

Licensing Sub Committee A - 22 October 2024

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 October 2024 at 6.30 pm.

Present: **Councillors:** Heather Staff (Chair), Ben Mackmurdie (Vice-Chair) and Gary Heather.

Councillor Heather Staff in the Chair

- 109 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Heather Staff welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 110 **APOLOGIES FOR ABSENCE (Item A2)**
There were no apologies for absence.
- 111 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 112 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 113 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 114 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED
That the minutes of the meeting held on the 22 August 2024 be confirmed as a correct record and the Chair be authorised to sign them.
- 115 **LONDON LEBANESE GRILL, 120 ST JOHN STREET, EC1V 4JS - NEW PREMISES LICENCE (Item B1)**
The licensing officer reported that the hours applied for had now been amended to Sunday to Thursday to 1am and Friday and Saturday to 3am. The Sub-Committee noted that there were no interested parties present.

The Licensing Authority raised concerns that, despite the hours now being amended, the hours sought were still beyond policy hours and there had not been any details in the application about how the premises would be run, particularly with regard to the licensing objectives and how the premises would not cause a nuisance to residents or about deliveries. She stated that there were late night premises nearby and these premises could attract people from these venues who had been drinking and cause disturbance. An updated plan was also required as the plan submitted did not indicate any fire equipment or exits or toilets. There were no details about the management of deliveries. The police stated

Licensing Sub Committee A - 22 October 2024

that they had engaged with the applicant when they had made their application. The applicant had accepted their proposed conditions, but the police would require framework hours. As the hours were not agreed by the police it was considered that this was a matter that should be considered by a Licensing Sub-Committee.

In response to a question from the Sub-Committee it was noted that deliveries should be made to a residential address rather than to an open space e.g people sitting in a park.

The manager of the premises stated that there would be no point in staying open for one extra hour during the week. Customers had been asking the venue to stay open for longer hours. No customers would wait outside. Customers would collect their food and go. They had been open for six months. He stated that two hours would be acceptable during the week.

In response to questions, it was noted that the premises would be using third party delivery drivers. The Sub-Committee were concerned that the applicant had not given any consideration to the noise disturbance to residents that would be caused to delivery drivers coming and going. The manager stated that he could use security. They now had the correct ventilation system. He had not submitted the plan of the premises so did not know why the correct plan had not been submitted. That had been made by his manager who was not in attendance at the meeting. They wished to open late to offer students a chance of food early morning. Alcohol was not sold and customers could not bring their own alcohol. If customers were rowdy he would ask them to calm down because of the neighbours. He said that they could have security to help with disturbance. He was asked to ensure that food deliveries to the premises be made during the day.

In response to a question from the Licensing Authority, the manager advised that there would be no customers waiting outside for takeaway food. The Licensing Authority advised the manager that they could ask third party delivery companies to use electric vehicles only and they could also report drivers who caused problems for them. The Sub-Committee asked the manager if he knew how he would comply with the conditions.

In summary, the Licensing Authority stated that they would stand by framework hours and midnight during the week would be adequate. They may consider 2am at the weekends if there was a proper system in place to manage delivery drivers and with a supervisor present. The police stated that they had spoken to the applicant, and he was aware that they had some concerns but would not object to framework hours with the conditions. He was advised that they could use TENs as necessary.

RESOLVED

That the application be adjourned under Regulation 12 (1) (a) of the Licensing Act 2003 (Hearings) Regulations 2005 in order for an updated plan and a more comprehensive operating schedule to be submitted which demonstrated how the applicant would promote the licensing objectives and address the cumulative impact policy.

The application would be heard at the next Licensing Sub A on the 17 December 2024.

REASONS FOR DECISION

The Sub-Committee regarded an adjournment as necessary for its consideration of its representations made by local residents and the Licensing Authority. The Licensing Authority had drawn attention to the defect in the plan submitted and the lack of detail on how the premises would be run to promote the licensing objectives or manage deliveries, particularly as the premises are in the Bunhill Cumulative Impact Area.

