

Licensing Sub Committee B - 4 August 2015

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 4 August 2015 at 6.30 pm.

Present: **Councillors:** Alex Diner (Chair), Angela Picknell, Paul Smith (Item B2) and Marian Spall (Item B1)

Councillor Alex Diner in the Chair

48 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Alex Diner welcomed everyone to the meeting, asked members and officers to introduce themselves and outlined the procedures for the meeting.

49 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Khan.

50 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Picknell substituted for Councillor Khan. Councillor Smith substituted for Councillor Spall for Item B2.

51 DECLARATIONS OF INTEREST (Item A4)

Councillor Picknell declared an interest in Item B1 as St Mary's ward councillor. She had not had any involvement with the application.

52 ORDER OF BUSINESS (Item A5)

The order of business was as the agenda.

53 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting held on the 2 June 2015 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

54 BEYROUGH'S, 113 UPPER STREET, N1 1QN - APPLICATION FOR A NEW PREMISES LICENCE (Item B1)

The licensing officer reported that the applicant had written to the responsible authorities and agreed all conditions with the exception of condition 9 and 13 as tabled. These papers would be interleaved with the agenda papers.

The police reported that this application was over a year old and during the year 2013/14 there had been nearly 3500 reported crimes in the area. There were over 30 restaurants in the cumulative impact area. The applicant had not considered the cumulative impact area in their application or stated how they would deal with off sales. The police had requested more information a year ago but had not heard from the applicant. This was an area that had a very busy late night economy and premises would need to show strong management. He agreed that he would accept a condition for off sales to be only the wine drunk with the meal if the application was not refused.

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The noise officer stated that he did not support the proposed amendment of condition 13 by the applicant and the one submitted by the noise team was more robust. They would require off sales to be in sealed containers.

A local resident spoke against the application. She raised concerns about urination and vomiting in doorways, late night drinking and general nuisance. The restaurant appeared to have been closed for six weeks and it was assumed by residents to have been unsuccessful. The previous occupier, the art gallery, closed early.

The applicant stated that there were four restaurants in the chain, one at Wimbledon village in a saturation zone. There would be no loud music and hours sought were as proposed in the licensing policy. The offering was for fine dining. Two floors only would be used for licensable activities. They would sell specialist wines and a couple of beers. They had robust management and training policies. They stated that the CCTV condition should be for 28 days and not 60 as stated. They had used the quieter summer months to carry out refurbishment works in the premises. Alcohol was not part of the business plan but the agent considered they would have greater control if a licence was granted. Patrons could currently bring in lagers, cheap wine and spirits. They served fresh food and had not experienced problems in other branches. He disagreed that there be no off sales but agreed that alcohol be taken away in sealed containers.

In response to questions the agent considered that a licence would add control over the sale and consumption of alcohol. They had robust policies regarding CCTV, staff training and would join a pubwatch scheme. They were not aware that the area was a cumulative impact area when the application was made and did not know why it would be a cumulative impact area. When the application had been made, alcohol had not been their policy and the agent had been employed to expand the business. He was aware of the policy and trained staff in the premises. A manager would be brought from Wimbledon to run the premises. Bring your own was less controlled. The premises had not been open for six or seven weeks as there had been drainage issues. There was capacity for approximately 48-52 people. There was no kitchen on site and food was cooked at the Streatham branch. If they refused patrons to bring in alcohol they would lose business. Food would be served up until 11pm, although it was usually 10pm.

In summary, the police were concerned that the applicant was unaware that this was a cumulative impact area and also that the applicant was unable to control bring your own alcohol. He considered that if this could not be managed they would not be able to manage an alcohol licence.

The interested party stated that she was aware of restaurants pretending to be high end. She knew the local restaurants and how they operated. The area was already saturated with restaurants.

The licensing agent reported that there was strong management and training in place. The restaurant would get bad reviews if they refused customers that brought in alcohol. He was a long term employee of the company.

RESOLVED

That the application for a new premises licence in respect of Beyrouth's, 113 Upper Street, N1 1QN, be refused.

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

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2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Angel cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee heard evidence from the police that for nearly one year the applicant had not been in contact with the police regarding their representation. The police highlighted the number of licensed premises in the area and that in the circumstances any application must be able to show strong management and a thorough application. Following evidence from the applicant and his agent, the police highlighted further concerns.

The Sub-Committee noted that the applicant had agreed some, but not all, of the conditions proposed by the police and the noise team.

The local resident confirmed her concerns about the late hours sought and the possibility of bad behaviour and noise. She stated that the premises had been operating as a restaurant but it then appeared to close down.

