

London Borough of Islington

**Licensing Sub Committee A - 22 August 2024**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 August 2024 at 6.30 pm.

**Present:**      **Councillors:**      Roulin Khondoker, Ben Mackmurdie and Heather Staff.

**Councillor Heather Staff in the Chair**

- 101      **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Heather Staff welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 102      **APOLOGIES FOR ABSENCE (Item A2)**  
Apologies for absence were received from Councillor Gary Heather. The Chair advised that Councillor Heather had stood down from the meeting as he had expressed a view about a previous application for Nags Head Market.
- 103      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Roulin Khondoker substituted for Councillor Gary Heather.
- 104      **DECLARATIONS OF INTEREST (Item A4)**  
Councillor Heather stepped down from the meeting as he had previously expressed a view about the item on the agenda.
- 105      **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda.
- 106      **MINUTES OF PREVIOUS MEETING (Item A6)**  
  
**RESOLVED:**  
That the minutes of the meeting held on 27 June 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 107      **THE UPPER PLACE, FIRST FLOOR, NAGS HEAD MARKET, 22 SEVEN SISTERS ROAD, N7 6AG - PREMISES LICENCE VARIATION (Item B1)**  
The licensing officer reported that an additional bundle had been circulated from the applicant which included an updated schedule of conditions. Copies of the hatch plan had been tabled. The Sub-Committee noted that the objector was unable to attend the meeting. There had been no objections from the noise team and an acoustic report was satisfied. There were no objections from the planning department.

The applicants' representative stated that this was a food hall and community space during the day. Modest hours had been requested in June 2023 and it was accepted that they may

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ask for a slight extension of hours after a year. The premises had opened in August 2023 and there had been no incidence of crime, anti-social behaviour or noise nuisance. The premises would be food led and enjoyed mainly by families enjoying food. The applicant was asking for an extension by one hour on Friday and Saturday and would be closing at 10.30pm. These hours were well within policy hours outlined in licensing policy 6. He stated that the Licensing Policy outlined that variations would be given more favourable consideration. The additional hours were unlikely to have an adverse impact on the area. Amendments to the conditions were better suited to the business and were customer friendly. There were no objections by the responsible authorities. Councillor Heather had made no objections. Moving onto the conditions he advised that, regarding condition 1, this would remain except for a proposal to allow 20 customers seated who were waiting for a meal. He advised that it was very common for customers to wait for friends and currently the conditions did not allow that they could have a drink while waiting. It was proposed that condition 17 would be deleted and condition 18 reworded as decibels had been approved by the noise team. Condition 39, which had been agreed by the police, to be reworded for a minimum of two door supervisors on Friday and Saturday. This number to be risk assessed if needed. Regarding condition 45, it was proposed to have a personal licence holder on busy nights. He advised that on other nights a personal licence holder would be available at the end of a telephone.

Paragraph 56 in the licensing policy outlined possible exceptions to the cumulative impact policy. He advised that possible exceptions which applied to this application would be that the premises were not alcohol led, the hours requested were within framework hours, they provided cultural activities, were a community centre and would implement matchday controls.

In response to questions, it was advised that they hoped that the extra hour would bring in more customers and meet customer expectations and help make the business profitable. Conditions currently did not allow customers to drink while waiting for friends. They would use a ticketing system to allow customers to buy food and buy alcohol once this was purchased. The recent use of temporary event notices had indicated that they could have up to 20 people waiting. This had been a trial run and there had been no problems. It could cause difficulties if this number varied on different days of the week. It was a commercial imperative to serve a substantial meal rather than have crisps and peanuts. In response to a question about the training of a personal licence holder, the applicant stated that staff were all trained but if you needed a personal licence holder on the premises all the time this could lead to problems on less busy evenings if they were sick. There would be a minimum of two door supervisors and if there was an event night this would be risk assessed and numbers adjusted as necessary and agreed with the police. The applicant would know in advance if there was a big event and could contact additional SIA supervisors. The maximum capacity of the premises was 130 persons and the minimum standard ratio for SIA door supervisors was for 1 in 100 customers for food led premises. The smoking area was supervised, and customers did not wander out to the rear of the building via the emergency exit. In response to a question about training additional personal licence holders the applicant stated that staff were trained, and the personal licence holder lived very near to the premises if they were required.

Returning from deliberation the Sub-Committee sought a point of clarification regarding the ticketing system from the applicant and whether or not the ticket could be shared among friends. The applicant stated that once handed in the ticket was kept behind the bar but accepted that condition 1 could be amended to ensure that waiting customers had booked for a substantial table meal before purchasing alcohol.

Following this clarification the Sub-Committee left the room to deliberate further and returned to announce their decision.

