

London Borough of Islington

Licensing Sub-Committee 'D' – 26 February 2013

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 26 February 2013 at 6:45 pm

Present: Councillors: Joe Caluori, Barry Edwards and David Wilson.

Also

Present Councillor George Allan.

COUNCILLOR JOE CALUORI IN THE CHAIR

138 INTRODUCTIONS (Item A1)

Councillor Joe Caluori welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined and those present were informed that the procedure was detailed on page 3 of the agenda.

139 APOLOGIES FOR ABSENCE (Item A2)

Councillor Troy Gallagher.

140 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Barry Edwards substituted for Councillor Troy Gallagher.

141 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

142 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

143 MINUTES OF THE LICENSING SUB-COMMITTEE D HELD ON THE 18 DECEMBER 2012

RESOLVED:

That the minutes of the meeting held on the 18 December 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

144 MERLIN'S CLUB, 1 NAOROJI STREET, WC1X 0GB - APPLICATION FOR A CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003 (Item B1)

The licensing officer reported that an application had been made in August 2012 although an issue with planning permission had only recently been resolved. The noise team had not made a representation but asked that signs be displayed at the premises to remind clientele to leave quietly. Two further late representations had been received out of time. Photos were tabled from the applicant and a local resident and these would be interleaved with the agenda papers.

Councillor George Allan and local residents, spoke against the application. The Sub-Committee were informed that the premises were located in a residential area with many drinking establishments in the local area. Councillor Allan raised concerns regarding the management of the premises which was a particular concern in a residential area. He reported that the applicant should demonstrate why the operation of the premises would not add to the cumulative impact in the area. Further concerns from residents included noise from the use of the rear outside space for smoking and drinking and the noise from barbeque events. The Sub-Committee noted that bedrooms overlooked the rear outside area. The interested parties did not consider that a private club for employees was necessary.

Richard Young, Director, supported by James Clark, spoke in support of the application. He informed the Sub-Committee that the facility was a sports and social club run primarily for staff. The bar was in the basement. The courtyard was not part of the licensed premises and it was not intended for use as an area for drinking. Four smokers would be allowed in the area only. If

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parties were to be held a temporary event notice would be applied for when necessary. It was admitted that there was a noisy Christmas party a couple of years ago. This had not been repeated. They were a professional property company and would not expect staff to misbehave. The road in which the premises were situated did not carry a lot of traffic. Taxis were used when staff worked late in the evening and these would be ordered regardless of whether a function was being held.

In response to questions it was noted that a licence was required in order that a charge could be made for drinks. The applicant did not feel comfortable in always giving free drink to staff and the money raised from the sale of drinks would be used for improvements to the bar area. Mr Young considered that it would be easier to have a licence in place than use temporary event notices. A space had been arranged for smokers in the courtyard. There would be a maximum of four smokers allowed to use this space and they would be supervised by the Committee member in attendance. In response to a concern regarding vertical drinking the Sub-Committee were informed that seating could be increased, although space was limited. The Sub-Committee noted that a member of the committee would be supervising the bar area. Committee staff had not been trained but that this could be addressed however, it was noted that staff would be competent and would be able to manage other members of staff.

The Sub-Committee expressed concern that there would still be an increased cumulative impact as there would be increased capacity in local premises if staff remained at their work premises.

In summing up, the interested parties reported that a licence was not necessary. An employee benefit club could be set up with contributions made by staff. It was considered that this proposal was unsuitable for the location. Concern was also expressed regarding the tunnelling effect in the courtyard from the noise made by smokers and that the number of smokers taking drinks outside would not be well managed.

The applicant informed the Sub-Committee that the clientele would be staff and their professional guests. They would not be people who would cause a nuisance. The hours requested and the number of guests staff would be allowed were included in this application for flexibility but he could not see that the hours or number of guests would be put to their full use. The courtyard was out of the licensed area and would have controls in place to protect neighbours.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

RESOLVED:

That the premises licence in respect of Merlin's Club, 1 Naoroji Street, WC1 be refused.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. It reached its 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 noted the concerns of local residents and in particular that the premises were located in a quiet residential street and that if the club premises certificate was granted there would be disturbance caused by people leaving the premises after drinking, disturbance at the rear of the building because of the smoking area and vehicle noise caused by taxis being called to the premises late at night.

The Sub-Committee noted that the applicant had personally run a bar thirty years ago but did not have recent experience of running licensed premises. It was noted that the proposal was for employees and their professional guests to have somewhere to go to after work without having to leave the building. However, the Sub-Committee was concerned that the applicant did not have any proposals for training committee members who were going to staff the bar and the lack of experience expressed. The Sub-Committee was concerned that the applicant would not be able to deliver the highest standards of management as required by licensing policy 010. The operating

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schedule failed to address the dispersal of employees and guests from the premises and how smokers at the rear of the building would be monitored and supervised (even though the applicant proposed to restrict the number of smokers outside to four) contrary to licensing policy 009.

The Sub-Committee noted that the applicant was looking at increasing available seating in the premises but that space was limited. The Sub-Committee was concerned about the environment of the premises in that vertical drinking would be the predominant mode of drinking. This, coupled with no food being available in the premises gave rise to concern about intensive drinking. The Sub-Committee had regard to Appendix A of the licensing policy regarding best practice for alcohol and health in Islington.

The Sub-Committee noted that it was accepted by both the applicant and the interested parties that there were a number of licensed premises in the vicinity. The applicant was asked to address the Sub-Committee on licensing policy 002 as the premises were within the cumulative impact area of Clerkenwell. The applicant stated that as employees and their guests would remain within the office block they would not add to the cumulative impact of patrons visiting licensed premises in the area. However the Sub-Committee was concerned that there would still be a cumulative impact because there would be additional capacity in the local venues for other patrons to come into the cumulative impact area. Also, there would be increased presence of people in the cumulative impact area later into the night when employees and their guests left the premises, with increased risks of people being involved in anti-social behaviour or the victims of crime. This could potentially add pressure to the already stretched emergency and hospital services in the borough.

In accordance with licensing policy 002 the Sub-Committee considered this application on its merits but were not satisfied that the premises would be unlikely to add to the cumulative impact on the licensing objectives. The Sub-Committee did not find any exceptional circumstances as set out in the policy.

The meeting ended at 8:00 pm.

CHAIR