

London Borough of Islington

Licensing Sub Committee B - 9 May 2024

Minutes of the meeting of the Licensing Sub Committee B held at Islington Town Hall, Upper Street, N1 2UD on 9 May 2024 at 6.30 pm.

Present: **Councillors:** Ibrahim (Chair), Wayne (Vice-Chair) and Cinko-Oner

Also Present: **Councillors:**

Councillor Bashir Ibrahim in the Chair

106 INTRODUCTIONS AND PROCEDURE (Item A1)

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

107 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence..

108 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

109 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

110 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

111 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 27th February 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

112 THE ARCHWAY CLUB, FIRST FLOOR, 1 NAVIGATOR SQUARE, LONDON, N19 3TD - PREMISES LICENCE VARIATION (Item B1)

The Licensing Officer was asked to provide updates to the Committee. In response the Licensing Officer advised members that aside from minor additional information, the case was as presented in the agenda papers.

The Licensing Authority and the Police were present as the Responsible Authorities for this application to give their verbal representation to members.

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In their representation, the Licensing Authority that their position remained the same as presented in the agenda papers, and that it was their recommendation that the application was considered by the Committee as the licence had only been in effect for six months. The Licensing Authority confirmed that there had been no anti-social behaviour or noise complaints regarding the premises and that it would be for the committee to determine based on the submissions given by the applicant, as to whether the applicants were responsible operators.

The Police stated that their representation was also as per that which was published in the meeting agenda, and that their position was neutral, and that it was for committee to determine whether they were satisfied with the application on balance. The Police further stated that there had been no issues under the current management and that they felt the decision should be taken by the committee instead of delegated.

There were no interested parties and therefore the Chair moved to ask the applicant to summarise their case. In their representation, the applicant stated that prior to their ownership, the premises' reputation was not positive and that on assuming ownership and applying to the committee for the current licence in October 2023, it was on the commitment that they would address historical issues and improve the premises to a position of good standing. The applicant stated that they accepted the reduced hours that had been granted and implemented the conditions, and that the premises was now in a position that they could apply for the hours they had originally wanted, which would sustain the business.

The applicant requested that the committee, when deciding whether to grant the hours applied for, considered what they (the applicant) had achieved for live music in both Camden and Islington. It was further stated by the applicant that they had a close working relationship with Camden Council and with other establishments in the area, through which they had set up a "pub watch" group to discuss new legislation, issues in the local area and community initiatives. The applicant stated that while their premises was not busy every night, they had put their policies and procedures to test and it was hoped that the operation of the premises for six months without issue and the lack of representations from residents for this application, would be enough to satisfy the committee to grant the application.

The applicant stated that they had been granted fourteen Temporary Event Notices (TENs) which had each been implemented with no issues and that the closest model of operation for their venue would be the Jazz Café in Camden, which rarely needed a Temporary Event Notice unless it was for something specific.

Members of the Committee asked the applicant whether they were seeking extended hours to attract new bookings. In response, the applicant advised that the current hours did not give scope to host live music or late-night events and to attract promoters. The applicant stated that they sat on the Archway Town Centre group, and sought to utilise their space as a destination venue that would bring people into Archway. The applicant stated that they wanted the space to provide a varied offer and hosted events during the day as well as spoken word sessions.

The applicant stated that they would vet organisers of events that weren't in-house that would be using the space as they did not want anyone operating in the space that could tarnish the operation and reputation of the venue. The applicant told members that they had a positive working relationship with council officers and would ensure all events held on the premises were compliant with the licence in effect.

RESOLVED:

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- 1) That the Sub-Committee has decided to grant the application for a premises licence variation in respect of The Archway, First Floor, 1 Navigator Square, London, N19 3TD
 - a) To allow the Sale of alcohol on the premises, Thursdays, from 09:00 to 02:00, Fridays to Saturdays, from 09:00 to 03:30.
 - b) To allow Regulated Entertainments, Films, Live Music, Recorded Music and the performance of Dance, on Thursdays from 09:00 to 02:30, and on Fridays to Sundays, from 09:00 to 04:00.
 - c) To allow the premises opening hours to be Thursdays, from 09:00 to 02:30, Fridays to Saturdays, from 09:00 to 04:00.
 - d) All other hours remain unchanged.
- 2) Conditions detailed on pages 53 to 58 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This was an application for the variation of a premises licence granted on 31st October 2023. At that hearing the existing conditions on the licence had been agreed with the applicant.

