

London Borough of Islington

Licensing Sub Committee B - 30 August 2018

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 30 August 2018 at 6.30 pm.

Present: **Councillors:** Flora Williamson (Chair), Phil Graham (Vice-Chair) and Sheila Chapman

Councillor Flora Williamson in the Chair

10 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.

11 APOLOGIES FOR ABSENCE (Item A2)

None.

12 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

13 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

14 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

15 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 21 June 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

16 OLD SESSIONS HOUSE, 22 CLERKENWELL GREEN, EC1R 0NA - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that there had been additional papers tabled from the applicant and the interested parties. These would be interleaved with the agenda papers. The noise officer was present for any queries regarding noise measurements if required. The licensing officer reported that the applicant did not have the correct planning permission but it was accepted that the planning permission exceeded that required for the licensing application. In response to a question, the applicant's representative confirmed that they had been recommended by the planning officer that a certificate of lawfulness be applied for.

A local resident spoke against the application. It was stated that the applicant had ignored the number of hours and the capacity which created a cumulative impact. She considered that hours and numbers should be restricted. Other premises in the area had restricted hours to 9pm and numbers to 200 people. Dispersal would be difficult to manage as there would be a last minute dispersal at 11pm. Prior to the introduction of the cumulative impact policy the premises, as a freemason centre, would have only a limited number of guests, a

couple of dozen at the most and would hold only occasional hosted events. The premises were only 17 metres away from other premises, which was far closer than other licensed premises in the area. She considered that the applicant had filed the application in order that it could be heard over the summer period. The applicant had not addressed the cumulative impact of the premises in the application. It was considered that a client bar from 9-11 pm was not necessary. Most offices managed without an alcohol licence. There was a recently hosted fashion show and the impact of this on residents was horrific. She considered that to rent out a few meeting rooms the applicant only needed the hours of 5-9pm only, there should be a cap on numbers of 200 people, there should not be any outdoor queuing or loitering or obstructions outside the premises. A second resident raised concerns about the acoustic assessment. He considered that the analysis was deeply flawed as it had included 5/6 people with only one of those talking loudly. Dozens or more people often inebriated would be the more likely scenario. He stated that the dispersal policy only allowed 5/6 people to exit at the same time but he considered that patrons would leave when they wanted to and mini cabs would be arriving for numerous people.

The applicant's representative stated that the previous applications had been made by people who had lacked pride and vision in respect of the venue. She stated that the company was a proven successful operator and this premises was to be their headquarters and flagship venue for the long term. The building would be used for office space from the first floor and above, with four meeting rooms on the ground floor to hold events. There would be up to 80 events held each month during the day and evening with an anticipated attendance of 15-40 for each event. Alcohol would be sold with a food offering. There would be no off sales. This was a big venue and they were quite confident that there would be no queuing as there was a large holding area and sufficient space to ensure that no more than 5 or 6 people would leave at any one time. In the circulated papers there had been detailed a full management plan, evidence of engagement which had been reflected in the full and comprehensive conditions. There were three conditions that particularly addressed resident concerns, alcohol would be served with food, there would be no external advertisement of the licensed facilities and the licence would be surrendered if Ennismore or a subsidiary company vacated the building, ensuring the licence was future proofed.

In response to questions it was noted that the vetting process would be important when managing events. Organisers would be informed at the time of booking about the dispersal policy and that only 5 to 6 people would be able to leave at any one time. Staff would also be on the street and the applicant was confident that they would be able to control dispersal. There would be a number of very low key events ie. 20 for dinner on a Thursday evening. This would be their Head Office so branding would be important. In response to a question regarding capacity it was noted that there would be large charity events which could need a capacity of over 200 people. These would not be alcohol led and during the week there would be smaller events. The large events would not be held every week. The capacity of 306 that had been mentioned would be the total for both the ground floor and the basement. There would be a maximum capacity of 70 in the basement. It was conceivable that all rooms would be booked out but controls would still be in place. In response to questions about limiting the capacity for events and how often these would be held the applicant agreed that numbers for large events could be limited to 236, two times a month. The types of events held would be dinners, round table events, discussion forums, talks, reception cocktails after 9pm, brand events. There would be an impact on the business if events could not be held later than 9pm as some events would need to go on later. The noise assessment considered a reasonably foreseeable impact of the departure from the venue. There would be a management presence during events and staff would hold guests in the venue if necessary and the dispersal policy would be fully discussed with them. The applicant stated that they would not expect more than 80 people at a single event and this could be conditioned. The applicant's representative stated that the venue

was very large inside and considered that a gradual dispersal was achievable. The applicant did not feel that they could concede to limit late night events as they would need the flexibility of the 11pm finish time. The licence would not be workable with reduced hours.

In response to questions from residents the applicant stated that limiting the dispersal of 5/6 people at one time would not be placed in contracts but considered that this would be well managed. Some groups may take 30 seconds to clear the venue whilst others 1½ minutes. The recent fashion event was held under a temporary event notice held by the owner who had no vested interest in the venue. It was likely that this event would attract the press and animal right activists and any problems for this event would have been foreseeable. The applicant's representative stated that she could not say that there would be no vertical drinking but this would not be a vertical drinking venue. Proposed condition 36 stated that alcohol would be served with food. In response to a question regarding the additional hours that would be licensed the applicant's representative stated that the business case had been developed by the applicant and reflected how the space would be used.

