

Licensing Sub Committee B - 17 November 2022

Minutes of the meeting of the Licensing Sub Committee B held at Town Hall, Upper Street, N1 2UD on 17 November 2022 at 6.30 pm.

Present: **Councillors:** Ernestas Jegorovas-Armstrong, Heather Staff and
Flora Williamson.

**Councillor Flora Williamson
in the Chair**

39 INTRODUCTIONS AND PROCEDURE (Item A1)

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

40 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Valerie Bossman-Quarshie, Matt Nathan and Ben Mackmurdie.

41 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Flora Williamson substituted for Councillor Valerie Bossman-Quarshie, Councillor Heather Staff substituted for Councillor Matt Nathan and Councillor Ernestas Jegorovas-Armstrong substituted for Councillor Ben Mackmurdie.

42 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

43 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

44 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 23 August 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

45 GINGER AND MINT, 72 PREBEND STREET, N1 - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that two representations had been withdrawn from residents. The applicant had agreed conditions with the Licensing Authority, the Police and the Noise Team and these representations had also been withdrawn. The applicant had responded to the representations and his letter had been

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included in the papers. There had been noise complaints but the noise officer had considered that conditions were appropriate in this case.

The applicant stated that he had leased the building in December 2021 and had applied for a change of use to a licensed café and organic shop. There was support for it to remain a public house so they decided to have a café with a restaurant in the evening. They were not aware that there was no longer an alcohol licence and they had two birthday parties. Once they realised they had no licence they did not sell alcohol. The plan was for a restaurant with alcohol served with food and with table service. They wanted to sort out problems with residents and two residents had withdrawn their representations. They wanted to open in the evening as they would be unable to operate solely as a café and juice bar. They were not planning to have parties or noisy background music and accepted the conditions proposed. A member of staff would remind customers to leave quietly and they would work with residents.

In response to questions the applicant said he accepted that it was their fault that they were not aware that they did not have a licence. They would keep the numbers of smokers outside to a minimum and would have signs reminding patrons to leave the area quietly. They had planned to have a juice bar and grocery shop but the Council wanted the premises to remain as a pub. As it was previously a pub they believed they had a licence. They had managed juice bars but this would be the first time they had traded alcohol in the evening. They had opened as a café in June and a resident had asked if they could accommodate a birthday party so they agreed. A resident complained, the party ended at 10pm and they had not sold alcohol since that time. He would run the café during the day and there would be a person trained to sell alcohol in the evening. There were five staff currently but with an alcohol licence they may need another 3 or 4 staff. He would ensure there was more training for staff so there could be a licence holder on the premises.

RESOLVED

- 1) That the application for a new premises licence, in respect of Ginger and Mint, 72 Prebend Street, N1 8PR be granted to allow:-
 - a) The sale of alcohol, for consumption on the premises only, from 12:00 until 10pm Monday to Thursday, from 12:00 until 11pm Friday and Saturdays and from 11am until 10pm on Sundays.
 - b) The premises to be open to the public from 8am until 11pm Monday to Thursdays, 8am until midnight on Friday and Saturday and from 8am until 10.30pm on Sundays.
- 2) That conditions detailed on pages 40-42 of the agenda shall be applied to the licence.

REASONS FOR DECISION

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.

Four local resident objections had been received. Two were withdrawn after concerns were satisfied. One representation had been submitted in support of the premises. No residents attended. Representations from the Police, Noise team and the Licensing Authority were withdrawn following conditions being agreed with the applicant.

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

The Sub-Committee was concerned that there were complaints of noise and of selling alcohol without a licence and questioned the applicant. Licensing policy 8 states that the Licensing Authority is committed to promoting high standards of management in all licensed premises and expects the applicant to demonstrate this through the operating schedule and management practices. When assessing the applicants' ability to demonstrate a commitment to high standards of management the Licensing Authority would take into account whether the applicant has sought and implemented advice from the responsible authorities, can demonstrate a comprehensive knowledge of best practice and can demonstrate a track record of compliance with legal requirements.

The applicant explained that he had taken over premises not realising that there was no licence in force. He had not known about the lack of a licence until the licensing officers attended his premises in response to complaints. He had learnt his lesson. There had been two occasions when he had sold alcohol in the summer when they were asked to do birthday parties for local people. Since then, he had not sold alcohol. He explained that the premises would operate as a juice bar/café during the day and as a restaurant selling alcohol in the evenings. He was employing a designated premises supervisor to manage the restaurant and he himself would continue running the café. In answer to questions, he understood Challenge 25 and was making arrangements for staff in the evening to receive training and personal licences.

The Sub-Committee noted that conditions had been agreed with the noise team, police and licensing authority and representations had been withdrawn. Notwithstanding the noise complaints and the sale of alcohol without a licence in the summer, it appeared the responsible authorities were satisfied that conditions were suitably robust. The Sub-Committee considered that the applicant had been naïve in failing to check the status of the licence. However, the premises had previously been a public house, it appeared that the responsible authorities had not advised him that the licence had been surrendered and he had not sold alcohol since the summer.

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.

Note of the Sub-Committee

The applicant was reminded by the Sub-Committee that condition 11 required that a personal licence holder be on duty on the premises at all times when the premises were authorised to sell alcohol.

46 BELLA CAFE, 169 HORNSEY ROAD, N7 6RA - NEW PREMISES LICENCE (Item B2)

The Sub-Committee noted that this item had been withdrawn from the agenda as the application had now been agreed by all parties.

The meeting ended at 7.10 pm

CHAIR