

**Licensing Sub Committee A - 9 September 2021**

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

**Present:**      **Councillors:**      Phil Graham, Angela Picknell, Marian Spall, Ben Mackmurdie and Flora Williamson

**Angela Picknell in the Chair**

- 142      **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Angela Picknell welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 143      **APOLOGIES FOR ABSENCE (Item A2)**  
Apologies for absence were received from Councillors Nick Wayne, Anjna Khurana and Dave Poyser.
- 144      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Angela Picknell substituted for Councillor Nick Wayne for the meeting, Councillor Marian Spall substituted for Councillor Anjna Khurana and Councillor Phil Graham substituted for Councillor Dave Poyser for Item B1. Councillor Ben Mackmurdie substituted for Councillor Anjna Khurana and Councillor Flora Williamson substituted for Councillor Dave Poyser for Item B4.
- 145      **DECLARATIONS OF INTEREST (Item A4)**  
There were no declarations of interest.
- 146      **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda. It was noted that Items B2 and B3 had been withdrawn from the agenda.
- 147      **MINUTES OF PREVIOUS MEETING (Item A6)**  
**RESOLVED:**  
That the minutes of the meeting held on 6 July 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 148      **THE PEEL INSTITUTE, 3 CORNERS CENTRE, NORTHAMPTON ROAD, EC1R 0HU - NEW PREMISES TRANSFER (Item B1)**  
The licensing officer reported that the application was for the sale of alcohol and recorded music from midday until 9.30pm and up until 11pm for no more than two events a month. The applicant had invited the residents to a meeting to discuss the

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application and one resident had attended. An email had been sent with the change of hours and with conditions proposed. All 15 residents maintained their objection. To clarify, the licensing officer confirmed that an email had been sent with the amended hours and with conditions proposed.

Two residents spoke in objection to the application. The first resident stated that this was an application for a members' entertainment club with an alcohol licence in the guise of a cookery school. He considered that alcohol and the playing of music was incompatible with studying. He had found no qualified teacher or chef associated with the premises and there were no certificates issued. He stated that the website photos indicated that there was a high proportion of students would be Muslim and who were forbidden alcohol. If this was a cookery school the application should not be granted. The premises was close to a block of flats and thirty customers consuming alcohol up until 9.30 or 10pm each evening would be noisy and on event days twice a month until 11 or midnight would be very noisy. The premises was not purpose built to retain noise and music would be audible. A condition regarding ambient background levels of music would not be enforceable. He considered that students could pay more for the lessons rather than the alcohol and they did not need the 24 events each year. In the last financial year the business received a net profit of £100,000 and it could carry out charitable activities without an alcohol licence. A second resident stated that he worked in a building where the office already had noise from the playground which could be distracting. A noise survey had been carried out which stated that, as this area was so quiet, noise rarely exceeded 50 decibels and noise from traffic would be higher at 65 decibels. Recorded music in an evening would be intrusive and a condition to keep doors and windows closed at all times would be impossible to maintain. Bass music would be a problem. The resident was less concerned with the sale of alcohol. The purpose of the charity was a good one and he had an increasing degree of confidence in the applicant but he was concerned about the noise levels particularly as this was such a quiet area and low levels of noise could be disturbing.

In response to questions, it was noted that one of the residents present at the meeting attended the resident meeting. The resident who attended was encouraged that the venue would be well run but was seeking assurance about the background noise. He did experience playground noise but was concerned about the duration of the noise.

The applicant stated that he had worked as a chef for ten years and had been a cookery teacher for five years. The Head of Operations stated that he had not received a noise complaint in this time. They had chefs from around 50 countries and would not serve alcohol if chef was not comfortable to do so and had a diverse group of about 12 staff. Any profit was being invested in refurbishment and would also help the charity to become financially viable in the long term. Classes were to be held from 6.30pm to 9pm and last orders were likely to be from 8.30pm. A glass of wine could then be served with the class. The music would not be loud and would be background. A phone number would be available and he would meet with residents if there was a problem. They wanted to be good neighbours. All conditions were accepted. There would be 24 cooking stations and classes would not exceed

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30 persons including staff. It was likely to be 14 persons. The windows would be closed and sound levels would not be any louder than music from adjacent flats. Music could not be played if the windows needed to be open.