The applicant's contention was that the licensing authority had agreed that the applicant could bring a fresh application for variation of the licensable hours following a reasonable period to establish how the new business was operating and whether there were any concerns.

This application for variation was therefore brought 7 months after the granting of the existing licence.

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.

No resident objections had been received. There had been two representations made by the responsible authorities, namely the Licensing Authority and the Police.

The LSC noted that no residents had objected to the application. It also noted that the responsible authorities had reported that there had been no reports of anti social behaviour or crime and disorder associated with the premises since the granting of the new license.

The Sub-Committee concluded that the granting of the variation with the existing conditions would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the variation was proportionate and

appropriate to the promotion of the licensing objectives.

113 FAIRBRIDGE MINI MARKET, 163 FAIRBRIDGE ROAD, LONDON, N19 3HS - NEW PREMISES LICENCE (Item B2)

The Licensing Officer was asked to provide updates to the Committee. In response the Licensing Officer stated that aside from the additional information that had been circulated, everything was as submitted in the agenda papers.

The Licensing Authority and the Police were present as the Responsible Authorities for this application to give their verbal representation to members.

The Licensing Authority stated that the application sought to remove conditions that had been imposed at the previous committee on 31st October 2023, specifically that in relation to selling higher strength beers and miniatures, and the times for delivery, and that while there had not been any reports of noise or nuisance concerning the premises, this was probably due to the robust conditions in place on this licence. The Licensing Authority told the committee that it was their view that the conditions should stay as they were.

The Police stated that for the original licence application, the mitigation of reduced strength alcohol was offered, in which nothing above 20cl bottles would be sold. The Police were willing to allow up to 50cl. The Police told the committee that very small bottles were often purchased by street drinkers and disposed of in nearby parks and that a lot of work had taken place between the Police and ASB team to reduce anti-social behaviour in the Elthorne Park area. The Police stated that they were concerned that there didn't appear to be mitigation for the additional condition sought and were against the loosening of conditions.

There were no interested parties and therefore the Chair moved to ask the applicant to summarise their case. The applicant stated that they were seeking a level playing field with other premises in the vicinity, which were not subject to the same conditions. The applicant accepted the concerns of the responsible authorities about proliferating the local area with alcoholic products, but that unfair competition was harming the viability of the business, which was only just breaking even.

The applicant told the committee that they had experience running similar establishments for over two decades, in Haringey, Waterloo and abroad, that it was their intention to only sell quality alcoholic products, and that it was not their intention to attract street drinkers.

Members asked the applicant whether they were aware of the other businesses when they acquired the premises and why they accepted the terms of the conditions in October 2023. In response, the applicant stated that they were seeking to establish their business and what customers wanted, and that in the time they had been operating there had been much competition.

Members of the Committee asked the applicant what the demand for miniatures had been in terms of customer enquiries. In response, the applicant stated that it was not many.

In response to members' interpretation of the application that the applicant was seeking the removal of the designated person with knowledge of the licensing regulations, the applicant stated that they were seeking the removal of conditions relating to strength of beers, lagers and ciders, the spirits and miniatures, but stated that they understood there was concern about the supply of cheap ciders in that area. The applicant stated that while their intent

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was to compete with other businesses, they were not seeking the later hours that some of their competitors operated to.

The applicant was asked as to why they didn't apply for a variation to which the applicant responded that there was not much difference between the process and the outcome would be effectively the same.

The applicant noted that since the granting of the original application their research had shown there were five other premises in the vicinity that were not bound by those conditions which suggested it wasn't proportionate to the licensing objectives.

In summary the Licensing Authority stated that the premises at 431-443 Hornsey Road does stock high strength cider, which was the most recently conditioned premises. The Licensing Authority also further summarised that they would always promote conditions that reduced the strength of alcohol and had adopted measures in 2013 to address this problem, and that the first areas this was rolled out to, was the Elthorne and Tollington localities. The Licensing Authority further stated that most of the premises in the Hornsey Rise area agreed to sign up to the policy and there had been an estimated 65% take up of the scheme since its introduction.

In summary, the Police stated that they agreed with the Licensing Authority's representation and that they fully supported the reducing alcohol strength scheme, and that it had been a positive scheme since its introduction.

The applicant told the committee in their summary that they didn't want to contribute negatively to the area and that they didn't want to stock cheap, white cider, and that the condition sought to tackle, only certain items of craft alcohol.

