

**Licensing Sub Committee C - 31 October 2023**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 31 October 2023 at 6.30 pm.

**Present:**      **Councillors:**      Angelo Weekes, Asima Shaikh and Joseph Croft.

**Councillor Angelo Weekes in the Chair**

**53      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.

**54      APOLOGIES FOR ABSENCE (Item A2)**

None.

**55      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

**56      DECLARATIONS OF INTEREST (Item A4)**

None.

**57      ORDER OF BUSINESS (Item A5)**

The order of business would be B3 followed by B1. Item B2 had been deferred to a future meeting at the request of the applicant.

**58      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 22 August 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**59      FIRST FLOOR, 1 NAVIGATOR SQUARE, N19 3TD - NEW PREMISES LICENCE (Item B1)**

The Licensing officer reported that a summary from the applicant had been circulated. An amended copy of the conditions, the dispersal policy, an operation manual and the security plan had also been circulated. It was noted that planning had confirmed that they were satisfied that as this was an application for a nightclub which had sui generis use; there was no requirement for an application for planning permission.

The Licensing Authority stated that the new documents circulated were quite comprehensive. They were satisfied that these operators had no links to the previous operators. They had held discussions about hours with the applicants and, although there had been an amendment to the hours requested, they would want to maintain their representation with the operating hours as framework, until 2am on Fridays and Saturdays

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and at 1am during the week. They had concerns regarding the search and security check area and asked that the applicant clarify where this would be happening as part of their submission. The Police stated that they were satisfied that this was a distinct outfit with no connection to the previous operators. They had no concerns regarding the experience of the applicants, but this was a new nightclub in a challenging area with previous issues regarding patrons and parking problems. They had good dialogue with the applicants, and they had put together a series of comprehensive documents which were vital should a serious incident occur. They were content with the application up to framework hours. The risk of drugs and serious incidents in nightclubs were high. The noise team said that the applicant had agreed conditions to help prevent noise from amplified music and patrons' dispersal to a noise management plan. The applicants had engaged well but the noise team would prefer the granting of a licence at framework hours.

The applicants representative stated that they were aware of the history of the site. He thanked the Responsible Authorities for the work that had been carried out regarding the application. He submitted further amendments to hours to be Sunday to Thursday for the sale of alcohol to 1am with late night refreshment to 1.30am and on Friday and Saturdays, the hours for the sale of alcohol to 2.30 or 2.40am with a 3am closing time to allow for dispersal. However, it was accepted that this was a matter for the Sub-Committee. He stated that the applicants had more than 35 years' experience and they had no connection with the previous operator. They had included all conditions on the previous licence, a further 24 conditions agreed with the police and noise team and two additional conditions on critical incidents procedures and parking. Work experience history was detailed in the circulated summary and the applicants were already working in live events. They would be working with music promoters, the music venue trust, local councillors and the GLA and requested these hours be granted, particularly in terms of sustainability. With regard to the searching policy, they would have a robust random system at the door and if a more stringent search was required patrons would be led to the managers' office. They hoped to operate as a multi-purpose site and had an open-door policy with residents and the Council. It was unfortunate that the previous operator had given the premises a bad reputation.

In response to questions, it was noted that the applicant had previously run a venue in London which held about 2000 people. They wished to open this venue up as a community-based venue with an eclectic mix of music. They would not be limited to one style of band and hoped to promote emerging talent and would also be looking at youth or fringe theatre groups. They considered that the venue was adaptable and there was a night tube available. They had meetings lined up over the next few weeks and had a calendar to the end of the year. They had a new security team which included street marshals with body cams to assist with parking. This would aid residents and also deter illegal parking. There would be six security guards and two street marshals. As an example; they would be offering dinner with a band first with DJs after. They were asking for a longer time for dispersal so were requesting longer closing hours. An application for Temporary Event Notices (TENs) would be problematic as events were in the calendar to the end of the year and they would need firm hours to work to rather than the need to apply for TENs. They would be looking to have live music five days a week. They had employed a well-known security team. They would persuade patrons not to use cars. They would not be having club nights only. They had contacted the Better Archway Forum and received no response but would follow this up.

In summary, the Licensing Authority and the Police stated that this had been an impressive presentation but would wish the Sub-Committee to remain with core hours. The licensing policy contained framework hours for good reason. The matter of closure was a matter for the Sub-Committee as their concern was around the sale of alcohol. It was accepted that there could be an argument that a longer closing down period could allow better dispersal.

