

London Borough of Islington

Licensing Sub Committee B - 7 November 2024

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 7 November 2024 at 6.30 pm.

Present: **Councillors:** Nick Wayne, Heather Staff and Clare Jeapes.

Councillor Nick Wayne in the Chair

131 INTRODUCTIONS AND PROCEDURE (Item A1)

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

132 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Bashir Ibrahim and Councillor Ilkay Cinko-Oner.

133 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Heather Staff substituted for Councillor Ilkay Cinko-Oner and Councillor Clare Jeapes substituted for Councillor Bashir Ibrahim.

134 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

135 ORDER OF BUSINESS (Item A5)

The order of business would be item B2 followed by item B1.

136 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 5 September 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

137 ZAPP, 2-7 CLERKENWELL CLOSE, EC1R 0DE - REVIEW APPLICATION (Item B1)

The licensing officer reported that additional papers had been circulated from the applicant and the licensee. A two second video had also been circulated which members had viewed and was shown to the licensee's representative at the meeting so that he could verify whether he had received it. Late evidence submitted by the applicant had not been circulated.

The applicant stated that the submissions were clear in the papers that had been submitted and he did not propose to go into any further detail.

In response to questions, the applicant stated that there had been no change in behaviour since the review had been submitted. He had been woken up this morning at 3am when

Licensing Sub Committee B - 7 November 2024

somebody had been listening to music outside the door of Zapp. He considered that the area was not suited to having riders gathering and it was clear that riders were going in and out keeping residents awake. It was not just him but other residents too who had experienced this. He understood that the riders were not just there for alcohol sales but for other grocery goods, and these would not be subject to a licence, but he stated that he didn't know what else to do in order to live a peaceful life in a residential area and he had no option but to ask for a licence review. He did not consider that meetings with the premises would be meaningful. He had a better dialogue with the manager who had confirmed that, as the riders were not direct employees, there was only so much they could do. The riders stayed outside as they needed to be within a certain distance of the premises to get a delivery. He stated that the riders wore their helmets and talked loudly and listened to music. The noise was amplified now that the Green had been concreted. There may be 6-18 riders outside so it was noisy. There may be petrol engines but this was not often. He stated that the security guard had not said anything to the riders about the noise level. The riders loitered waiting for their next job. People walking through felt intimidated by the riders. He had raised the issue of riders congregating outside with Zapp, the manager and to the sub-contractors.

The Licensing Authority advised that her representation was on page 28 of the agenda. He stated that the review was submitted in June when there were issues but since that time visits had indicated a good level of compliance. Engagement had been taken on board and there had been a positive effect. There were three conditions proposed but these had not yet been accepted. In response to a question about a visit on the 13 September where there were 9 drivers congregating on the Green the Licensing Authority stated that the licensing objective of public nuisance was being upheld on that occasion. Complaints would need to be lodged by residents for officers to respond to and there had been no complaints made since July.

The Police stated that they had put in their representation due to an unpleasant incident recorded in February 2023. There were no comments from him in terms of crime and disorder and he did not consider that great weight should be given to the incident as it was a one off and there was nothing to link the incident to the venue.

The Community Safety Team stated that this area became a hotspot location in June following complaints. This area was monitored but no gatherings were witnessed and no further complaints were received through anti-social behaviour reporting channels. The officer offered the applicant the opportunity for the noise to be measured within their premises, but this offer was not taken up and so there was no opportunity to investigate further. Officers would need to investigate complaints from residents in order that they be independently verified.

The licensee's representative stated that a notice had been put up on the premises inviting people to contact the premises where there were issues. They had not received any communications from other residents and no increase in complaints following the submission of the review. There was a new manager who had been in charge of the premises since June 2024. Difficult measures had been taken and the area outside was now supervised over the 24-hour period. Regarding the crime and disorder incident the rider was unidentified and may not have been connected to the premises. Riders on e-bikes or pedal bikes tended not to wear helmets but could wear balaclavas.

Photos circulated by the applicant were not date or time stamped and could not necessarily be attributed to the premises. Riders using motorised vehicles would be turned away. There were two deliveries to the premises each day. With regard to toilet facilities, it was noted that should drivers wish to use the toilet facilities they would need to be chaperoned through the premises as this was a shared facility. This was not practical. They had questioned three of the riders and they had stated that they made their own arrangements when they

Licensing Sub Committee B - 7 November 2024

needed to use toilet facilities. There had been clear improvement after a glut of complaints and since July officers had no complaints to report. They had offered a meeting with residents and had tried to engage but this had not been accepted.