116

THE BOTTLE COCKTAIL SHOP, 129L UPPER STREET, N1 1QP - PREMISES LICENCE VARIATION (Item B2)

The licensing officer reported that an application had been made in March 2023 and was adjourned for an opportunity to investigate the planning situation. Two objectors had been written to but there had been no response.

The applicant advised that this was a small independent shop with only 20 covers, two tables of four and the rest of the seats around the counter. They had pre dinner and pre theatre clientele, but their licence finished at 10pm. Customers had asked for later hours and this would allow customers to have an after theatre/dinner drink. The area did not have the footfall of Upper Street, and this meant that the lower footfall was a problem with financial viability. There were nine empty units in the area. This was a cocktail bar with their own range and at a £13 a cocktail price point.

In response to questions, the applicant stated that some of the comments in the representations were not true. There were several local residents that drunk in the bar. He had a good relationship with the security team. They did not have live music but only background. He had offered a residential night but had received no response. Most residents lived across the road from the premises, and he offered discounts to residents and special masterclasses. The delivery drivers finished at 10pm and they only used electric bicycles. There would be no deliveries after 10pm should the licence be granted. To help prevent drink spiking the applicant advised that all staff were trained. Should customers leave their seats their drink was covered and put in the fridge to keep cool. There were two or three staff in the premises and as it was small, staff had full view of the premises. Patrons would need to ask for ashtrays for smoking. There were signs to leave the premises quietly in order not to disturb residents and patrons were guided away from Esther Anne Place or through to Upper Street. With their recent TENs they had made an announcement to leave quietly. There were other venues close by with later hours which would disperse into the area much later.

RESOLVED

- 1) That the application for a new premises licence, in respect of The Bottle Cocktail Shop, 129L Upper Street, N1 1QP, be granted to allow:-
 - a) The sale by retail of alcohol, on and off supplies, Sunday to Thursday from 10 am until 11pm and on Fridays and Saturdays from 10am to midnight.
 - b) The premises to be open to the public, Sundays to Thursdays from 10am to until 11pm and on Fridays and Saturdays from 10am until midnight.
- 2) Conditions of the current licence and additional conditions detailed on page 99 of the agenda shall be applied to the licence with the following additional condition.
 - There shall be no deliveries after 10pm.

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 Angel and Upper Street 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

Licensing Sub Committee A - 22 October 2024

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 Sub-Committee noted that the Angel and Upper Street cumulative impact area supported a diverse and vibrant evening and night-time economy. The Licensing Authority was committed to working with licence holders to ensure that premises were well managed and negative impacts on local residents in terms of crime and disorder, nuisance and anti-social behaviour were minimised.

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 Sub-Committee was satisfied that the grant of the application was unlikely to add to the cumulative impact on the licensing objectives. The risk of alcohol purchased from the premises and being consumed on the street was minimal due to the nature and type of alcohol being sold which was specialist cocktails.

Two local resident objections had been received but no residents attended. There had been no representations made by the responsible authorities and conditions had been agreed with the noise team.

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

The applicant informed the Sub-Committee that the premises catered to the pre-theatre or pre-dinner clientele. At the present time he was unable to serve patrons after the theatre because there was not enough time before the premises closed.

The Sub-Committee heard evidence that this was a safe and secure licensed venue. The premises had twenty covers and staff had clear visibility of the premises at all times. Staff were trained to identify any dodgy characters and take appropriate steps. In particular, measures were taken to safeguard lone women by removing their drinks for safekeeping if they left their seats. There was no live music, only background music and the resident upstairs had made no complaints.

The position of the premises was such that there was not the footfall outside, that Upper Street had, and local residents were among their clientele. The allegation that the concierge and the team had difficulty with management was quite untrue. He set out the terms of his dispersal policy explaining that he encouraged people to leave away from Esther Anne Place. The applicant used delivery platforms which only used electric bicycles and there were no deliveries after 10pm.

The Sub-Committee concluded that the granting of the variation of the licence with the agreed conditions and the added condition 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 extension of hours would not add to the cumulative impact.

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

The meeting ended at 7.50pm

CHAIR