

London Borough of Islington

**Licensing Sub Committee B - 5 September 2024**

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 5 September 2024 at 6.30 pm.

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

**Councillor Bashir Ibrahim in the Chair**

- 123      **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Bashir Ibrahim welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 124      **APOLOGIES FOR ABSENCE (Item A2)**  
None.
- 125      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
There were no declarations of substitute members.
- 126      **DECLARATIONS OF INTEREST (Item A4)**  
Councillor Nick Wayne declared he was the ward councillor for Canonbury ward. He had not expressed a view regarding Item B2, Myddleton Arms.
- 127      **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda.
- 128      **MINUTES OF PREVIOUS MEETING (Item A6)**  
  
**RESOLVED:**  
That the minutes of the meeting held on 15 July 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 129      **TECHSPACE, TECHNIQUE BUILDING, 140 GOSWELL ROAD, EC1V 7DY -  
NEW PREMISES APPLICATION (Item B1)**  
The licensing officer reported that additional submissions from the applicant and responses from the interested parties had been circulated. The planning team had also stated that they had no further concerns with the application and had no objections.  
  
Four residents spoke in objection to the application. They raised concerns regarding the 10-metre proximity to residential properties. The residents heard noise from people entering and leaving the building, light pollution and vehicle noise traffic. The premises would be open for 24 hours a day and the use would be detrimental to the enjoyment of the residents. The street was quiet and residential, and residents were concerned about the noise and public nuisance from the building. One resident proposed conditions that doors and

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windows remain closed, and alcohol be consumed indoors only and not on the terrace. One resident raised concerns about the planning application and stated that the website indicated that the roof would be used for event space. The website had not been updated to indicate that this would not be the case and the Sub-Committee were asked to reject the application. A resident stated that this street was not suitable for this type of business as it was very residential, and the building was only 10m away from residential premises.

In response to questions, it was noted that, although the premises was not operating at the current time, there was a lot of noise being created during the refurbishment. Residents stated that lights were currently being left on overnight and if there were events, customers would spill onto the roof top. It was accepted that there would be some degree of noise even if the premises were used for office space only with no alcohol licence. Residents stated that there would be a very different noise level from people inside the premises to those outside on the roof terrace. Automatic blinds should be operating overnight but this planning condition had been breached for a number of weeks now and had not been rectified despite complaints made. The applicant had not engaged with the residents.

The applicant stated that this would be a vibrant office space where people could work in a contemporary workplace as the primary use, with events such as conferences and networking events. The vast majority would work during normal office hours but it would be open for 24 hours so some could work later into the evening. The letter sent to residents was to engage following the representations received although there was no opportunity to set up a site meeting. The marketing material was misrepresentative, but it was decided not to make changes to the website at this stage. The applicant, Techspace, had not been involved with the planning process. This application was not a re-run of the planning application. It was proposed that the terraces would not be used after 6pm. The application was within core hours and all conditions including additional proposed conditions were agreed. They would be happy to have residents over to discuss the application. There had been no complaints about other branches of Techspace. The licence offered protection to residents. There had been no objections made by the responsible authorities.

In response to questions, it was stated that the website and pictures of parties on balconies reflected premises in other locations such as Berlin or Worship Street. Regarding engagement with residents, it was difficult to engage before the licensing process begins. The applicant's representative had tried to respond to the concerns raised in the letter sent to interested parties. There was no access to the premises to allow a site visit for residents. It was stated that there would be about 900 occupants of the building. The event space would have space for approximately 50-70 seated and 120-150 standing with a separate café bar for about 100 people.

The licensing officer advised that, in terms of notification for the application in Worship Street there were 4 residential addresses and for this address there were 65 residential addresses.

In response to further questions to the applicant, the Sub-Committee were advised that the planning team had considered the office space in this area and the number of users, and had approved the application. The applicant had taken a 15-year lease for this site and operated six other sites across London. It was accepted that prior engagement with residents would have been helpful. It was accepted that the website marketing was inaccurate, however, the terrace could not be used into the extended evening and that was clear from the licence application. The use after 6pm would also be in breach of planning consent. Staff and security would be onsite. This was to be a flexible workspace which would primarily be aimed at companies with 10-40 staff who could invite guests. Beyond this it would need to be an organised event. Members would not be able to purchase alcohol unsupervised. Catering would be ordered from Techspace and billing would be included for the sale of alcohol. The licensing control measures would not apply if alcohol

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was bought off site and drunk in the premises. It was accepted that Techspace would be responsible where there was noise from events. They stated that the licence would strengthen this position. The applicants' representative stated that, if there was a breach of conditions, the responsible authorities or the residents could initiate a review. He did not believe they had complaints across their other premises and invited residents to come to them if they had concerns. There were policies around nuisance behaviour and a client contract could be terminated through this. Members were not prohibited from bringing in their own alcohol, but bad behaviour would not be tolerated, and contracts had been terminated in other premises for this reason. There were some desks available on a day booking only but mostly contracts would be for six months to three years. On event days there would be a member of staff on site and a security guard in the evenings. The security guard assessment was detailed in proposed condition 10. The applicants' representative stated that condition 15 could be amended to state that the outside terrace area be not used after 6pm.

