

Licensing Sub Committee B - 9 February 2021

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 9 February 2021 at 6.30 pm.

Present: **Councillors:** Phil Graham, Marian Spall and Nick Wayne.
Also **Councillors:** Una O'Halloran.
Present:

Councillor Phil Graham in the Chair

214 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Phil Graham welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced herself, the applicant and the interested parties. The procedure for the conduct of the meeting was outlined.

215 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Vivien Cutler and Councillor Matt Nathan.

216 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Nick Wayne substituted for Councillor Vivien Cutler and Councillor Marian Spall substituted for Councillor Matt Nathan.

217 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

218 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

219 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 19 and 24 November 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

220 MAISON BLEUE, 19 CALABRIA ROAD, N1 1JB - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that further comments had been received from the interested parties had been circulated. Representations 5, 11 and 12 had been withdrawn.

The interested parties raised objections. It was stated that the provision of off sales would cause a public nuisance. There were plenty of outlets in the area and there

was no reason to introduce another one. Further information was requested about the amount of food served with alcohol and there was concern about the take away provision from 9 am to 9pm. Further concerns were raised about the noise and nuisance from delivery bikes and drivers up until 9.30pm at night. It was stated that this was a heavily residential area and it was not an appropriate use seven days a week. A further resident stated that there would be noise and disturbance on the pavement area directly outside the premises from patrons and echoed the concerns about delivery drivers. There was also concern raised about how patrons outside would be policed. They asked how many tables would be allowed outside. A resident stated that planning permission had been refused on appeal and raised concerns that this was a quiet resident area. People who had purchased alcohol inside would sit on the planters to drink the alcohol. It was a low traffic neighbourhood and delivery drivers would become a problem. There was a problem with rubbish being left around the area.

In response to questions, it was noted that there was no room for bins so rubbish was left around. There was a concern for the future use as no delivery bikes were currently being used, the premises did not operate in the evening and food would change if alcohol was to be served.

The applicant's representative stated that this was a comprehensive application with conditions agreed with the police and the noise team as detailed in Appendix 4. This was a deli/café which wished to supply alcohol with food. There would not be sales of alcohol every day, but just at events. There had been a two hour decrease in hours requested and the premises would be closed at 7.30pm with the sale of alcohol terminal hour of 7pm. The Chair of the Highbury Fields Association had withdrawn their rep. Planning permission was not required. It was desirable to have a licence as there would be a control with conditions. Representations reflected the fear of the unknown but the Licensing Act stated that it must be the impact on the licensing objectives. The behaviour of other people was not relevant to this application. Alcohol would be served to customers seated inside the building. The pavement area did not fall within the application. It was stated that the premises would enhance the area. The application was consistent with the licensing policy and met all the risks for the licensing objectives. The applicant stated that the application was being made as customers were asking for wine with food. She understood the concerns but considered that her customers did not make a mess in the street. There was a high price point for a bottle of wine.

In response to questions, it was noted that food would be served inside only and events would be inside. There were two tables for coffee. It was the intention to keep the premises as a deli/café. It was stated that there were tables outside in the summer, during lockdown, with the permission of the council. She would not have them back again. It was intended to offer a small selection of wine. They had a small menu that changed weekly and a bottle of wine could be purchased if food was purchased from the menu. It was proposed to have small tapas for events in the future. Wine would be behind the counter, behind the till. It was a premises that sold good food and was not a wine shop. No deliveries were planned. Wine

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would be priced at around £25 - £30 a bottle. Spirits or beers would not be sold. Football supporters were not the clientele of the premises.

The licensing officer clarified that the section of pavement alongside belonged to the premises and not Highways.

In summary, the residents raised concerns that the applicant could expand in the future and more food would bring more rubbish with it. The applicant's representative stated that there had been no opposition from the responsible authorities. Objections had to be relevant and evidenced. The premises could not be judged until it had started operating. The applicant stated that she understood the concerns. She did not propose to have food outside and would not disturb neighbours.