In summary, the interested party stated that if there were multiple events there could be as many as 240 people in the premises on other nights, which would be a greater number than the proposed 236 people for a single charity type event. The proposed hours far exceeded those of other local businesses. There was increased noise and noise complaints, the amount of anti-social behaviour was growing and local residents were looking to move away.

The applicant's representative stated that the premises fell into the possible exceptions of the cumulative impact policy, as they had the provision of flexible use, would support people in the local area, they were not alcohol led or a vertical drinking venue, had hours consistent with framework hours and demonstrated a high standard of management. The applicant would be happy to join or meet with pubwatch or similar.

RESOLVED

- 1) That the application for a new premises licence, in respect of the Old Sessions House, 22 Clerkenwell Green, EC1R 0NA be granted to allow:-
 - a) the provision of plays, live music, performance of dance, supply of on sales of alcohol from 10:00am until 11pm Sunday to Thursday and from 10am until midnight Friday and Saturday.
 - b) The provision of late night refreshment from 11pm until midnight Friday and Saturday.
 - c) All of the above licensable activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and until midnight on the Sundays immediately before Bank Holiday Mondays.
 - d) Opening hours from 9 am until 11:30 pm Sundays to Thursday and from 9am until half past midnight on Friday and Saturday.
 - e) Non season opening hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and until half past midnight on the Sunday immediately before Bank Holiday Mondays.

That conditions detailed on pages 41 - 44 of the agenda shall be applied to the licence with the following additional condition:-

- There be a maximum capacity of up to 236 guests for two events per month and a maximum capacity of up to 150 guests at any other time.

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.

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

The Sub-Committee noted the planning status and that the planning permission currently in place was in excess of the proposed use of the premises and the applicant acknowledged that the planning status would need to be regularised. Therefore, the Sub-Committee concluded that this was an exception to licensing policy 1.

The Sub-Committee considered the possible exceptions set out in licensing policy 3 relating to the Clerkenwell cumulative impact area and these criteria were met by the application. Furthermore, the Sub-Committee noted that the hours of operation were within the framework hours set out in licensing policy 6.

The applicant submitted that the largest number of guests that would be attending events had been calculated to be 236 and that their business plan was to have about 2 events at this capacity per month. The Sub-Committee therefore decided that it was reasonable and proportionate to impose a condition to reflect this position as it was a small number of large events and below the maximum capacity of 306.

The applicant advised that the capacity of the basement room would be 70 and that other events would see a maximum of 80 people in attendance. The Sub-Committee also noted the concern of residents about the numbers of guests attending events and the impact on residents in the vicinity of the premises. The Sub-Committee therefore concluded that it was reasonable and proportionate to impose a condition setting a maximum capacity at all other times to reflect the proposed usage of the premises.

The Sub-Committee noted the submissions from residents regarding a restriction on hours of operation and that hours should be in line with other licensed premises in the vicinity. The Sub-Committee then heard evidence regarding the detailed dispersal policy that had been tailored to take account of the unique venue and the concerns of residents. The Sub-Committee also heard evidence that the applicant's business model would require the flexibility to have licensable activities on every day of the week within framework hours.

The Sub-Committee concluded that with the robust management policies in place, the numerous conditions offered by the applicant and the unique nature of the proposed operation, there would be no negative cumulative impact on the licensing objectives.

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PIZZA ITALIAN CAFE, 110 FONTHILL ROAD, N4 3HT - NEW PREMISES LICENCE (Item B2)

The applicant stated that this was a small Italian venue and he wanted to sell alcohol as part of the offering. It was intended to sell small food plates with drinks. He currently closed at 7pm but with an alcohol licence would stay open until later. Staff and CCTV would contribute to better security in the area.

In response to questions he agreed that tables and chairs outside be removed at 10pm.

RESOLVED

- 1) That the application for a new premises licence, in respect of Pizza Italian Caffè, 110 Fonthill Road, N4 3HT be granted to allow:-
 - a) The sale of alcohol, on and off supplies, Monday to Sunday from 11 am until 11pm (off supplies to be limited for delivery only) and
 - b) The premises to be open to the public from 7am to 11pm.
- 2) That conditions outlined on pages 93- 95 of the agenda be applied to the licence with the following amendment:-

Condition 21:- Outside tables and chairs will be cleared away or rendered unusable by 22:00 hours.

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.

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 normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Sub-Committee considered the possible exceptions set out in licensing policy 3 relating to the Holloway and Finsbury Park cumulative impact area and that the application met the criteria as the premises were not alcohol led and would be providing Italian food tasting. Furthermore, the Sub-Committee noted that the hours of operation were within the framework hours set out in licensing policy 6.

The Sub-Committee noted the concerns of the local resident. The Sub-Committee also noted that the applicant had taken into account these concerns in their revised application and by agreeing to the conditions proposed by the police and the noise service. The Sub-Committee in considering licensing policy 21 relating to public nuisance decided that it was reasonable and proportionate to require outside tables and chairs to be cleared away by 10pm in order to minimise public nuisance. Furthermore, the applicant indicated that he was happy to accept this amended condition.

The Sub-Committee concluded that there would be no negative cumulative impact on the licensing objectives.

The meeting ended at 8.30 pm

CHAIR