In response to questions from the Sub-Committee, the representative stated that it was fair to say that there had been a difficult transition when moving to using third party delivery providers. When riders were employed in-house, they could be better policed and could access the building to use the toilet. He did not accept that there were large groups of riders at 3am. He stated that this was unlikely as there were not enough orders at that time. It may be that the riders were collecting from other venues. There would be no reason for riders to hang around for hours waiting for a one-off order in the early hours. The new manager had streamlined the process and deliveries away and inbound were very quick. They could only police the immediate vicinity. They were aware of their responsibilities and welcomed further dialogue with the applicant. He stated that if riders were in breach of their conditions, they would not be able to take the order. They could also report riders to the third party and ask them to be taken off the Zapp account. They held weekly meetings with couriers and companies worked with them to ensure that there was no disturbance. Deliveries to the premises could not yet be carried out by non-motorised vehicles. Deliveries were made up of all household goods. Alcohol was not a large proportion of deliveries overnight. Over the course of a day there may be 300 deliveries and around 35% would contain alcohol. There was only one resident that had complained and there was a sign on their door that contained their email address and phone number. They would want to fix issues and welcomed meetings with residents and found them to be productive. The representative stated that he would be surprised if residents did not know what was in the building. The review must be based on the Zapp operation and not other delivery operations in the Borough. The licensee's representative stated that the first two conditions proposed by the Licensing Authority were accepted but not the toilet condition for the reasons previously outlined.

In summary, the applicant stated that he could provide photos which were date and time stamped. He said that some riders caused a disturbance at night which kept him awake and which could be avoided if they waited away from residential premises. He had spoken to riders who had tweaked their bikes to enable them to go faster. He and his partner had witnessed this and considered this behaviour would increase.

The Licensing Authority welcomed the acceptance of the two conditions. Any actions would need to be evidence based and if residents were affected, incidents needed to be logged in order to build up a record which officers could assess and monitor.

Community Safety stated that there had been no further complaints since July. If there were incidents these could have been investigated if reported.

The licensee's representative stated that a review was a weapon of last resort. The applicant had been invited to meet but this offer had not been taken up. Based on national guidance the Sub-Committee should take steps considered appropriate and there was no call for suspension or revocation. Two additional conditions had been agreed and this warning was accepted. Liaison was still welcomed with the applicant and other neighbours.

RESOLVED

That the conditions of the licence in respect of Zapp, 2-7 Clerkenwell Close, EC1R 0DE be modified as follows:-

Conditions 1 and 2 as detailed on the agenda shall be applied to the licence with the following amended condition 3 and additional condition:-

- Delivery riders be allowed to use a toilet facility within the premises.

Licensing Sub Committee B - 7 November 2024

- That a sign be displayed on the outside of the premises providing a contact number and email address in the event of any complaints.

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.

This was a review brought by a local resident. Two other local residents had submitted representations in support of the review and there were three representations from responsible authorities being the Licensing Authority, Police and Community Safety.

The Sub-Committee heard evidence from the applicant that the riders used by the delivery platforms contracted by the premises were causing various issues for residents, in particular, noise when large numbers of riders congregated outside the premises. There were also issues of riders using the church yard as a toilet, blocking the pavement, drinking alcohol and smoking and talking loudly. The applicant stated that residents were disturbed late at night by the noise and sometimes felt intimidated by the numbers of drivers loitering. The applicant referred to an incident in February 2023 when he was assaulted by one of the delivery riders. There were also issues with deliveries to the premises which occurred before 8am and blocked the pavement. The applicant confirmed that the licensees had offered to meet with residents, but the applicant did not take up this offer as he was concerned that the meetings would not be meaningful.

The Sub-Committee heard evidence from the Licensing Authority that the licensees had engaged with the Licensing Authority and there appeared to be a good level of compliance since visits to the premises in June 2024. The Sub-Committee heard evidence from the Police confirming that an incident had been reported in February 2023 but that the Police had nothing further to add regarding crime and disorder. The Sub-Committee heard evidence from Community Safety that in June 2024 the area was designated as an ASB hotspot, meaning that various officers were tasked with visiting the area to check for ASB. There was no evidence of issues from July onwards. Officers offered to set up mediation, but this was not accepted by the applicant. Officers offered to go to the applicants' house to listen for noise nuisance but this was not accepted.