In response to questions, it was noted that the charity issued certificates but these were not accredited. The charity started at cafes and had grown. The premises would not be a bar and alcohol offered would only be a glass or two of wine and people would not be drinking heavily.

In summary, a local resident stated that the activities were worthy but the applicant had not addressed why the sale of alcohol or music were necessary for the cookery school. In addition, the 24 events per year had not been addressed. A second resident stated that he was supportive of the charity and welcomed discussion with neighbours. He remained concerned about the constant noise as sound carried and a phone number for residents may not be enough.

The applicant stated that the bass would be turned down. Classes lasted 2 ½ hours and music/alcohol would not be for all classes. There were to be a maximum of two events per month and it was not expected that the hours applied for would be used but they required the flexibility of the hours requested. They were not sure what these events would be but would be in keeping with the cookery school e.g. graduation ceremonies. Islington Council was the landlord and would also have some control over these events if necessary.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of The Peel Institute, 3 Corners Centre, Northampton Road, EC1R 0HU, be granted to allow:-
  - a) The provision of recorded music from 12 noon until 9.30pm for cookery classes and from 12 noon until 11pm Monday to Friday for events of no more than 24 a year.
  - b) To allow the sale of alcohol on the premises from 12 noon until 9.30pm, Monday to Sunday and from 12 noon until 11pm for no more than 24 events a year.
  - c) The premises to be open to the public, Monday to Sunday from 9am to 11pm.
- 2) That conditions detailed on pages 38 to 41 of the agenda be applied to the licence.

### **REASONS FOR DECISION**

This meeting 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

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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 Clerkenwell 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.

Fifteen local resident objections had been received. Conditions had been agreed with the Licensing Authority, Noise Team and Police.

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

The Sub-Committee heard evidence from two local residents. One resident expressed concern that the consumption of alcohol and playing of music was incompatible with studying and learning. The resident expressed concern regarding possible noise at the premises, stating that the building was not purpose built to retain noise and that music would be audible to neighbours. A second resident stated that he was less concerned the serving of alcohol but was very concerned about noise. He attended a meeting arranged by the applicant at the premises and stated that the staff were very helpful and gave him an increasing degree of confidence but he remained concerned that noise would be disturbing to neighbours as it was a quiet area. He was also concerned about the duration of any possible noise.

The Sub-Committee heard evidence from the applicant that he had worked as a chef for ten years and had taught for five years for various different charities. The Head of Operations stated that the charity had won lots of awards for cookery classes which had mainly taken place in different cafes over the past few years. The cookery classes were run by different chefs from different countries and alcohol would not be served at any class where the chef did not feel comfortable to do so. The charity had been able to make money during lockdown and this had been reinvested. The selling of alcohol would allow the charity to remain a viable ongoing concern and any surplus was reinvested into the charitable objectives. Most of the cookery classes would end at 9pm and music would never be too loud as the chefs had to talk over the top of it. The applicant was concerned to ensure that no neighbours were disturbed by noise and would be putting a landline telephone into the room so that neighbours could call them directly if there was a problem. The room had 24 cooking stations and it was anticipated that classes would have an average of 14 people. The Head of Operations confirmed that they had asked for a maximum of two events per month to give the charity flexibility for events such as their launch party, graduation ceremonies or occasional meet ups for chefs. They did not anticipate that they would use all the extra hours.

The Sub-Committee concluded that the granting of the licence with the reduction in hours requested by the applicant and the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the reduced 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 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.

**149 FANCY DELIVERY, 21 PARKFIELD STREET, N1 0PS - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that this item had been withdrawn from the agenda.

**150 VIVA LA PIZZA, 367 HOLLOWAY ROAD, LONDON, N7 0RN - TRANSFER OF PREMISES LICENCE (Item B3)**

The Sub-Committee noted that this item had been withdrawn from the agenda.

**151 PARADISO DESI RESTAURANT, 230 HORNSEY ROAD, N7 7LL - NEW PREMISES LICENCE (Item B4)**

The licensing officer reported that a resident had sent in an email which was received at short notice and was unable to be referenced this evening.

The licensing authority stated that the applicant had accepted conditions with the police regarding CCTV and no vertical drinking. She considered that the rear garden should be closed at 9pm. Regulated entertainment had not been applied for. Planning issues had been resolved but it was considered that the premises should only operate until 11pm in line with planning consent. The applicant would then need to apply for planning consent for additional hours on Friday and Saturday. The licence had been previously applied for and refused so the Sub-Committee must be satisfied regarding the standards of management and that the premises would uphold the licensing objectives and not cause a nuisance to residents. In response to a question it was noted that planning permission regarding the frontage had now been resolved but the hours applied for were beyond the planning consent hours.

