

Licensing Sub Committee A - 4 August 2022

Minutes of the meeting of the Licensing Sub Committee A held by Zoom on 4 August 2022 at 6.30 pm.

Present: **Councillors:** Nick Wayne (Chair), Marian Spall (Vice-Chair) and Praful Nargund

Councillor Nick Wayne in the Chair

- 9 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Nick Wayne welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 10 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 11 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 12 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 13 **ORDER OF BUSINESS (Item A5)**
The order of business would be Item B2 followed by Item B1. Item B3 had been deferred to a future meeting and Item B4 had been agreed under delegated powers following the withdrawal of representations.
- 14 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 31 May 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 15 **ADMAS, 162 SEVEN SISTERS ROAD, N7 7PT - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that the licensing team and police carried out a joint visit the previous Friday. No alcohol was in the premises and no particular concerns were raised. The Sub-Committee noted that this was a fresh application and there were no representations from the responsible authorities.

The resident raised concerns regarding the cumulative impact in the area. He stated that the area was well supplied with premises including late night premises in the

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area. He was concerned about noise at the front of the premises and people blocking the narrow pavement outside. He was also concerned about noise at the rear of the premises as noise could spill out in the courtyard area and resonate around the block. He was concerned about the suitability of the applicant as he had previously stored alcohol although he accepted he had not seen any since that time. The premises had a snooker table and he considered it felt more like a club. He was concerned that the introduction of alcohol would increase the noise nuisance and his other neighbours shared his concerns.

In response to questions the resident had not noticed an increase in noise from the café but was concerned that this would change if alcohol was sold. The applicant had spoken to him and had asked him to contact him if there was any problem. The resident stated that he was not reassured that there was a proposed noise condition that the licensee would be asked to take appropriate action if there was a substantiated noise complaint. He said noise disturbance occurred at different times of the day but there was an increase around midnight when people emerged from the pubs. People congregated at the end of Berriman Road. He did not notice much noise beyond this time but was worried that it would increase.

The applicant stated that this was a café. He stated that the resident had not heard any noise outside the normal noise levels. He respected the residents and monitored his customers. He had a recycling and waste management policy and employed a private company to collect the rubbish above that which is provided by the local authority. Customers would be asked to leave the area completely. They would uphold the licensing objectives of the prevention of crime and public nuisance and would respect the public, including neighbours. They would uphold the objective of prevention of children from harm. This was not a bar or pub and was just a small café. The licence would not make a big change to how it was currently operating. Music would be background only. They would uphold all the licensing objectives. They would work with the licensing authority and the police and observe the licence conditions at all times.

In response to questions, the applicant stated that this was a café and not a club. He just wanted to sell some alcohol. There was an open porch in the front. Customers were allowed outside to smoke, only two at a time, and CCTV had been installed to monitor. No customers were allowed to go out to the rear and it would only be staff allowed out at the rear when necessary for the operation of the café. This would usually take about five minutes at the most. They would monitor the front outside area through CCTV and staff had a view of the outside from the counter area. All staff received induction training, which would include a section on the control of customers. The designated premises supervisor had a personal licence but, should the licence be granted, all staff would have personal licence training. The applicant suggested that the mobile number for the designated premises supervisor be placed at the front shop window. It was expected that the food offer might increase if the licence was granted and the menu would improve. Customers would not be allowed to drink alcohol without food. The applicant was asked a question regarding vertical drinking. The applicant did not seem to understand the meaning of vertical drinking and he referred to the mandatory

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conditions of not dispensing alcohol directly into the mouth and making tap water available. He agreed that alcohol would only be served with a substantial meal and if the cafe was full he would ask customers to return at a later time. There would be no more than 20 people on the premises, including four staff. He would be selling beers, lagers, wine and a few spirits. No draught beers. The substantial meal they currently served was Ethiopian pancakes with lentils or beef. If the licence was agreed they would increase food options.

In summary, the resident was concerned that if food options were increased, ventilation/extraction would need to be installed at the rear of the premises.

The applicant stated that most food was prepared from other local businesses and just reheated. If it was necessary they would need to submit a major variation.

