

London Borough of Islington

Licensing Sub Committee B - 15 July 2024

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 15 July 2024 at 6.30 pm.

Present: **Councillors:** Ibrahim (Chair), Wayne (Vice-Chair) and Roulin Khondoker

Councillor Bashir Ibrahim in the Chair

116 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.

117 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Ilkay Cinko-Oner.

118 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Roulin Khondoker substituted for Councillor Ilkay Cinko-Oner.

119 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

120 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

121 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 9 May 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

122 DREAMERY ICE CREAM SHOP, 21 HALLIFORD STREET, LONDON N1 3HD - NEW PREMISES LICENCE (Item B1)

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The Licensing Officer was asked to provide updates to the Committee. In response the Licensing Officer advised the Sub-Committee that there was no additional information, and the case was as presented in the agenda papers.

The Sub-Committee received representations from a local resident. The local resident presented their key points and stated that the premises was a small unit situated at the end of a terraced housing block in a quiet residential area. It was also noted that there was a primary school located at the end of the road and there were concerns that the premises would be directly opposite a licensed pub which was being managed by the applicant. The resident was apprehensive about the premises attracting people into the area for the consumption of alcohol throughout the day and in the evening. The resident also stated that there was a real risk of little to no ice cream being sold and that the business would become heavily reliant on the sale of alcohol. Other concerns raised by the resident included additional litter in the area, child safety, anti-social behavior, noise nuisance caused by patrons standing outside the premises.

In response to a question from the Sub-Committee regarding previous interaction with the applicants, it was noted that there had been conversations around noise nuisance from building works from the site, however, there were no conversations around any of the concerns raised to the Sub-Committee.

The applicants and their Legal Representative presented their key points. It was noted that the applicants had opened a coffee shop adjacent to the premises and had received positive feedback from customers, including local residents. The aim was to create more businesses with different concepts for people locally. The Sub-Committee heard that the premises would be primarily selling organic ice-cream during the day, with an option to have a glass of wine alongside the ice-cream. The ancillary alcohol offering would generate revenue during the day and night. It was noted that the alcohol would be mostly premium organic wine, which would not usually appeal to the younger population or regular drinkers. The applicant explained that there had been engagement with residents and as a result, one of the three residents withdrew their representations. The applicant was mindful that the premises was in a residential, low traffic neighbourhood area and said they would manage their business in a way that was respectful of this, complying with all relevant licence conditions.

In response to a question from the Sub-Committee it was noted that in terms of the business model, the applicant had taken inspiration from a Parisian style café called Folderol, where they offered a combination of artisan ice-cream and natural wine. It was stated that this concept had been tried, tested and would bring something positive to the community. In addition, although the target market was adults, the pricing of ice-cream would be accessible for all.

In response to a question regarding the supply of alcohol for consumption off the premises, it was advised that the premises would primarily be supplying natural organic wine, which would be in sealed bottles only.

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The Sub-Committee was advised that there would be a robust management system to ensure that there would be a modest offering of alcohol, and the sale of alcohol would mainly be in the evening. It was also highlighted that the proposal was to be an ice-cream led premises, as they had invested in a custom Carpigiani gelato maker.

In response to a follow up question relating to concerns around the premises being alcohol-led, the Sub-Committee was advised that Condition 1 had been applied to ensure that the premises does not turn into a wine bar.

The Sub-Committee was advised that although alcohol sales would be ancillary to the sale of ice-cream, it was important to ensure the business was viable to accommodate for families and larger groups of friends. It was also noted that the premises had allocated 6 stools and there would also be enough space to accommodate for people to consume ice-cream without being seated.

In relation to child safety, it was noted that the business would be low risk and there were other businesses in the local area that posed as a higher risk than the premises itself. In addition, the premises would be operating with the 'Challenge 25' proof of age scheme.

In summing up, the local resident stated that the concerns were that the revenue driver would be from the sale of alcohol. It was highlighted that although the premises was a small unit, it was big enough to create a nuisance in a residential area. Additionally, the applicant already had a licensed business opposite the premises, which would contribute to noise and nuisance.

In summing up, the Legal Representative for the applicant stated that this application was for a small unit with limited hours and tight conditions. The applicants had invested heavily in the area and wanted to commit to building relationships within the community.

RESOLVED:

1. That the Sub-Committee had decided to grant the application for a new premises licence in respect of Dreamery Ice Cream Shop, 21 Halliford Street, London N1 3HD to allow: -
 - a) On and Off Sales of alcohol from 09:00 until 21 :30 Monday to Sunday.
 - b) On and Off Sales of alcohol from the end of permitted hours on New Years Eve, until the start of permitted hours on New Years Day.
 - c) Opening hours from 09:00 until 22:00 Monday to Sunday.
2. Conditions detailed on pages 31 to 33 of the agenda shall be applied to the licence.

REASONS FOR DECISION

Sub-Committee listened to all the evidence and submissions and read all the material.

The Sub-Committee reached the decision having considered the Licensing Act 2003, as amended, and its regulations, the Home Office revised guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

Three local resident objections had been received against the application. One of those residents withdrew their representations following agreement of conditions, which was found at Page 43 to the agenda pack. Two residents remained opposed, one attending the sub-committee hearing in person.

Similarly, representations made by the police were withdrawn following conditions being agreed by the applicants, also found at Page 43.

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

The Sub-Committee heard from the applicant who distanced itself from a previous venue Michael's Den or previous connotations. It was accepted that this had been sub-par. The applicant had been in touch with locals and received positive feedback on what it was trying to achieve in the area. The vision was to create a world in and of itself. The Dreamery would major on ice cream in the day, serving wine alongside. The inspiration being a Parisian style café called Folderol that successfully brought the two alongside. It was accepted that wine in the evening would open the revenue stream reducing the risk of the business. The applicant summarised its position by stating that the Sub-Committee would normally consider larger scale applications, later at night in more contentious areas. This application was for limited hours, tightly conditioned. The applicants have invested heavily in the area, were building relationships within the community. There was admittedly more work to be done. But the aim was to create a fun joyous business that would benefit the community.

The Sub-Committee heard evidence from a local resident who stated that the unit was on the end of a residential terrace. She lived next door but one. Her concern was that she was not sure how many would eat high end ice cream during the day, and that the revenue driver was the sale of alcohol in the evening. There was a real risk of little to no ice cream being sold and that the business would become heavily reliant on alcohol sales. The venue may be a small unit but big enough to create a nuisance in a residential area (noise, litter etc.), and all this near a school. There had been some interaction with the applicants, but this was in relation to unrelated matters. Her fears had not been allayed having heard from the applicants at the sub-committee. Their level of operation seemed excessive. They already had a licensed business opposite.

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The Sub-Committee was satisfied that the proposed rigorous conditions would be sufficient to promote the licensing objectives and deal with resident's concerns. The absence of complaints from the applicants' other premises license was indicative that they could run an establishment of bigger size. This small unit would be easier to monitor, and any breach of condition would be more obvious and easier to evidence, in particular whether the alcohol remained ancillary to the sale of ice cream.

The Sub-Committee concluded that the granting of the license, during the hours applied for, with the proposed and additional conditions would promote the licensing objectives.

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

The meeting ended at Time Not Specified

CHAIR