Three local objectors spoke against the application. It was stated that the rear doors were not sound proofed and customers entering in and out, next to Thane Works, would cause a noise nuisance as it had in the past. Barbecues and drinking in the street had been a previous issue. A second resident stated that the last application had been refused due to the lack of experience of the applicant and she did not consider that further experience would have been obtained during lockdown. The father of the applicant was managing two other premises in the area which were rowdy and the female manager would find it difficult to manage male establishments. This was a very narrow premises and would not be family friendly as there would be nowhere to park. There was already a premises at the rear that did not stop at 9pm in the garden, although it was granted until this time, and the resident was concerned that this would happen again. The noise bounced off the

walls and could be heard clearly. A further resident stated that the noise could not be controlled already and this would be one more premises which would make it worse. Residents had been threatened by patrons. It would be difficult for women to control this behaviour. Noise from other premises funnelled along the rear. The Chair reminded residents that they would need to talk about the issues regarding this application and not about the behaviour of patrons from other premises.

The applicant's representative stated that late night refreshment was requested for Friday and Saturday only. There was no regulated entertainment applied for. The applicant had proposed the majority of conditions and two others had been accepted from the police. An application had been made to the planning authority for an extension of hours and the Sub-Committee were asked to note that licensing and planning were separate regimes. This was an application for a restaurant. The police requested that there be no vertical drinking and this was agreed. Music would be at a background level and no speakers would be allowed in the outside area. A launch party was held under TENs which did attract attention but this was not a reflection of how the restaurant would be trading. The applicant had experience in a university bar and the DPS had relevant experience at the Emirates, Wetherspoons and Stonegate since 2011. They would run the premises competently. There was a dispersal policy and objectors could not say that issues that occurred at other premises would happen here. It had not been open except for two days with TENs. The planning issues had been dealt with. This was not a bar. They would not want the rear garden to be closed at 9pm. It was a small seating area with room for no more than eight people. The Environmental Health team had not raised any issues and they were the experts. Many measures had been put in place and he asked that the application be granted.

In response to questions, the applicant's representative stated that the proposed conditions would mitigate the cumulative impact. There was a two hour turn around for meals as they did not want patrons to linger. The dispersal policy was comprehensive for a restaurant. There would be no speakers outside and outside areas would be supervised. The music played would be background level only and he did not consider that this would have an impact on the local area. The objections were based on an assumption. The applicant did not consider there was a concern about the rear garden being open up until 11pm. This had been discussed with the Environmental Health team and had not considered that there would be a problem. He considered that a 9pm closure was too early. This was a restaurant and walls were covered with foliage to dampen the sound. Sound proofing in the premises was not considered necessary as this was a restaurant with background noise. There would be a contact telephone number placed inside the premises for residents and would be made available on request.

In response to questions, the applicant's representative stated that a gate at the rear, referred to in the representations, must refer to a different premises. For clarification he confirmed that the hours applied for were for the sale of alcohol 11.30am to 11pm Sunday to Thursday with an extension to midnight on Friday and Saturday and late night refreshment until midnight on Friday and Saturday. On the

day preceding a Bank Holiday the hours would reflect those requested for a Saturday. Opening hours would commence at 9am.

In summary, the residents stated that this may appear to be a restaurant but selling large amounts of alcohol led to raucous conversation, would disturb people in the area and would make their business difficult to pursue when they needed peace and quiet. They stated that they could hear noise already and it would seem that the premises would be having a BBQ party every night. The foliage was plastic and would not prevent noise escape. The rear door was the type to remain open. There was a concern that the premises would start off as a nice restaurant but would turn into a vertical bar.

The applicant's representative stated that residents could not look at the other premises for problems when looking at this application. The restaurant would be a good addition to the local area and he asked that the Sub-Committee grant the application.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Paradiso Desi Restaurant, 230 Hornsey Road, N7 7LL, be granted to allow the sale of alcohol, for consumption on the premises from Monday to Sunday 11:30 am until 11 pm.
- 2) That conditions outlined on pages 161 to 164 of the agenda be applied to the licence with the following amendments:-
  - a) Deletion of 11d
  - b) External seating areas must be cleared and closed by 21:00 hours every day (Replace proposed condition 25).
  - c) Tables and chairs in the external areas of the premises shall be rendered unusable by 21:00 hours every day. (Replace condition 33).