The Sub-Committee heard evidence from the applicant and his agent that the applicant had three other restaurants in London and the concept was about fine dining and different wines to go with Lebanese food. The cheapest bottle of wine would be £19 and there would only be a couple of beers. There was no concept for live music. The Sub-Committee heard evidence that the applicant wanted the premises to be part of Islington and emphasised that the hours sought were within the policy. The applicant confirmed that they had been operating as a restaurant with a 'bring your own' policy. The applicant stated that the premises had no control over the 'bring your own' alcohol stating that they couldn't refuse.

In response to questioning regarding the cumulative impact policy, the agent stated that the premises would add value to the community as the staff would be well trained, there would be CCTV, there would be daily and weekly briefings and the premises would join any local pub watch scheme.

The applicant stated that when they made the application they did not know the premises were in a cumulative impact zone. The applicant commented that it would surely be better to licence and control the premises than have a 'bring your own' policy. The agent stated that a robust manager would be brought from their premises in Wimbledon. The owner confirmed that the premises were closed at present for renovation to the basement.

The Sub-Committee noted that the premises did not have planning permission for use as a restaurant.

The Sub-Committee was concerned that the applicant had not demonstrated high standards of management. The applicant was clearly unfamiliar with the authority's cumulative impact policy and his agent did not rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not seem able to control the 'bring your own' alcohol policy and did not even seem sure of the capacity of the premises. The applicant was operating without planning permission and the Sub-Committee was not confident that granting the licence would promote the licensing objectives. The Sub-Committee noted that the plan included with the application was the plan of the premises as it was before the applicant took over; the premises was previously an art gallery and the plans showed no seating, bar, fire extinguishers, fire escape or customer toilets.

The Sub-Committee concluded that granting the licence would add to the availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. In accordance with licensing policy 2, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application. The Sub-Committee also considered licensing policies 9 and 10 concerning the highest standards of management.

55 **89-91 HOLLAND WALK, N19 3XU - APPLICATION FOR NEW PREMISES LICENCE (Item B2)**

The applicant reported that Nisa had 2500 retail stores nationally. They had forty years experience in the retail trade. All staff were uniformed and professional. This was not an independent store. Historical issues regarding the premises had been discussed with the police and conditions agreed. The police had suggested that because of the previous history, security be onsite for six months to give confidence to the community. The company were willing to invest in this and considered it would be an asset for the area.

In response to questions the applicant reported that he had researched the area and understood the previous problems. This would be their third premises. They had been vetted by Nisa and had met their standards. This was their first application for this premises. The area was in need of a local shop. In their other premises, alcohol was 40% of revenue and was an important factor in the business. Other shops were in Suffolk and Sussex although they had previously traded in Stoke Newington so had London experience. They felt that the uniforms and professional environment would deter trouble. It was noted that the licensee was currently away on holiday. It was noted that there would be a personal licence holder on site at all times and not the premises supervisor as stated in the operating schedule. Due to concerns from the police about street drinking, licensing hours were amended to start from 9am and high strength alcohol would not be sold.

In summary, the applicant stated that they would be in regular contact with the police and Safer Neighbourhood Teams.

RESOLVED

a) That the application for a new premises licence in respect of 89-91 Holland Walk, N19 3XU be granted to permit the supply of alcohol for consumption off the premises from 10:00 hours to 23:00 hours Monday to Saturday and from 10:00 to 22:30 on Sunday.

Opening hours of the premises to be from 07:00 to 23:00 hours Monday to Saturday and from 07:00 to 22:30 on Sunday.

b) Conditions as detailed on page 61 and 62 of the agenda, with the following amendment, shall be applied to the licence.

Condition 1 to read. A personal licence holder shall be on site at all times during the hours permitted for the sale of alcohol.

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.

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The Sub-Committee noted that the applicant has previous experience of operating licensed premises both in and outside London. Staff in this store would be uniformed and professional. The applicant had discussed the history of the premises with the police and agreed appropriate conditions in response to their concerns. These included a CCTV condition and a limit on high strength alcohol. The applicant had discussed security with the police and agreed to follow the police recommendation to have trained security personnel in the premises for the first six months of operation. The applicant confirmed that he wanted the store to be an asset to the community. The Sub-Committee noted that in order to obtain a Nisa franchise the applicant was vetted by Nisa itself and Nisa carry out random checks by their area manager and mystery customers. The applicant confirmed that alcohol sales were an important part of the business.

The Sub-Committee noted that the applicant had amended the hours to start trading at 9am but considered that due to the previous history of the premises and concerns regarding street drinking and underage drinking, that the starting hour for licensable activities should commence at 10am.

The Sub-Committee was satisfied that, with the conditions, including the amended condition and the later hour for trading, the licensing objectives would be promoted.

The meeting ended at 8.00 pm

CHAIR