The Sub-Committee heard evidence from the licensee that the premises recently employed a new manager who had gone to extraordinary lengths to improve the operation of the business. 24 hour supervision had been put in place outside the premises to keep the outside area clean and noise to a minimum. The licensee's representative submitted that there was no evidence linking the behaviour complained of to the premises, in particular the photographs provided did not show nuisance being caused by the premises and had no dates or times on them. The representative confirmed that delivery riders are not permitted to use the toilet on the premises as riders would have to be chaperoned. However, the licensees had interviewed three riders who confirmed that they had never seen a rider use the churchyard as a toilet. The licensee's representative pointed out that there had been no complaints since July. They had tried to engage with the applicant as they wanted to sit with him and hear what he had to say, but he would not engage with them. The representative confirmed that two of the three conditions proposed by the Licensing Authority had been accepted. The representative confirmed that there is a sign on the door of the premises with an email address.

The Sub-Committee noted that there was no evidence of complaints being made to the premises, to the Police, or to the Licensing Authority since July 2024. The Sub-Committee also noted that a proportion of the deliveries did not contain alcohol and so did not

constitute a licensable activity. The Sub-Committee concluded that the addition of extra conditions would promote the licensing objectives. The Sub-Committee added to the licence the two conditions agreed by the licensee with a further condition to ensure that residents would always know who to contact at the premises in the event of further issues, and a condition that the premises should provide toilet facilities to riders.

The Sub-Committee concluded that the addition of these conditions was proportionate and appropriate to the promotion of the licensing objectives.

138

KINGS CROSS CONTINENTAL STORES, 26 CALEDONIAN ROAD, N1 9DT - NEW LICENCE APPLICATION (Item B2)

The licensing officer reported that a presentation and further letter to a resident had been separately circulated. The resident was not in attendance, but their representation had not been withdrawn.

The applicant's representative stated that there was one single resident objection to this application. This was a community minded application, and the applicant had carried out a letter drop to residents. The premises would be a tea/coffee shop and deli with a craft beer and wine offering in the evening. There were 84 proposed conditions which included restrictions on vertical drinking. The representation raised concerns about a bar open at 3am but this application was within framework hours and would have no adverse impact on the cumulative impact area. He asked that the application be granted as all concerns were comprehensively addressed.

In response to questions, it was noted that there would be Challenge 25 ID checks in the evening however, the premises would more likely appeal to the more mature drinker. There would be a Jazz bar vibe. The applicants ran a local pub and had experience with preventing drink spiking. This would be a mostly table service premises, was not large and so it would be easy to see all patrons. Smokers would be directed towards Caledonian Road although it was not expected that there would be many smokers. They would be leading with the tea/coffee deli offering and football fans would be unlikely to prefer a table service cheeseboard. The basement was to be used as a community space for groups. Events would not be ticketed. If there were any noise leakage from the premises this would be dealt with.

RESOLVED

- 1) That the application for a new premises licence, in respect of 26 Caledonian Road, N1 9DT, be granted to allow:-
 - a) The sale of alcohol on and off the premises from 10:00 until 23:00 Sunday to Thursday and from 10:00 until midnight Friday and Saturday;
 - b) Late Night Refreshments from 11 pm until midnight Friday and Saturday;
 - c) Opening hours of the premises from 10:00 until 23:30 Sunday to Thursday and from 10:00 until half past midnight Friday and Saturday;
 - d) From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day; and until midnight on Sundays immediately before Bank Holiday Mondays.
- 2) That conditions detailed on pages 82 to 84 of the agenda shall be applied to the licence.

Licensing Sub Committee B - 7 November 2024

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 Kings Cross 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. It was noted that the premises were already licensed.

One local resident objection had been received. Conditions had been agreed with the Police and Noise Team.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee heard evidence from the applicant's representative that this was a community minded applicant who had tried to engage with local residents. The premises were partly community owned and were already licensed so there was no issue of cumulative impact. The premises would be a deli/coffee bar by day with a modest craft beer and wine offering in the evening. Conditions had been agreed in respect of vertical drinking and noise control. The local resident objector had referred to issues with a bar downstairs from their premises, but this was nothing to do with the applicant. Challenge 25 was in place and there would be mostly table service which would combat drink spiking. The applicant did not anticipate the premises becoming a venue frequented by fans on match days. There would be jazz and blues events which would not be ticketed but would largely be music students creating a mellow vibe. The applicants had a great deal of experience with sound proofing.

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 premises licence was proportionate and appropriate to the promotion of the licensing objectives.

The meeting ended at 8.40 pm

CHAIR