RESOLVED

- 1) That the application for a new premises licence, in respect of Admas Café, 162 Seven Sisters Road, N7 7PT, be granted to allow:-
 - a) The the sale of alcohol, on and off supplies, Mondays to Sundays 1pm to 9.30pm
 - b) The provision of late night refreshment, Fridays and Saturdays from 11pm until midnight.
 - c) The premises to be open to the public, Monday to Thursdays from 9am until 11pm, Fridays and Saturdays from 9am until midnight and Sundays from 9am until 10pm.
- 2) That conditions detailed on pages 41 to 44 of the agenda shall be applied to the licence with the following amendments:-
 - Condition 15 to read. Alcohol can only be served with a substantial hot or cold meal freshly prepared on the premises and to customers seated at a table.
 - A contact telephone number for the DPS be displayed in the front window of the premises.
 - No-one shall consume alcohol standing up.

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

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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. Paragraph 54 states that the licensing authority has to balance the needs of businesses with those of local residents and in particular adverse impacts associated with late night venues and alcohol related anti-social behaviour especially as a result of drinking in the street. Licensing policy 8, paragraph 90, says that the Licensing Authority is committed to promoting high standards of management in all licensed premises and expects applicants to demonstrate this through the operating schedule and management practices.

Four local resident objections had been received. One local resident attended. He was concerned about the cumulative impact of licensed premises in his locality and the possibility of noise, not just from the front but also the back of the premises and congregation of people late at night. He accepted that the operation of the premises at the current time, made things no worse than they were but was concerned about the addition of alcohol.

There had been no representations made by the responsible authorities and conditions had been agreed with the noise team and the police.

The Sub-Committee noted that it was a small premises and were heartened by the evidence of the applicant that he would be able to monitor the front of his building from the counter and ensure that patrons did not spill out onto the street. However, when asked about vertical drinking he was unclear as to the meaning of the phrase. The Sub-Committee was concerned that the applicant had agreed to a condition prohibiting vertical drinking without understanding what it meant. The Sub-Committee also noted that the applicant had agreed to a condition for freshly prepared substantial meals when his operation had very limited facilities for cooking on the premises. It was clear however, that the applicant made arrangements for delivery of food and heated food in the microwave or on the hob.

The Sub-Committee was satisfied that, with the reduction in hours and the conditions, there would be no adverse cumulative impact on any of the licensing objectives. The Sub-Committee took into account the evidence of the interested party of people congregating outside in the street after local premises had closed. The Sub-Committee was also keen to promote a line of communication between the business and local residents and therefore suggested that the mobile phone number of the designated premises supervisor should be displayed at the front of the shop. The condition about vertical drinking was reworded to ensure that the applicant understood the condition.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives. With the conditions and reduction in hours, there would be no adverse impact on any of the licensing objectives and the presumption was rebutted.

16 **FRANCO MANCA, 21 CITY NORTH PLACE, N4 3FU - NEW PREMISES LICENCE APPLICATION (Item B2)**

The licensing officer advised that all conditions had been agreed with the responsible authorities. There had been one resident objection remaining but the resident had emailed yesterday evening and stated that they withdrew their objection on the basis of revised hours.

The legal officer advised that in normal circumstances there would be no requirement for a hearing as delegated powers would apply. However, in this instance the representor gave less than 24 hours notice and there was a legal requirement for the representor to withdraw the representation at the meeting.

The Sub-Committee was concerned that the resident was not at the hearing to withdraw the representation in person and the Sub-Committee could be at risk of challenge.

The applicant's representative requested an adjournment in order that the application be considered under delegated powers the following day.

RESOLVED

That the Sub-Committee decided to grant an adjournment requested by the applicant's representative for the application for a new premises licence in respect of Franco Manca, 21 City North Place, N4 3FU.

REASON FOR DECISION

It was noted that the interested party had sent an email stating that she withdrew her representation after 7pm the previous day. The Licensing Act 2003 (Hearings) Regulations 2005 provide at Paragraph 10 that a party who wishes to withdraw any representation may do so a) by giving notice to the Authority no later than 24 hours before the day the hearing is to be held b) orally at the hearing. The interested party was not at the hearing and the withdrawal of her representations had been made too late for the hearing.

17 **SIMPLY LOCAL, 610 HOLLOWAY ROAD, N19 3PH - PREMISES LICENCE VARIATION (Item B3)**

The Sub-Committee noted that this item was deferred to a future meeting.

18 **ARSH CONVENIENCE, 338 UPPER STREET, N1 0PB - NEW PREMISES LICENCE (Item B4)**

The Sub-Committee noted that all representations for this application had been withdrawn and had been agreed under delegated powers.

The meeting ended at 8.10 pm

CHAIR