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The applicant's representative stated that hours had been pulled back to framework hours from Sunday to Thursday with sale of alcohol hours on Fridays and Saturdays to 2.30am with a 3am close for the reasons outlined at the meeting. Should the Sub-Committee not consider this to be appropriate, he requested that members further consider the sale of alcohol to 2am on Fridays and Saturdays with a 3am close.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of First Floor, 1 Navigator Square, N19 3TD, be granted to allow:-
  - a) On supplies of alcohol from Sunday to Thursday 9am to 1am and Fridays and Saturdays 9am to 2am.
  - b) Regulated entertainment, films, live music, recorded music and the performance of dance, Sunday to Thursday from 9am to 1am and Fridays and Saturdays from 9am to 2am.
  - c) The provision of late-night refreshment, Sundays to Thursdays from 11pm to 1am, and on Fridays and Saturdays from 11pm to 2am,
  - d) Licensable activities to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day,
  - e) The premises opening hours, Sundays to Thursdays from 9am to 1.30 am and Fridays to Saturdays from 9am to 2.30 am.
- 2) That conditions tabled at the meeting shall be applied to the licence with the following addition:-
  - Two street marshalls shall be employed on Fridays and Saturdays,
  - There should be demonstrable evidence of attempted engagement with residents, the Better Archway Forum and the Council.

### **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 Junction 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.

Representations had been made by the Police, the Licensing Authority and the Noise Team. Two local residents and the Better Archway Forum had also submitted representations.

At the hearing, representatives from the Licensing Authority, the Police and the Noise Team all expressed their support for the application with the agreed conditions attached, provided the hours for the sale of alcohol were within the framework hours for nightclubs set out in Licensing Policy 6.

The Sub Committee noted that unsuccessful attempts had been made by the applicant to engage with the Better Archway Forum.

The Sub Committee was satisfied with the Applicants plans for management of the premises and conditions that had been agreed with the Responsible Authorities. The Sub Committee took into considerations concerns regarding potential parking infringements by patrons.

The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the if the licence was granted with the appropriate hours and with the extensive conditions agreed, would not add to the cumulative impact.

The Sub-Committee concluded that the granting of the licence with the agreed conditions was proportionate and would promote the licensing objectives.

**60 REINA DONER KEBAB, 5 JUNCTION ROAD, N19 5QT - PREMISES LICENCE VARIATION (Item B2)**

The Sub-Committee noted that this item had been deferred to a future meeting by the applicant.

**61 FAIRBRIDGE MINI MARKET, 163A FAIRBRIDGE ROAD, N19 3HS - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that there was no additional documentation to the report.

The applicant's representative stated that the applicant had 23 years' experience. He had held a personal licence since 2003 and had owned shops previously. The shop was a convenience community store. The premises was not in a cumulative impact zone. Opening times would be the same as for the sale of alcohol so there would be no risk in selling alcohol without shutters. Conditions had been agreed with the police and the noise team. Conditions were proposed to discourage street drinking which included, drinks being sold with less than 5.5% abv and no small bottles of spirits. Invoices would be kept. There had been no representations from the responsible authorities and two objections from residents with one resident in support. There had been an issue raised about untidiness outside, but this was not outside this premises and was over the road. There was a condition to keep the area tidy. CCTV would prevent loitering and patrons would be asked to leave the area. It was not considered that the premises would cause problems with residents. It was a community-based shop and the applicant would not wish to upset the neighbours which would be bad for business. He considered that concerns raised by residents would be addressed with the proposed conditions.

In response to questions from members it was noted that a contact number would be placed in the shop window for residents. Any complaints would be noted in the incident book.

In summary, it was noted that the applicant was an experienced operator and had never had any problems with the police. This was a community shop and it was expected to achieve a regular customer base.

**RESOLVED**

- 3) That the application for a new premises licence, in respect of Fairbridge Mini Market, 163a Fairbridge Road, N19 3HS, be granted to allow:-
- f) The sale of alcohol, off supplies only from Mondays to Sundays from 8am to 11pm.
  - g) The premises opening hours to be Monday to Sundays from 8am to 11pm.

Conditions as detailed at pages 154 to 157 of the agenda shall be applied to the licence.

**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 Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing policy 4 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 or subject to certain limitations, 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.

The Licensing Authority received two letters of representation in opposition to this application from local residents and one letter of support. Conditions had been agreed with the Metropolitan Police and the Council's Noise Service. No representations were made by any other Responsible Authority.

The Sub-Committee noted that the hours sought were within the hours specified core hours in licensing policy 6. The sale of alcohol was not the main business of the undertaking. The premises are outside a designated Cumulative impact area and are not near schools or other vulnerable institutions.

The Sub-Committee was accordingly satisfied that the exemptions to the cumulative impact were applicable and that the presumption brought into consideration by Licensing Policy 4 were rebutted.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives.

The meeting ended at 8.15 pm

**CHAIR**