

London Borough of Islington

Licensing Sub Committee C - 12 December 2023

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 12 December 2023 at 6.15 pm.

Present: **Councillors:** Angelo Weekes, Phil Graham and Heather Staff.

Councillor Angelo Weekes in the Chair

62 INTRODUCTIONS AND PROCEDURE (Item A1)

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

63 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Shaikh and Croft.

64 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Phil Graham substituted for Councillor Asima Shaikh and Councillor Heather Staff substituted for Councillor Joseph Croft.

65 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

66 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

67 BASEMENT, 144 HOLLOWAY ROAD, N7 8DD - TEMPORARY EVENT NOTICE (Item C1)

The licensing officer clarified that the TENs were for the 29 December, the 1 January and the 2 January 2024.

The noise team reported that a S80 notice had been served on the venue on the 27 August 2023. A further complaint had been made on the 29 October 2023 although the noise was not deemed to be a statutory nuisance. The Section 80 notice had been appealed and this had yet to be resolved.

The applicant stated that the notice had been received and since that time the decibels had been reduced. There had been events up until 4.30/5am with no complaints until one in October 2023. This had not been classed as a statutory nuisance and it was considered that this had been caused by customers blowing whistles at a carnival event on that evening. Whistles and horns were no longer allowed and since October there had been no more complaints.

In response to questions, the applicant advised that they would consider a reduction in hours for the first event on the 29 December. There were no themes for the birthday party on the 29 December. The noise limit had been reduced since the notice being served and

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TENs had been used with no disturbance. Security measures were in place. The premises had a maximum capacity of 100 persons with a minimum of three SIA registered door supervisors. The applicant considered that half an hour to wind down at the end of an evening was sufficient. The supervisors actively monitored the area until customers had left. They asked cars to move on if loitering outside. Customers were also asked to stand inside the premises if waiting for taxis.

The licensing officer advised that, if the Sub-Committee was minded to grant the temporary event notices, all licence conditions could be applied.

RESOLVED

- 1) That the application for temporary event notices in respect of Basement, 144 Holloway Road, N7 6DU be granted to allow:-
 - a) the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from midnight to 2am with a close time of 2.30am on 29 December 2023;
 - b) the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from midnight to 3.30am with a 4am close time on 1 January 2024 and
 - c) the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from midnight to 12.30am with a close time of 1am on 2 January 2024.
- 2) That conditions of the existing premise licence be applied to all the temporary event notices.

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 heard representation from the environmental health officer that the application was objected to on the ground of nuisance following a statutory notice issued on 27 August 2023. There had been a further complaint of noise received on 29 October 2023 that had been dealt with informally. It was accepted that there had been no complaints received since that date.

The Sub-Committee heard evidence from the applicant that they had complied with the notice since served and it was under appeal. The applicant had also reduced the decibel levels of music and security measures were in place generally as well as to cover the temporary events. The applicant stated that the incident referred on 29 October was due to whistles being used as part of the carnival theme for an event that day and whistles had since been banned and were not to be used at the events applied for under the temporary event notices. The applicant stated that she had run various events since the banning of the whistles which had not caused any nuisance. The applicant also confirmed that she was willing to reduce the opening hours to promote the licensing objectives and clarified that the date sought under the first temporary event notice was 29 December.

The Sub-Committee considered that the hours needed to be reduced to promote the licensing objectives. The Sub-Committee noted that the 29 December and 2 January were

both working days, however, the latter was outside of the festive period and therefore required further limitation.

The Sub-Committee was satisfied that granting the temporary event notices with the conditions agreed in the existing licence and with reduced opening times, particularly on working days and outside of the festive period, was proportionate and appropriate to the promotion of the licensing objectives.

68 DRIP, 27 CLERKENWELL ROAD, EC1M 4RN - TEMPORARY EVENT NOTICE (Item C2)

The licensing officer reported that the representation dated 28 November and made by the Noise Team was not in the agenda but had been circulated separately. This had been reported verbally to the Sub-Committee.

At this point of proceedings, the Sub-Committee agreed that the applicant's representative make submissions regarding the Noise representation. He stated that an agenda had been published which included a representation dated the 21 November, which preceded the date of the application. He had been informed that there was a further objection which he had seen and, he considered that, as it had not been made within three days and had contained no grounds for objection based on the licensing objectives, it was not a valid representation.

The noise officer stated that he had been minded to object to the temporary event notices but had agreed with the General Manager of the premises to hold his objection pending events held on the 9/10 December. He stated that he was still objecting to the remaining temporary event notices.

In summary, the applicant's representative stated that there had been no physical objection made within the statutory three days. The email dated the 28 November was therefore not a valid representation.

The Sub-Committee deliberated to consider this point before hearing the remaining submissions.

RESOLVED

That it was determined that, in respect of Drip, 27 Clerkenwell Road, EC1M 4RN, no valid representation had been made and the temporary event notices be automatically granted.

The meeting ended at 7.20 pm

CHAIR