RESOLVED:

- 1) That the Sub-Committee has decided to grant the application for a new premises licence in respect of Fairbridge Mini Market, 163 Fairbridge Road, London, N19 3HS, to allow:
 - a. the Sale of alcohol off the premises, Mondays to Sundays, from 08:00 to 23:00
 - b. Premises opening hours, Mondays to Sundays, from 08:00 to 23:00
- 2) Conditions on the premises licence granted on the 31st October 2023 shall be applied to this 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 premises do not fall within a specific designated cumulative impact area . However Licensing Policy 4 is applicable. 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

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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 application was for an identical licence to that granted by the LSC on 31st October 2023 for the same premises with the exception that the applicant wanted certain conditions in relation to the permitted strength of alcohol to be sold at the premises to be removed from the new licence. The LSC noted that these conditions had been agreed to by the applicant in October 2023.

The Licensing Authority and the Police made written and oral submissions. No representations were made by the public. The LSC considered the written and oral submissions made by the responsible authorities referred to and the applicant and his representative.

The LSC was not satisfied that granting the new licence (in effect varying the licence granted in October 2023) to permit the sale of stronger alcohol was a reasonable request and in addition would not promote the licensing objectives.

The LSC concluded that the granting of the new licence with the same conditions as those attached to the licence granted on 31/10/23 was reasonable and proportionate to promote the licensing objectives.

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

114 QUALITY WINES, 88-90 FARRINGDON ROAD, LONDON, EC1R 3EA - PREMISES LICENCE VARIATION (Item B4)

All representations to the application for Quality Wines were withdrawn prior to the meeting and therefore the application was granted under delegated authority and not considered by the committee.

115 THE FENCE, 67-69 COWCROSS STREET, LONDON, EC1M 6BP - PREMISES LICENCE VARIATION (Item B3)

The Licensing Officer was asked to provide updates to the Committee. In response the Licensing Officer stated that there was no additional information and that one representation had been withdrawn.

There were no responsible authorities or interested parties, so the Chair moved to ask the applicant to summarise their case. In response, the applicant stated that the premises had an unusually large garden to the rear, for the area. The applicant stated that present arrangements for customers to purchase drinks was either through table service or going back inside the premises and that this application for an external bar would relieve pressure on the internal bar as well as improving the customer experience.

The applicant stated that they would continue to abide by the conditions on their licence, that the premises was popular and had received no issues or complaints in the time that it had been operating. The applicant told members that there was no intention to change the style of operation, and their customer base was largely a mature, after-work crowd, that was predominantly female.

Members of the Committee asked the applicant how long they had been operating, inclusive of the external area, to which the applicant advised it had been six months. The applicant

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stated that in that time they had received feedback to say that it had taken too long to get a drink from the internal bar.

The applicant confirmed that there was no intention of altering the garden in any way to the accommodate the bar other than some tables and chairs and there was no intention to change the model of operation other than providing an additional point of sale.

The applicant confirmed that they do intend to put screens up for the football, and plans were in place to manage what was anticipated to be a busy period.

The applicant confirmed that the external bar was mobile and could be moved by staff if necessary.

RESOLVED:

- 1) That the Sub-Committee has decided to grant the application for a premises licence variation in respect of The Fence, 67-69 Cowcross Street, London, EC1M 6BP to:
 - a. To vary the layout of the premises in accordance with the new plans submitted.
 - b. To add a small external bar in the external area, to sell alcohol and other drinks until 22:00 daily.
- 2) That all licensable activities, permitted hours, opening hours and conditions to remain the same as existing.

REASONS FOR DECISION

This was an application for a variation to an existing licence. The application in essence was to amend the planned layout of the premises and to enable the sale of alcohol from a small bar at the back garden of the premises.

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

The hours requested for the sale of alcohol from the bar were within the policies core hours.

There were no representations from any of the Responsible Authorities. There were initially two written representations from members of the public. One was subsequently withdrawn.

The applicant's representative informed the LSC that the reason behind the application for the variation was to enable customers occupying the garden to purchase their drinks from the garden bar as opposed to having to go back inside the bar and wait at the inside bar to be served. Customers in surveys had raised this as a concern.

The Sub-Committee concluded that the granting of the variation 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

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satisfied that the operating schedule demonstrated high standards of management and that the proposed use, meant that the premises would not add to the cumulative impact.

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

The meeting ended at 8.30 pm

CHAIR