is not to be used on a Saturday.

Conditions detailed on pages 187 to 189 of the agenda as amended by the conditions agreed with the noise team 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.

The Sub-Committee fully considered the agenda papers and noted the written objections outlined at pages 111 to 185.

The Sub-Committee noted that the applicant had agreed conditions with the police and noise team and that these representations had therefore been withdrawn.

The Sub-Committee heard evidence from residents that unlike many other streets in the area there were no pubs, bars or restaurants on Dallington Street. The area had furniture showrooms, residential premises or desk based businesses which shut at 6pm Mondays to Fridays. Apart from at the beginning and end of the school day the street was quiet. The Sub-Committee heard evidence that part of the street was exceptionally narrow and that children's bedrooms were very close to the premises. There were only two trees and no grass and so nothing to absorb sound which bounced off of buildings. The Sub-Committee noted residents' concerns that therefore a license would have a particularly adverse impact on this street. The Sub-Committee noted residents' concerns that the operating hours sought would change the nature of the street and that 80 people leaving the building at the same time after consuming alcohol would have a negative impact. The Sub-Committee heard evidence that there were vulnerable people in the area including children in the neighbouring schools and that noise would be created on the terrace and by people congregating outside to smoke. The Sub-Committee noted residents' concerns regarding deliveries, increased taxi use, refuse collections and the potential impact on residents and children. The Sub-Committee noted that, if a licence was to be granted, residents would prefer reduced hours of 5pm-8pm Monday to Friday.

The Sub-Committee heard evidence from the applicant that the building was used as office facilities and that it was at virtually maximum occupancy with 98% of the space let at present. The Sub-Committee noted that the application had changed following objections from residents and meetings between the applicant and residents. The Sub-Committee heard evidence that, for example, the mid-afternoon break in opening had come about following these discussions. The Sub-Committee noted that senior employees had given contact details to residents in the event of complaints and that there was a good working relationship between the applicant and residents. The Sub-Committee noted that the

applicant was of the view that the premises were unlikely to be used at full capacity and that the premises were primarily office space and not alcohol led. The Sub-Committee heard evidence that 1.7m of plants had been placed all-round the terrace so that no one could look into the school or adjacent buildings and that steps had been taken to restrict deliveries. The Sub-Committee noted that events had already been held where alcohol was consumed with no complaints.

The Sub-Committee was satisfied that with the conditions attached the grant of the licence would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the council's framework hours, however the Sub-Committee noted that the premises had agreed a condition providing for a 30 minute "drinking up" period. The Sub-Committee noted residents' concerns as to noise affecting children who, by the nature of the street, lived in very close proximity to the premises and were concerned that a terminal hour of 9.30pm plus the drinking up period would add to cumulative impact in the particular circumstances of this premises. The Sub-Committee was therefore of the view that the slightly reduced terminal hour of 9pm would better promote the licensing objectives and would not add to the cumulative impact in the area. The Sub-Committee noted that the premises were flexible use premises that supported people visiting the area during the day. The Sub-Committee noted that the applicant had agreed various conditions in relation to the dispersal of patrons, security arrangements, rubbish clearance and deliveries and that the terrace area would not be operated after 6pm. The Sub-Committee noted that the planning permission for the premises did not allow the terrace area to be used on a Saturday.

The Sub-Committee concluded that the grant of the licence with the reduced terminal hour and the agreed conditions would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee considered Licensing Policies 1 in relation to planning permission, 2 and 3 in relation to cumulative impact, 5 and 6 in relation to operating hours and 7 and 8 in relation to high standards of management.

**18**     **TEMPTATIONS, 25-27 Highbury Corner, Islington, London, N5 1RA - New Premises Licence (Item B3)**

The licensing officer advised that the applicant had agreed the conditions suggested by the police so the police representation had been withdrawn. The applicant had also agreed a standard match day condition that alcohol should not be sold on Sundays until 12pm. The applicant had agreed all but one of the noise team's suggested conditions.