In summary, a resident stated that the website was misleading, and the applicant was now promising to abide by the conditions. This licence was not suitable for this residential street and the Sub-Committee were urged to reject the application. A second resident asked the Sub-Committee to consider that there were three outdoor spaces in this premises.

The applicant stated that all the terraces were covered by the same planning restriction. There were no representations from the responsible authorities and the application was within core hours and many conditions were proposed. Other conditions had been proposed including that windows would be kept shut after 6pm. Contact details would be made available to residents. The applicant's representative stated that he understood the concerns of residents but considered that the applicant would be proactive in engagement, and this would be ongoing. He hoped that the Sub-Committee would grant the licence, and this would set the control and boundaries of the premises.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Techspace, Technique Building, 140 Goswell Road, EC1V 7DY, be granted to allow:-
  - a) The sale of alcohol on and off the premises Monday to Friday from 12 noon to 10pm and Saturday and Sunday from 12 noon to 8pm.
  - b) The provision of regulated entertainment, the exhibition of films on Monday to Friday from 9am to 10.30pm and on Saturday and Sunday from 9am to 8.30pm.
  - c) To permit the premises to be open Monday to Sunday 24 hours a day.
- 2) That conditions outlined on pages 83 to 85 of the agenda be applied to the licence with the following additions/amendments:-
  - A telephone contact number for the duty manager of the premises shall be placed on a sign at the front of the premises for use at any time.
  - At any time licensing activities are taking place at the premises, smokers shall be directed not to smoke on Pear Tree street and moved to the far end of the premises on Goswell Road;
  - Signage shall be affixed to the external wall of the premises on Pear Tree Street requesting people not to smoke in this area.

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- In any room within the premises where the sale of alcohol by retail or exhibition of a films is taking place after 18:00 hours external windows and doors will be kept shut, except for entrance and egress.
- Condition 15 be amended to read. No external terrace area shall be used after 18:00 hours.
- Condition 3c to read. Any complaints received concerning crime and disorder or nuisance.
- There shall be a limit of no more than 100 members, people who work, have offices or hot-desk at the premises, their bonafide guests, ticket holders or invited guests whose names appear on a guest list, in the event space during licensable activities.
- A noise nuisance plan to be put in place to the satisfaction of the local authority.

### **REASONS FOR DECISION**

This was an application for the grant of a new premises licence dated 18<sup>th</sup> July 2024 for the sale of alcohol by retail on and off the premises, and provision of regulated entertainment (film). The on sales were limited to the 1<sup>st</sup> and 4<sup>th</sup> floors, off sales to the 2<sup>nd</sup> and 3<sup>rd</sup> floors with no off sales leaving the building. Alcohol sales within core hours (licensing policy 6).

The 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.

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 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 representations were received from Responsible Authorities, though the Planning Department submitted a detailed comment. 26 representations were received from residents. The predominant representations were in relation to noise nuisance, the use of the external terraces, and the applications perceived inconsistency with planning. The Licensing Sub Committee heard and took time to understand their concerns. The Sub-Committee also addressed the Applicant and his representative. Noting that the Applicant accepts there being an inconsistency between its website and licensing application, and that engagement with residents was lacking, there were conditions proposed to bring the licensable activities under regulatory control, enabling the residents to engage. The Sub-Committee believes that the conditions detailed speak to the residents' concerns regards nuisance (Licensing Policy 22, 23 and 26), require a high level of operational management (Licensing Policy 7) are reasonable and proportionate and promote the licensing objectives. The Sub-Committee were also of the view that there would be no negative culminative impact on one or more of the licensing objectives from the Operating Schedule that arose from those conditions.

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**MYDDLETON ARMS, 52 CANONBURY ROAD, N1 2HS - PREMISES LICENCE VARIATION (Item B2)**

The licensing officer reported that additional comments from residents had been circulated and five additional conditions tabled. Four of these additional conditions had been agreed by the applicant. One resident representation had now been withdrawn.

One resident, who lived next door to the premises, stated that there was already a high level of noise from the premises which was making her living situation unbearable every day of the week. She could also hear noise from the bathroom. She did not want anything added to the licence when the noise was already loud.

In response to questions, it was noted that the resident had moved in about a year ago. The resident was advised that a condition had been agreed with the noise team that, should there be a substantiated noise complaint the licensee would need to take action to deal with the noise. The resident stated that they had not made any noise complaints as they wanted to build a relationship with the business but had walked in a few times and raised the issue with a member of staff. This had not improved the situation. They would raise issues with the Council in the future.