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### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of The Upper Place, First Floor, Nags Head Market, 22 Seven Sisters Road, N7 6AG be granted to allow:-
  - a) The extension of hours for the sale of alcohol on the premises from 9pm to 10pm Fridays and Saturdays;
  - b) The extension of opening hours from 9.30 pm to 10.30pm on Fridays and Saturdays.
- 2) The following conditions detailed on pages 56 and 57 be amended as applied for, save for amendments by the Sub-Committee to Conditions 1 and 46 as follows:-
  - **Condition 1.** The sale of retail of alcohol shall be ancillary to the use of the premises as a Food Hall and dining area at all times and (save for up to 20 customers seated in the hatched area on the attached Licensing Plan, where such customers can demonstrate that they have purchased food at the premises, or have booked a table to take a substantial meal) customers shall only be permitted to purchase alcohol if they can demonstrate they have purchased a substantial meal at the premises.
  - **Condition 18.** The premises sound survey has been completed and the maximum sound level of 75DbA has been identified as appropriate for the noise limiting device.
  - **Condition 39.** Door supervisors shall be employed as follows:  
Sunday to Thursday, there shall be a minimum of one SIA licensed door supervisors on duty at the premises while it is open for licensable activities from 20:00 hours until 30 minutes past closing time.  
Friday to Saturday there shall be a minimum number of two SIA door supervisors on duty at the premises while it is open for licensable activities from 20:00 hours until 30 minutes past closing time.  
Or other such number on such days and at such times as may be agreed in writing with the Police.
  - **Condition 46.** After 6pm, there shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol. At all other times the premises are open and selling alcohol, a personal licence holder shall be contactable by telephone and any staff engaged in the sale of alcohol are to have passed Responsible Alcohol Retailing training. Records of such training to be maintained on the premises for inspection at all times.
  - **Condition 17** shall be removed.

### **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 Home Office revised guidance issued under Section 182 of the Licensing Act 2003 (December 2023) national guidance and the Council's Statement of Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Holloway 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

One local resident objection had been received. The noise team and the police made no objections following conditions being agreed with the applicant.

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The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard the presentation and submissions from the applicant's legal representative that, this was a food hall and community space during the day. The premises had opened in August 2023 and there had been no incidents of crime, anti-social behaviour or noise nuisance. The premises would not be alcohol led. The applicant was asking for an extension by one hour on Fridays and Saturdays and were within policy hours indicated in Licensing Policy 6. He considered that these additional hours would be unlikely to have an adverse impact on the area. He advised that the personal licence holder would be on the premises from Thursday through to Saturday and would be available at the end of a telephone on other evenings.

In response to questions, the Sub-Committee heard from the applicant that the conditions currently did not allow customers to drink whilst waiting for friends. There would be a ticketing system which allowed customers to purchase food and buy alcohol once this had been ordered. The applicant advised that all staff had been trained but was concerned that, should a personal licence holder be required on the premises at all times, this could lead to problems if they were sick. There would be a minimum of two door supervisors and, if there was an event night, this would be risk assessed and numbers adjusted as necessary.

The Sub-Committee took into consideration the written objection from the resident.

The Sub-Committee was satisfied with explanation given of how the ticketing system would work, in so far as customers can demonstrate that they have purchased food at the premises when seated (in the hatched area on the Licensing Plan). However, the Sub-Committee was concerned that customers could share a ticket with others and the applicant agreed to an amendment regarding condition 1 that a table should be booked when purchasing a substantial meal.

The Sub-Committee the figure of 75DbA should be inserted into Condition 18, as this had been approved in accordance with Condition 17, which had been complied with and could now be removed.

The Sub-Committee was satisfied that condition 39 had been amended following agreement with the Police.

The Sub-Committee did not agree that Condition 46 be amended as proposed. The rationale put forward by the applicant was that requiring a personal licence holder to always be on the premises, could lead to problems if they were sick, as the premises would not be able to operate under the licence. The applicant requested condition 46 to be applied only after 6pm on Thursdays, Friday and Saturdays. The Sub-Committee agreed that condition 46 could be relaxed before 6pm. However, the requirement to have a personal licence holder on the premises after 6pm should not be confined to Thursdays, Friday and Saturdays as applied for, but each day of the week. The Sub-Committee were of a view that additional staff could be trained to be personal licence holders which would prevent issues in cases of staff sickness absence.

The Sub-Committee noted the possible exceptions to the Holloway and Finsbury Park Cumulative Impact Policy in paragraph 56 of the Statement of Licensing Policy, which says as follows:

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*“Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives:*

- a) Premises that are not alcohol led*
- b) Premises with hours of operation consistent with framework hours*
- c) Premises providing live music and other cultural activities*
- d) Premises implementing match and event day controls in Licensing Policy 15 where recommended by the Police or Licensing Authority.”*

The Sub-Committee agreed that the exceptions apply to this application and had regard to paragraph 69 of the Statement of Licensing Policy which says:

*“Each application will be considered on its merits and the Licensing Authority shall grant applications that are unlikely to add to the cumulative impact on the licensing objectives.”*

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the application for the variation of the premises licence, together with the rewording of conditions 1,18, 39, 46 and the removal of condition 17, was proportionate and appropriate to the promotion of the licensing objectives.

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The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

### **108 THE SHOAP, 406 ST JOHN STREET, EC1V 4NJ - PREMISES LICENCE VARIATION (Item B2)**

The Sub-Committee noted that this application was withdrawn from the agenda as agreement had been reached with all parties.

The meeting ended at 7.50 pm

**CHAIR**