The noise officer stated that residents were in very close proximity to the premises and numerous pubs and licensed premises in the area. The condition which had not been agreed by the applicant was that alcohol should only be sold ancillary to a meal. There was concern that without this condition, the premises could become alcohol led and become a bar.

The applicant stated that he was concerned about alcohol being sold ancillary to a meal as the premises was a small café and did not sell substantial meals. The noise officer stated that a small plate of food would meet the condition.

The applicant stated that he was not aware there was an issue with the planning use class as outlined in the officer report. He reported that the café had been operating as a café for 8 years and the current owner had had it for 1 ½ years.

The applicant stated that he was looking to diversify the business as a result of business rate increase. There would be no vertical drinking, there was currently seating for 14 people and extra seating would be introduced for small scale events. In response to a concern

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about refuse collection, the applicant stated that refuse was stored in a private alley and was collected between 5.30pm and 7pm.

The applicant advised that a strict Challenge 25 scheme would be implemented and the premises would not add to the cumulative impact. It would not be alcohol led and the only music played would be background music.

Following discussion with the noise officer, the applicant stated that he would be happy to accept the outstanding condition proposed by the noise team that alcohol be sold ancillary to a meal if the word "meal" was replaced by "food".

### **RESOLVED:**

That the application for a new premises licence in respect of Temptations, 25-27 Highbury Corner, Islington, London, N5 1RA be granted

- 1) To allow on sales of alcohol, Monday to Sunday from 11:00 until 22:30.
- 2) To allow off sales of alcohol Monday to Sunday from 11:00 until 23:00.
- 3) Opening hours of the premises to be:- 06:00 to 23:00 Monday to Sunday.

Conditions detailed on pages 226 - 228 of the agenda shall be applied to the licence. Condition 18 has been amended as agreed. The Licensing Authority's standard match day condition number 1 in relation to sale of alcohol on a Sunday has been applied as agreed.

### **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 Holloway Road and Finsbury Park 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.

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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee noted that the applicant had agreed conditions with the police so this representation was withdrawn. The Sub-Committee further noted that the applicant had agreed one of the licensing authority's standard match day conditions and that the applicant had agreed all but one of the conditions proposed by the noise team.

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The Sub-Committee had read the agenda papers and considered the objections outlined at pages 222-225.

The Sub-Committee heard evidence from the noise team that there were residents in very close proximity to the premises and numerous pubs and licensed premises in the area. The noise team confirmed that the one condition that had not been agreed with the applicant was that if alcohol was to be provided, it should be ancillary to a meal. The concern was that without this condition, the premises could become a bar and that this would add to the cumulative impact.

The Sub-Committee heard evidence from the applicant that the premises operated as a coffee shop and café and did not do substantial meals. The applicant had agreed that off sales should be ancillary to food but the applicant was concerned about a possible condition referring to "meals". After discussion between the applicant and the noise team in the hearing, the applicant agreed to a condition that alcohol would be served ancillary to "food". The Sub-Committee was satisfied that this dealt with their concerns in relation to possible use of the premises as a bar and also planning issues.

The Sub-Committee heard evidence from the applicant that a contract was in place in relation to refuse collection. The applicant acknowledged that the premises were in a cumulative impact area but stated that the premises were very small and were within the framework hours. The Sub-Committee heard evidence that the premises were not alcohol led and would operate a strict Challenge 25 policy.

The Sub-Committee concluded that with the addition of the agreed conditions the grant of a licence would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee concluded that the premises were not alcohol led and were within the framework hours of operation. The main activity of the premises was as a coffee shop and due to the size and nature of the business there was minimal risk of street drinking or alcohol related nuisance.

