

Licensing Sub Committee B - 1 June 2020

Minutes of the meeting of the Licensing Sub Committee B held at by Zoom on 1 June 2020 at 6.30 pm.

Present: **Councillors:** Phil Graham, Marian Spall and Nick Wayne

Councillor Phil Graham in the Chair

136 INTRODUCTIONS AND PROCEDURE (Item A2)

Councillor Phil Graham welcomed everyone to the meeting and introduced members of the Sub-Committee and officers. The licensing officer introduced the applicant's representative and the applicant. The procedure for the meeting was outlined.

137 APOLOGIES FOR ABSENCE (Item A3)

Apologies for absence were received from Councillors Cutler and Nathan.

138 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A4)

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

139 DECLARATIONS OF INTEREST (Item A5)

There were no declarations of interest.

140 ORDER OF BUSINESS (Item A6)

The order of business would be as set out in the agenda.

141 MINUTES OF PREVIOUS MEETING (Item A7)

RESOLVED:

That the minutes of the meeting held on 29 April 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

142 TAYER AND ELEMENTARY, 152 OLD STREET, EC1V 9BJ - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that the dispersal policy, a plan of the seating area, menus and press reviews had been circulated to members.

The licensee's representative stated that the applicant was one of the best mixologists in the world and the premises, which had opened in May 2019, served cocktails with snacks, meals or with a tasting menu. His business partner had introduced a policy on equalities and anti-bullying. The application was for one extra hour of trading on Thursday, Friday and Saturdays with general off sales and

also to an external seating area. The application for tables and chairs was currently on hold. He stated that the exception to the cumulative impact policy was found for the previous application for a new licence. This was a premises that supported people visiting the area during the day and to stay in the area in the evening as set out in the policy. The applicant had joined Pubwatch. There had been no representations from the responsible authorities. There would be 80 customers inside and 20 outside the premises. He stated that, as outlined in Licensing Policy 2, the applicant was able to demonstrate high standards of management and that the operation would not add to the cumulative impact. He asked that the Sub-Committee consider the principle of flexibility in the approach to licensing hours to minimise the impact of all customers leaving the premises at the same time. He stated that the dispersal policy had been circulated which had been approved by the licensing authority and the police and had taken into account the later hours. The review procedure was available to the resident and the Sub-Committee needed to consider whether the premises would add to the cumulative impact. There had been no issues that had arisen, either directly or indirectly, from the premises. The quietness of the area due to Covid 19 was a reason to grant in order to support the hospitality industry.

In response to questions the applicant stated that it was proposed that tables and chairs would be rendered unusable at 11pm. He stated that there had been no issues with customer behaviour inside since May 2019 and he considered that there was no reason that patrons would behave differently outside the premises. He advised that any off sales, except at the seating area, would be in sealed containers. He also advised that customers would not be permitted to drink outside except for at the seating area. The seating area would be on the Old Street side of the premises.

In summary, he advised that the premises was good for the community. He considered that condition 5 could remain as the original, although condition 13 would need to be amended to include the external seating area.

RESOLVED

- 1) That the application for a premises licence variation, in respect of Tayer and Elementary, 152 Old Street, EC1V 9BJ be granted to allow:-
 - a) the sale of alcohol, off supplies, from the start of permitted hours until 10 pm to persons sat at tables in the designated seating area.
 - b) To allow the sale of alcohol, off supplies from the start of permitted hours until 11pm in sealed containers to consume away from the premises.
 - c) To extend the permitted hours for the sale of alcohol (on supplies only), the provision of late night refreshment and the playing of recorded music by one hour from midnight until 1am on Thursdays, Fridays and Saturdays.

Licensing Sub Committee B - 1 June 2020

- d) To allow the premises to be open to the public for one extra hour on Thursday, Friday and Saturday until 01.30am.
- e) That conditions as detailed on pages 38 and 39 on the agenda shall be applied to the licence with the following amendments:-

Condition 13 on the current licence as detailed on page 39 of the report to read.

- Save for the external seating area, patrons permitted to temporarily leave and then re-enter the premises (eg to smoke) shall not be permitted to take drinks or glass containers with them.

An additional condition to read.

- All tables and chairs shall be taken out of use and rendered unusable by 22:00 hours.

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 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.

One local resident objection had been received. There had been no representations made by the responsible authorities. The Sub-Committee noted the local resident's concerns regarding a possible increase in noise, anti-social behaviour and littering.

The Sub-Committee heard evidence that the premises had been operating since May 2019 with no complaint or incidents. The Sub-Committee noted that an application had been made for a tables and chairs licence but this had not yet been decided. The Sub-Committee heard evidence that the premises fall within the exceptions set out in the cumulative impact policy including that they want to encourage people to come and stay in the area. The Sub-Committee noted the detailed dispersal policy provided by the premises and heard evidence in relation to the proposed use of an SIA door supervisor and the potential for staggered leaving times. The Sub-Committee noted that the tables and chairs would be on the Old Street side of the premises.

Licensing Sub Committee B - 1 June 2020

The Sub-Committee was concerned that allowing the outside tables and chairs to remain in use until 11pm, as applied for, could create a nuisance to residents in the area. The Sub-Committee balanced the amenity of residents with the needs of the business and concluded that, in all the circumstances, a condition requiring the tables and chairs to be rendered unusable by 10pm was the fairest balance between the residents and the business, particularly as the Sub-Committee was prepared to grant off sales in sealed containers for consumption off the premises until 11pm.

The Sub-Committee considered licensing policies 5 and 6 in relation to licensing hours and licensing policies 7 and 8 in relation to high standards of management.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

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.

The meeting ended at 7.15 pm

CHAIR