### **REASONS FOR DECISION**

This meeting 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 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.

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Five local residents and two local businesses objected to the application. Conditions had been agreed with the Police and Noise Team. The Licensing Authority representation remained.

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

The Sub-Committee heard evidence from the Licensing Authority that it was satisfied with condition 11 in respect of alcohol being served ancillary from food and there would be no vertical drinking. The licensing authority remained concerned regarding public nuisance in particular that the rear garden should be closed by 9pm. The planning issues had been resolved but the premises could only operate until 11pm and it was the Licensing Authority's view that licensable activities should only be granted until 11pm in line with planning. The Licensing Authority confirmed that there were no issues with planning permission for the frontage of the premises.

The Sub-Committee heard evidence from three local objectors concerned about noise from the premises. The first objector was concerned that the rear doors of the premises were not sound proofed and that garrulous and raucous conversation would cause a disturbance. There were a lot of residential properties in the vicinity of the premises and the area would take a turn for the worst with more drinkers and noise from the garden. The second objector expressed concerns about the management style and that residents would be disturbed by noise at the back of the premises. Noise bounced off the walls and could be heard really clearly. There was a problem in the area with groups of men loitering outside licensed premises. The third objector expressed concern that the Local Authority and the Police could not control the nuisance caused by existing premises and that one more premises would be another nail in the coffin for the area. Noise from the premises rang out and was funnelled along the masonry walls. The Sub-Committee noted the issues that had been raised by residents in their objections around noise and disorder from the premises launch party covered by a TEN.

The Sub-Committee heard from the applicants' representative that there were inaccuracies in the report in the agenda papers. Late night refreshment was sought on Friday and Saturday only, there was no regulated entertainment and the applicant had proposed the 38 conditions rather than the responsible authorities. In relation to planning the premises had always had A3 planning consent and an application had already been lodged to extend the permitted hours. The applicants' representative confirmed that the premises was a restaurant and not anything else. In discussions with the police the applicant had agreed to remove the ability to have people waiting for a table at the bar. Music would only be at an ambient background level and there were no speakers outside. The premises had not been trading other than under two TENs. Music was played at the launch party but this would not be typical of the operation of the premises. The applicant had experience working in a university bar and the DPS had experience working at the Emirates, Wetherspoons and Stonegate. The premises had a comprehensive dispersal policy and what happened at other premises in the area was not reflective of what would

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happen here. The applicants' representative confirmed that the applicant disagreed that the outside area needed to close at 9pm, the area was very small and could fit no more than eight people and the Environmental Health Team had no issues. There were many conditions regarding noise and it would be no worse than people sitting in the garden. The outside area was surrounded by a high wall covered in foliage to dampen noise. The premises would have a contact telephone number visible outside the premises for any neighbours who experienced noise problems.

The Sub-Committee noted that although the applicant had submitted a planning application in relation to the permitted hours, this had not been determined yet and planning only permitted use until 11pm. The Sub-Committee was aware that the Planning and Licensing regimes were separate but noted that residents were extremely concerned about noise late at night, especially following the launch party at the premises, and was not satisfied that the conditions proposed would protect the amenity of residents in light of the later hours sought on Fridays and Saturdays. The Sub-Committee therefore concluded that, balancing the needs of the business and local residents, it would be proportionate and appropriate to grant the licence in line with the planning consent currently in place.

The Sub-Committee was concerned that allowing the premises to use the external area at the rear until 11pm every night would cause excessive noise disturbance to neighbours in a quiet residential area. Although the applicant had agreed that there would be no speakers outside, and had covered the walls with foliage, the Sub-Committee noted the neighbours' fears that noise would funnel out of the rear garden and affect their amenity. The Sub-Committee therefore concluded that it was proportionate to render the rear garden unusable at 9pm so that residents would not be disturbed late at night, potentially every night.

The Sub-Committee concluded that the granting of the licence with the agreed conditions and the reduced hours 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 and reduction in hours, meant that the premises would not add to the cumulative impact.

The meeting ended at 8.45 pm

**CHAIR**