The Sub-Committee noted that conditions had been agreed in relation to dispersal, deliveries, CCTV, no vertical drinking and match day sales. The Sub-Committee was satisfied that with these conditions the license would promote the licensing objectives and would not add to cumulative impact. The Sub-Committee considered Licensing Policies 1 in relation to planning permission, 2 and 3 and 4 in relation to cumulative impact, 6 in relation to hours of operation and 7 and 8 in relation to standards of management and 15 in relation to selling alcohol on match days.

### **19 LE COQ EPICER, 1 CAMDEN PASSAGE, ISLINGTON, LONDON, N1 8EA - PREMISES LICENCE VARIATION (Item B4)**

The licensing officer had no updates for the sub-committee. The chair stated that although there were no objectors present, there had been written objections.

The applicant stated that he wanted to sell alcohol by the glass with a cheeseboard or charcuterie in response to requests from customers. The applicant confirmed that he only served French wine and no beer or spirits and that he did not intend to turn the premises into a pub. Tables would be cleared at 7.30pm. Once a month he held a wine tasting event and there had been no complaints about these. The landlord lived upstairs and had not complained. The applicant's representative stated that the applicant was in the second year of running the business and it was an upmarket French delicatessen. The licence would not

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change the atmosphere of Camden Passage. The starting price of a glass of wine would be about £8 and a cheeseboard cost about £20.

The licensing officer advised that the conditions on the current licence would apply with Condition 1 from Annex 1 removed and Condition 2, Annex 2 amended.

In response to a question from a member about the narrow pavement and how accidents would be prevented, particularly if customers were inebriated, the applicant explained that the chairs outside would be very close to the shop and there was a bollard in front so a car would not be able to mount the pavement there. There was currently one table outside and cheeseboards had been served to those at this table for the last two years without any problems. The applicant's representative explained that the premises operated at a relaxed rate, there would be no vertical drinking and it would not be in the applicant's interest to allow customers to become inebriated. There would be seating for four people inside and four people outside. 14 people could be accommodated for wine tastings.

### **RESOLVED:**

That the application for a premises licence variation in respect of Le Coq Epicer, 1 Camden Passage, Islington, London, N1 8EA be granted

- 1) To remove the restriction for the provision of on sales to pre booked wine tasting events only to allow the premises to sell wine by the glass on the premises, as ancillary to food such as cheeseboards or other food platters.

Conditions detailed on page 250 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 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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee noted that the applicant had agreed conditions with the police. The Sub-Committee had read the papers and noted the objections outlined on pages 248 and 249.

The Sub-Committee heard evidence from the applicant that he wished to sell wine by the glass with a cheeseboard or charcuterie board. The applicant confirmed that he only sold French wine and no beer or spirits and that he would never turn the premises into a restaurant or pub. The Sub-Committee heard evidence that over the last year once a month the premises were holding events with 14 people in the shop and that there had been no complaints. The Sub-Committee heard evidence that the applicant would be selling glasses of wine from around £8 per glass and a cheeseboard from around £20 and that the applicant had no desire to bring crime or drunk people to his shop.

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The Sub-Committee noted that it was the intention of the applicant to have a maximum of 8 seated covers, 4 inside and 4 outside, with no vertical drinking. The applicant confirmed that he had been serving cheeseboards outside the premises for 2 years without a problem and that the issue of tables outside had been raised with the police with no concerns expressed.

The Sub-Committee concluded that the size of the premises and hours of operation, combined with the nature of the premises which were not wholly alcohol led, meant that the grant of the variation to the licence would not add to the cumulative impact and would promote the licensing objectives. The Sub-Committee noted the conditions agreed with the police that there would be no vertical drinking, wine by the glass would be sold only as ancillary to food and all external tables and chairs would be cleared and removed by 7.30pm. The Sub-Committee was satisfied that with these conditions the variation to the licence would promote the licensing objectives.

The Sub-Committee considered Licensing Policies 2 and 3 in relation to cumulative impact, 6 in relation to opening hours and 7 and 8 in relation to standards of management.

The meeting ended at 10.10 pm

**CHAIR**