

London Borough of Islington

**Licensing Sub Committee C - 21 May 2024**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 21 May 2024 at 6.30 pm.

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

**Councillor Angelo Weekes in the Chair**

- 101**        **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.
- 102**        **APOLOGIES FOR ABSENCE (Item A2)**  
None received.
- 103**        **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no declarations of substitute members.
- 104**        **DECLARATIONS OF INTEREST (Item A4)**  
Councillor Angelo Weekes declared that he was a ward councillor for Mildmay ward and had been advised at a resident meeting that there had been an application for Item B1, The Dreamery which was to be heard a future Licensing Sub meeting. Councillor Weekes had advised residents to contact other ward councillors with any comments about the application.
- 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 11 April 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 107**        **DREAMERY, 30 NEWINGTON GREEN ROAD, N1 4RX - NEW LICENCE APPLICATION (Item B1)**  
The Licensing officer reported that submissions had been circulated from the applicant. A meeting had been held with residents in March to outline the application. In an amendment to the report the Sub-Committee was advised that late night refreshment had also been applied for from 11pm to midnight on Fridays and Saturdays.

A local resident stated that he was in favour of the application. It was on the site of an old car wash which was not very attractive and the applicant had been willing to

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invest in an old building. It would be necessary to offer protections against unruly behaviour and smells from the cooking. He expected it would bring people to the area and make it safer. He considered that the area would be improved with the staff and activity in it.

In response to questions, the resident stated that exit and entrance should be at the front of the building and not the rear. He was concerned about the smells from cooking. There was an open area at the rear that was not part of the licence application and which they did not own. The resident stated that the hours were fine as long as patrons were directed out the front. If there was a beer garden that would be a different matter.

The applicants' representative stated that many people turned up to the resident meeting and they were not present at the Sub-Committee this evening. He stated that the applicant had a lease which operated as a car wash. This was Class E in planning terms, which extended to restaurant use. The premises was situated outside a Cumulative Impact Area and was on a main road. There was no application for regulated entertainment and conditions were extensive. There was one letter of support from a resident and 12 opposed, although many had attended the resident meeting on the 27 March. The applicant was not proposing a delivery hub but hoped to provide a small amount of food and drink at home. Conditions 14 – 19 on page 60 and 61 of the agenda would control delivery activities. The hours were within framework hours. There would be less vehicle traffic than the previous car wash. There was no regulated entertainment and money had been spent on sound proofing. The external area was covered. There would be a dispersal policy and a supervisory presence for antisocial behaviour and litter picking. Cooking would be with a covered smoking device with a tall chimney which emitted very little smell. The responsible authorities had not objected. This would be a positive addition to the community and would promote the licensing objectives.

The space allowed for a maximum of 120 covers but it was considered that there was likely to be around 60-80 covers. The premises would only be open initially from Wednesday to Sunday but trade was hoped to be extended in the future if successful. The kitchen would close at around 10.30pm. There would be no tables and chairs outside. Smokers would be outside the front and there was no interaction at the rear of the premises. The applicant's representative agreed that there would be a dispersal policy condition. He stated that patrons would leave at the front to access all transport links. The application was for framework hours to enable flexibility and to support dispersal allowing half an hour for closing. Concerns had been raised about the food smell. The burner they would use would have a significant flue and operated at a high temperature which produced clean smoke. It was hopeful that residents would enjoy the food and they were happy to have more formal resident engagement.

A local objector who arrived after the start of the item was allowed the opportunity to speak by the applicant's representative and the Chair. She stated that her main concern was about the odour from cooking, smoke and wondered about the sound proofing that had been installed. She also raised concerns about anti-social behaviour.

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In response to questions, it was noted that there was a strip of land, several metres wide between the premises and residential houses. It was considered by the resident who spoke in support that the premises would mean that people were more likely to feel safer. A parking permit was required to park locally but if there were empty spaces people would park. Deliveries would not be made at the rear and were governed by conditions 14-19. There would not be a high volume of deliveries as the order value would be high. This site had historically been accessed by vehicles as it was previously a car wash.

In summary the residents stated that they were most concerned about traffic, music, noise, smells from cooking and expected that any disturbance would be focussed at the front of the premises.

The applicant's representative advised that the applicant hoped to foster a good and neighbourly relationship.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Dreamery, 30 Newington Green Road, N1 4RX, be granted to allow:-
  - a) The supply of alcohol on and off the premises on Sunday to Thursday from 10am to 11pm and on Friday and Saturday from 10am until midnight;
  - b) Late night refreshment from 11pm to midnight on Fridays and Saturdays
  - c) To permit the premises to be open on Sunday to Thursday from 10am to 11.30 pm and on Friday and Saturday from 10am until half past midnight.
- 2) That conditions detailed on pages 58 to 61 of the agenda shall be applied to the licence with the following addition conditions:-
  - That the licence shall not be used until a dispersal policy has been submitted and agreed with the licensing team;
  - That a member of staff monitor the outside area between 12–12:30am on Fridays and Saturdays;
  - That a meeting be offered to residents every four months.