The applicant stated that they intended to open up the upstairs dining room which would seat a maximum of 30 people. It would not be loud or boisterous. The premises was in the middle of a residential area and many regulars were local residents. They had hosted wedding receptions and wanted to create a small intimate place for diners. They would take steps to curtail the noise and monitor patrons outside the front of the premises. The husband of the local proprietor had not heard about any complaints and stated that there was noise from the park opposite the premises. He stated that they had a good chef and were trying to improve the property. There had been no money on the premises spent by previous owners. One of the residents had withdrawn their objections. Their licence was until 2am but they did not use these hours and did not want to stay open late or be a football pub. Following the works the bathroom would not be in the same position. He said that the resident could contact him directly if there were any issues.

In response to questions regarding the suggested condition 'no drinks be taken outside after 10pm' as there would be more people accessing the Myddleton Arms, the applicant stated that he did not think this was necessary as staff would be monitoring this area, however he asked that the time be extended to 11pm, should the Sub-Committee require. The area was being monitored and they would like the flexibility. He considered much of the noise disturbance was from gatherings in the park. The dining room was likely to be used Thursday to Saturday evenings and for Sunday roasts. They hoped to have Xmas parties and expand their business with good quality food. This was a small pub and had a limit to how many people could be inside. There was a concern from the Sub-Committee that a more successful business would create more noise. The applicant stated that the work that was being carried out would create a more sound-proof venue and the resident would notice the difference.

In summary, the resident stated that they would need to soundproof the front and the rear garden to prevent noise. She assured the Sub-committee that noise disturbance was from the premises and not the park across the road. She was not the only neighbour that was affected by the noise. The work currently being carried out on the premises started early, before 8am, and then there was noise from the pub in the evening.

The applicant stated that he considered that there would be an improvement with the refurbishment, and it was expected that the work would be completed in October. He said to the resident that he could be contacted at any time.

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### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of Myddleton Arms, 52 Canonbury Road, N1 2HS, be granted to allow the premises licence to include the first floor of the premises as a private dining area, for up to 30 persons until 11pm.
- 2) That conditions detailed on page 111 to 113 of the agenda shall be applied to the licence with the following additional conditions:-
  - Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
  - That the beer garden shall be cleared and closed by 10:00pm Monday to Sunday.
  - In the event of verified complaint (a complaint which is verified by a noise officer of Islington Council) relating to noise breakout from the premises, the Licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, for the first floor function room, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and entertainments from the first floor. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the first floor function room being used for regulated entertainment.
  - The staff at the premises shall monitor customers standing at the front of the premises after 22:00, to ensure that they do not cause a nuisance to local residents.
  - No drinks shall be taken outside after 23:00 hours.

### **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 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.

This was an application to vary the premises licence to include a dining area on the first floor for up to 30 persons until 11pm, within core hours (Licensing Policy 6). The premises is not in a Cumulative Impact Area.

Four resident objections had been received, one of which was withdrawn. Two persons from the same household adjacent to the licensed premises attended the hearing and made representations. There had been no representations made by the responsible authorities.

The Sub-Committee heard evidence from the Licence Holder that the pub was the heart of the community, had respected its current licence to date with no reported breaches, and was prompt to address any issues they were made aware of. The variation was for a small private intimate dining experience and was not intended to increase drinking space. The building work was taking place at present, the intention being to use a locally known Lithuanian builder who had renovated other pubs to an excellent standard. Those works were to include soundproofing. The applicants came across well and the Sub-Committee had no reason to hold their comments lightly.

The Sub-Committee also heard from the resident of the adjacent building. She had moved into the premises a year or so ago. She detailed that the activities of the ground floor of the

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pub could be heard through the walls. The Sub-Committee heard that addition of the first floor would make it unbearable. Her account was verified by her partner who stayed at the premises from time to time. She had not to date reported the issues she complains of to the Local Authority in any capacity. She was urged to get the Local Authority involved and to work with them.

The Sub-Committee noted that any increase to the numbers of patrons was going to create more noise and potential nuisance, however given the scale of the proposed variation that would be minimal. The intrusion of noise from the exterior of the pub was considered to be an issue, and that the suggestion that the problem arises from the park was less persuasive.

The Sub-Committee had compassion for the resident, however having moved next door to a pub had to accept a reasonable level of interference. The proposed sound proofing works when completed, and proposed noise nuisance conditions, it was anticipated should bring the intrusion suffered to a reasonable level. Ultimately the variation itself should have minimal impact. This was a well-run successful pub and the conditions proposed are reasonable and proportionate in light of the nature of the representations made.

The meeting ended at 9.20 pm

**CHAIR**