

**Licensing Sub Committee C - 5 July 2022**

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 5 July 2022 at 6.30 pm.

**Present:**      **Councillors:**      Phil Graham, Anjna Khurana and Heather Staff

**Councillor Phil Graham in the Chair**

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

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

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

None.

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 21 April 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**7      MR CHANS, 21 CLERKENWELL ROAD, EC1M 5RD - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that the police had agreed conditions with the applicant but this was subject to an amendment to the hours proposed. The noise team had also agreed conditions.

The licensing authority stated that the applicant had not put forward any mitigation in their application. The application was sparse and they had not completed section 18 which should form the basis of licence conditions. They had not stated why they would need to operate until 3am and the licensing authority asked that, should the Sub-Committee be minded to grant, the hours should be framework hours. The police stated that they had offered the conditions but the hours proposed were well

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outside framework hours and no mitigation had been provided. The applicant had agreed the conditions once they had been offered to them. During engagement with the applicant, the core hours had been explained and he had been asked if he wished to amend the application.

In response to questions, the licensing authority stated that the application was not incomplete but the applicant had not set out how they intended to operate. The responsible authorities did not know if they would operate to the highest standards of management. The police stated that if the applicant had reduced the hours to core hours they would not have objected to the application.

The applicant stated that he wanted the increased hours as they had made a loss over the past year. This was a takeaway business and they would not be selling alcohol. Customers would not make noise as they would order over the phone. There would be no noise disturbance to residents.

In response to questions it was noted that most delivery riders used electric bikes. They were unable to park directly in front of the shop due to the position of the traffic lights. He had not completed the application in full for fear of doing it incorrectly. He was aware that the objections had been mainly about noise and agreed to a condition to ensure that all deliveries would be made by non-motorised vehicles.

The licensing authority was concerned that the applicant did not show a great understanding of the licensing policy or objectives and if the Sub-Committee was minded to grant the application it should be within core hours. The police agreed with this summary.

The applicant stated that if the licence be granted until 2am, this would be a huge help for the business. They would ensure they mitigated any noise and not disturb the residents.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Mr Chans, 21 Clerkenwell Road, EC1M 5RD, be granted to allow:-
  - a) The sale of late night refreshment Sundays to Thursdays from 11pm until midnight and Friday and Saturdays from 11pm to 1am.
  - b) The premises to be open to the public Sunday to Thursday from 11.30 am until midnight and Friday and Saturday from 11.30am to 1am.
- 2) That conditions detailed on pages 39 to 40 of the agenda shall be applied to the licence with the following addition condition to replace condition 15 in the report.
  - That no internal combustion engine vehicles be used for deliveries from the premises and the licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises.

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

Conditions had been agreed by the noise team. The Sub-Committee noted that there had been one resident objection.

The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 6.

The Sub-Committee heard evidence from the Licensing Authority that the applicant had put forward little information to show that the premises would not have a negative impact on the area. The application itself was sparse and Section 18, which is the operating schedule, had been left blank. The licensing authority suggested that if the Sub-Committee was minded to grant a licence it should only be for framework hours.

The Sub-Committee heard evidence from the police that although agreement had been reached with regard to conditions, this was only for framework hours. Although the applicant had engaged with police, the hours sought were so far outside the framework hours, and there was so little in the application, that even with the agreed conditions it seemed best to put the matter before the Sub-Committee.

The Sub-Committee heard evidence from the applicant that the business was just a takeaway business and customers would not be staying at the premises making noise. Most business would be by delivery and most delivery drivers rode non-motorised vehicles. Any motorbikes would be unable to park directly outside the business as the premises were next to traffic lights. The applicant confirmed that he would be happy with a condition that no internal combustion engines would be used for deliveries.

The Sub-Committee concluded that the applicant had failed to demonstrate that a licence granted to the hours sought would not add to the cumulative impact in the area. However, the Sub-Committee was satisfied that a licence within framework hours with the conditions agreed with the responsible authorities and one further

condition relating to delivery drivers would promote the licensing objectives and 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.

**8 OMNON, 166N UPPER STREET, N1 1QP - NEW PREMISES LICENCE (Item B2)**

The licensing officer introduced the applicants to the Sub-Committee. He clarified that the hours had been amended to be in line with the planning consent. Conditions had been agreed with the police and the noise team. One of the objectors had advised that they were generally happy with the application but required that conditions should be in line with the other restaurants in the area. The licensing officer advised that the main condition which applied would be that the entrance and exit after 8pm should be via Upper Street only and this would be in line with the planning consent.