### **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.

Thirteen local resident representations had been received. Twelve were objecting to the application and there was one in support. There had been no representations made by the responsible authorities.

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

The Sub-Committee heard evidence from a local resident who was supportive of the application. The resident stated that the premises were an old car wash that was not very pretty and that he was in favour of anyone who wanted to invest in the area. As long as customers leaving the premises were controlled to protect residents against noise and as long as residents were protected against smells coming from the premises the resident was of the view that the area would be made safer.

The Sub-Committee heard evidence from a resident who stated that her main concerns were odour and smoke coming from the premises and whether the premises had proper sound proofing. In response to questions, it was established that, although the resident lived very close to the premises, there was no shared party wall. The resident also expressed concern about parking in the area.

The Sub-Committee heard from the applicant and his representative that the premises did not require planning permission because the car wash use reverts to Class E. The premises would be run as a restaurant serving smoked meats. The premises would not be a high frequency delivery hub and conditions had been agreed to tightly control any deliveries. A great deal of money had been spent on sound proofing. A dispersal policy would be put into place and a supervisory presence would improve the litter situation for residents. Although the premises originally proposed an open fire cooking area at the rear, the applicant was now investing in a covered smoker with a very tall chimney to minimise smoke and odours. Although the maximum capacity of the premises was 120, the applicant would be aiming at between 60-80 covers and the premises would initially be aiming to open evenings between Wednesday and Sunday. The kitchen was likely to be closed at 10.30 at the latest, there would be no tables and chairs on the pavement and smoking would be at the front of the premises and not the rear. The applicant stated that if any residents had any issues they could come in and talk to him.

The Sub-Committee concluded that with the addition of three further conditions, the granting of the licence 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. The Sub-Committee added extra conditions in respect of a dispersal policy, the supervision of the front outdoor space when patrons were leaving on Fridays and Saturdays and resident engagement. The Sub-Committee was satisfied that these additional conditions were proportionate to address the concerns raised by residents and that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives.

**108**     **THE MAD HATTER, 44 OLD STREET, EC1V 9AE - NEW LICENCE APPLICATION (Item B2)**

The licensing officer reported that there were no further updates. In response to a letter sent by the applicant to the interested parties, two objectors wanted to continue with their objection and the licensing officer had not heard from the third.

The applicant stated that he had revised the application to framework hours following the receipt of representations.

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In response to questions, he stated that his vision was to offer prohibition era style cocktails. He wanted a low key, friendly warm place which served good quality drinks. He had met with a number of people and businesses and was in contact with them to help reduce crime. He had removed a bench from outside so there would be no loitering when smokers were outside. He had been a bar manager and store manager for over 30 years. The premises were small and held around 35 people. Two staff would be on duty on Tuesdays to Saturdays and on Sundays it would be closed. If the business was successful, he would look at employing more staff. There were conditions proposed from the police and the noise team.

In summary the applicant stated he would have a phone number available for residents. He was happy with the hours until midnight.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of The Mad Hatter, 44 Old Street, EC1V 9AE, be granted to allow:-
  - a) The supply of alcohol, for consumption on and off the premises from 12:00 until 23:00 hours Sunday to Thursday and from 11:00 until midnight Friday and Saturday;
  - b) Late night refreshment from 11pm to midnight on Fridays and Saturdays.
  - c) The premises to be open to the public from 11 am until 11 pm Sunday to Thursday and from 11am until midnight Friday and Saturday.
- 2) That conditions outlined in appendix 3 and detailed on pages 102-104 of the agenda 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 Policies 2 & 3. The premises fall within the Bunhill 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.

Three local resident objections had been received. Conditions were agreed with the noise team and the police. There had been no other representations made by the responsible authorities.

The Sub-Committee noted the written representations from the local residents.

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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 evidence that the premises would be run as a cocktail bar with old charm and in a new way. The applicant wanted people to converse in a warm and comfortable place. The applicant had over thirty years' experience as a store manager and a bar manager. There would be two staff at the premises on a daily basis between Tuesdays and Saturdays. If the premises got busy more people would be employed and the applicant would do a risk assessment. If anything needed to be changed the applicant would consult with the Responsible Authorities.

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 7.45 pm

**CHAIR**