RESOLVED

- 1) That the application for a new premises licence, in respect of Maison Bleue, 19 Calabria Road, N1 be granted to allow:-
 - a) To allow the sale of alcohol, off supplies, from 9am until 7pm Monday to Sunday
 - b) To allow the sale of alcohol on supplies from 11am until 7pm Monday to Sunday.
 - c) Opening hours from 9am until 7.30 pm Monday to Sunday.
- 2) Conditions detailed on pages 74 and 78 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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 noted that thirteen local resident objections had been received but at the time of the hearing three of those objections had been withdrawn. There were five residents in support of the application. There had been no representations made by the responsible authorities following conditions being agreed by the police and the noise team.

The Sub-Committee noted that the applicant had reduced the hours sought from 9pm to 7pm and that these were within the hours specified in licensing policy 6.

The Sub-Committee heard evidence that local residents were concerned about noise levels especially from outside music, delivery drivers and outside seating. Local

residents stated that the area was a quiet residential area and not appropriate for a licensed premises. The Sub-Committee heard evidence that outside tables and chairs used by the premises were already causing disruption and that a lot of rubbish was left in the area.

The Sub-Committee heard from the applicant and her representative. The Sub-Committee heard evidence that the premises was only intended to be used as a deli/café and that the applicant had no intention to turn the premises into a pub or bar. The conditions offered and agreed tied the premises to a deli/café offering. The applicant stated that she wanted to give a good service to the community and was not trying to destroy the peace. The Sub-Committee heard evidence that the alcohol offering would be expensive bottles of wine starting in price at £25 or £30 and that the on licence would be for future wine promotions where food would be part of the promotion. The applicant stated there was no intention to have deliveries or to allow alcohol to be consumed outside.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management.

The Sub-Committee was satisfied that the reduced hours and the agreed conditions were sufficient to tackle the residents' concerns regarding noise, particularly in view of the applicant's evidence that she would not have deliveries or alcohol outside.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

221 HIGHNESS CAFE AND TEA ROOM, 21A Highbury Park, N5 1QJ - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that a response from the applicant to the objector had been received and circulated. Conditions had been agreed with the noise officer.

The objector was not present at the meeting.

The applicant stated that the local business had outlined two main objections, unfair competition and an increase in crime and disorder. Conditions had been agreed. Where a licence was not granted due to unfair competition it would mean other business would have a monopoly as there would be no opportunity for new businesses. It was noted that the other business was completely different. In response to crime and disorder concerns, conditions had been agreed with the police. The applicant stated that he had grown up in Islington and this had been a family business for nearly ten years. The shop was like their home and he would not want anything to change that.

In summary, the applicant's representative stated that all information had been set out in the document provided.

RESOLVED

- 1) That the application for a new premises licence, in respect of Highness Café and Tea Room, 21a Highbury Park N5 1QJ, be granted to allow:-
 - a) To allow the sale of alcohol, on supplies only, from 8am until 10pm Monday to Sunday.
 - b) Opening hours to be from 8am until 10.30pm.
- 2) Conditions detailed on pages 106 and 107 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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.

One local business objection had been received and the interested party did not attend. There had been no representations made by the responsible authorities after conditions had been agreed with the police and the noise team.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee noted that the objector had raised two points, one concerning crime and disorder and the other relating to unfair competition. There was no evidence before the Sub-Committee that there would be any impact on the licensing objective for the prevention of crime and disorder. The objection relating to unfair competition did not appear to have any relevance to the promotion of the licensing objectives.

The Sub-Committee was satisfied that granting the premises licence with the agreed conditions was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

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PASTA EVANGELIST, 107 CANEVALE HOUSE, BLUNDELL STREET, N7 9BN - PREMISES LICENCE VARIATION (Item B3)

The Sub-Committee noted that this application had been withdrawn by the applicant.

223

CLUB GLAM, 256-260 OLD STREET, EC1V 9DD - NEW PREMISES
APPLICATION (Item B4)

The applicant asked for an adjournment as there was still some discussion to be held with the police regarding a proposed condition. The Licensing Authority and the Police had no objection to the request for the adjournment. The applicant stated that it would be acceptable if the item could be heard within the next few weeks.

RESOLVED

That the item be adjourned to an additional Licensing Sub-Committee B on the 2 March 2021.

The meeting ended at 7.50 pm

CHAIR