The applicant's representative stated that this was a restaurant with a plant based food menu. Alcohol would be served ancillary to food and all customers would be seated. The premises was multifunctional. The application was for on and off sales. Hours had been reduced in line with planning consent. The premises did fall within the cumulative impact policy. There were robust conditions, the mixed use could be seen as an exception, the premises was not alcohol led. The police and noise team were in support and the applicant had asked for the removal of the condition, that one personal licence holder be on duty at all times, as it would be difficult to comply with this condition. The police had accepted this amendment. One resident had reported loud music every Friday evening. This event was a religious meditation class with chanting and would take place whether or not the licence was granted. The second objection was around planning policy. The hours were within licensing framework hours. This was a vibrant area and other premises were still trading after the hours applied for so it was not considered that there would be a noise nuisance issue. He asked the Sub-Committee to grant the amended application.

In response to questions, it was noted that customers would not be able to wander through the premises with a drink in their hand although they would be able to take a drink with them if they wished to do another activity. The applicant stated that he did not see any issue regarding a condition to allow exit and entrance onto Upper Street after 8pm. Studd Street was guarded by security. All delivery drivers would need to walk into the development. The applicant was happy to accept a minimum food order of £25 with alcohol deliveries or takeaway.

In summary, the applicant's representative stated that this was a fairly comprehensive application and asked that the Sub-Committee grant the licence.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Omnon, 166N Upper Street, N1 1QP, be granted to allow:-

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- a) The sale of alcohol, on and off supplies, Monday to Thursday from 11am until 10.30pm, Fridays and Saturdays from 11am to 11pm and on Sundays from 11am until 10pm.
  - b) The premises to be open to the public, Monday to Thursday from 11am to 11.00pm, Friday and Saturday from 11am to 11.30pm and Sundays from 11am until 10.30pm.
- 2) That conditions detailed on pages 74 to 78 of the agenda shall be applied to the licence subject to the deletion of condition 7 as detailed below and the following additional conditions:
- Condition 7. There shall be at least 1 personal licence holder on duty on the premises at all times when open for licensable activities. **To be deleted.**
  - The entrance or exit from the premises after 20:00 hours on any day shall be from Upper Street only.
  - Where alcohol is ordered for takeaway or delivery there be a £25 minimum order of food spend.

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

Two local resident objections had been received. Conditions had been agreed with the police and the noise team. The Sub-Committee noted that one of the agreed police conditions should be removed.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6 and had been amended to comply with existing planning consent.

The Sub-Committee heard evidence that the premises were a multifunctional space with a restaurant where the serving of alcohol would only be ancillary to food. The applicant had put forward a comprehensive operating schedule, had agreed 36

conditions and the application was within framework hours. The premises were mixed use and were not alcohol led. The Sub-Committee heard evidence from the applicant that there was no loud music on Friday evenings, just a meditation class with chanting. The applicant confirmed that they would be happy to agree a condition relating to access to the premises via Upper Street and confirmed that they operated a minimum spend policy in respect of the amount to be spent on food before alcohol could be delivered.

The Sub-Committee concluded that, with the reduced hours sought, the conditions agreed with the responsible authorities and the two additional conditions, the granting of the licence would promote the licensing objectives. The Sub-Committee was satisfied that the conditions to be attached to the licence would tackle the noise concerns raised by the objectors and 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.

**9 MEDITERRANEO 2 RESTAURANT, 43 NEWINGTON GREEN, N16 9PX - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the noise team and police had reached agreement with the applicant. There was one resident representation left outstanding.

The applicant stated that the closing time for this premises was 11pm and the resident had been concerned about noise up until 1am. Conditions had been agreed with the responsible authorities.

In response to a question about deliveries, the applicant stated that they would not really have takeaways or deliveries as this was a restaurant.

**RESOLVED**

3) That the application for a new premises licence, in respect of Mediterraneo 2 Restaurant, 43 Newington Green Road, N16 9PX, be granted to allow:-

- c) The sale of alcohol, on supplies only Monday to Sunday from 11am until 11pm.
- d) The premises to be open to the public, Monday to Sunday from 11am to 11pm.

4) That conditions detailed on pages 109 to 111 of the agenda shall be applied to the licence subject to the following additional conditions:-

- Should deliveries commence, only non-combustion engine vehicles be used.
- Should deliveries commence, where alcohol is ordered for takeaway or delivery there be a £15 minimum order of food spend.

**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.

One local resident objection had been received. 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 heard from the applicants' representative that the applicant had agreed conditions with the police. The objector had referred to noise after midnight but the premises closed at 11pm. The applicant ran another restaurant at Kings Cross with no trouble.

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 premises was not really operating as a takeaway or delivery but concluded that two additional conditions, to control noise in the event that deliveries started, should be imposed to protect the amenity of local residents.

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 granting the premises licence with the additional conditions was proportionate and appropriate to the promotion of the licensing objectives.

The meeting ended at 8.00 pm

**CHAIR**