

Licensing Sub Committee D - 3 May 2022

Minutes of the meeting of the Licensing Sub Committee D held by Zoom on 3 May 2022 at 6.30 pm.

Present: **Councillors:** Phil Graham, Angela Picknell and Gary Poole

Councillor Phil Graham in the Chair

147 INTRODUCTIONS AND PROCEDURE (Item A1)

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

148 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Matt Nathan.

149 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Phil Graham substituted for Councillor Matt Nathan.

150 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

151 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

152 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 10 March 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

153 ALWYNE CASTLE, 83 ST PAUL'S ROAD, N1 2LT (Item B1)

The licensing officer introduced all parties to the application. She stated that the applicant had agreed conditions with the police and the noise team and those representations had therefore been withdrawn. Updated conditions had been circulated to the Sub-Committee. The Licensing Authority had maintained their objection.

The Licensing Authority stated that she was in agreement with the football conditions proposed. She considered that the issues were in relation to the large garden area and the supervision of it other than on match days. The site had three

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entrances and an external bar which was proposed to be open until 11.30pm. There was the possibility of anti-social behaviour where customers could not get to the toilets inside. This had happened in the past. There had been no complaints received in the last couple of years. Consideration should be given on how customers would be controlled, the extra security required in managing the exits and numbers outside. It was an area that could be used all year round and more care was required to ensure it was well supervised.

In response to questions, the Licensing Authority considered that there would be an increase of about 20% in space at the side and the rear of the premises and it would look more attractive with decking and umbrellas to cover the site. The Licensing Authority was concerned about the lack of toilet provision. This had caused issues in the past but was not something that the Licensing Authority could realistically control. There was a general policy of 1 SIA supervisor per hundred people but the number of exits/entrances available would need to be a consideration. With a football crowd there would need to be a larger number. The premises had reported that they had been moving customers to the front patio area of the garden by 10.30 pm to reduce noise disturbance to residents. It was quite unusual for a garden to be open until 11.30pm. Others in the area were closed by 10pm or 10.30pm. It was noted that the external area was closed by 10.30pm apart from the area immediately in front of the premises. It was believed that railings were to be installed around the garden.

One resident stated that they'd had problems with noise and anti-social behaviour over many years. Customers used the far gate to urinate, smoke and drink. Many complaints had been made but she had only been invited to one resident meeting. Another resident stated that there had been no communication with residents. Resident meetings were not advertised outside the pub. It was considered that these meetings be minuted and an action plan drawn up. The premises made a large amount of revenue with large crowds but staff were inadequately trained to deal with them. She considered that the beer garden should not be open so late. The fencing was welcome but she had doubts that this would work. She considered that the need for the premises to make money had led them to forget residents and the licensing objective of the prevention of public nuisance.

In response to questions, the residents considered that there would be problems on the first sunny day. They had received assurances in the past but nothing had happened and they should not have to complain at 11pm at night. There were problems with customers gathering at the far gate and customers stood drinking and making noise. This area needed to be supervised. Match days were supervised but non match days with large crowds could be a problem.

The applicant stated that the area was being refurbished and elevated. It was a large area which could already be used. Management had taken on board concerns from residents. The plan was to reduce three gates to a central gate to allow access, to lock the gates at the far end and use the noise management plan. They had discussed matchday conditions with the police. They had considered the toilet issue but it was not possible to build another toilet block and they considered that

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the car park barrier was the problem. The bar was to be moved so that supervision and sight of the area would be better. The need for door supervisors would be maintained by risk assessment. She had concerns about conditioning a minimum number of security staff on quieter nights. Moving customers to the front of the premises seemed to be working. This was not a review of the licence and they had received no complaints so this would suggest the measures were working. Management of the beer garden had been taken over since July 2021 and had improved. Resident meetings should be alerted through email addresses and condition 7 could be amended to include this. It was accepted that communication with residents had to improve.

In response to questions, it was clarified that a list of email addresses would be compiled and notices on the premises and letter drops would be made for resident meetings. Residents would be invited in good time and management was approachable if residents required. There was a British standard for toilet capacity but this was an old pub and extending the premises was not an option. They considered that the issue was having one point of exit/entrance where customers could be supervised and enclosed. The use of portable toilets had been considered but was believed to be a worse option. The area would be covered by CCTV which could be tracked and the area would be well managed. The telephone number of the duty manager to be issued to residents was conditioned and there would be an email back up if there was no immediate response. The applicant had spoken to the police regarding the security provision and with a 10% increase in covers, the police had not considered extra security was necessary. Hot sunny days were considered to be a problem and they would be risk assessed. It was expected that the enclosed nature of the garden would make it easier for management to handle customers and react accordingly. Match day conditions had been agreed with the police.

In summary, the Licensing Authority were concerned about supervision of the area on days other than matchdays. It was considered that the number of toilets provided were inadequate and she asked that consideration be given to more permanent security for hot sunny days or events when the premises was busy. The residents stated that they had not received leaflets about resident meetings. One resident had complained over twenty times and a 10% increase was a large number of customers when you were already looking at numbers in the 100s. A second resident stated that greater consideration needed to be given to non-match days and did not see why numbers could not be included in the risk assessment. Both residents and staff managing customers needed to be considered. The applicant's representative stated that the premises already had an external bar. The closing in of the area would mean customers would be easier to control. The police had agreed conditions and were happy to leave issues with the Licensing Authority. The door staff issue would be covered in the risk assessment and if any complaints received and substantiated the licence could be reviewed. The needs of residents and the business had been balanced and conditions agreed.

RESOLVED

- 1) That the application for a premises licence variation in respect of Alwyne Castle, 83 St Paul's Road, N1 2LT, be granted:-
 - a) To vary the layout of the premises in accordance with the plans submitted by the applicant.
 - b) To remove/update/amend/add the existing conditions of the premises licence.
 - c) All licensable activities, permitted hours and opening hours to remain as existing.
- 2) That conditions outlined in the appendix tabled at the meeting shall be applied to the licence.

REASONS FOR DECISION

This meeting was facilitated by Zoom.

This was an application for a variation of premises licence for an internal refurbishment, to vary the layout of the licensed area according to the plan on appendix 4 and repositioning of the bar outside. A minor variation had been rejected, so a full variation application had been made.

The Sub-Committee read all the material and considered the oral submissions made by the Applicant, residents and the Licensing Authority. Conditions had been agreed with Trading Standards, Noise Team and Police Conditions on match days had been agreed. These responsible authorities had therefore withdrawn their representations.

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.

Licensing Policy 8

The Policy requires that when assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- can demonstrate comprehensive knowledge of best practice
- has sought advice from the responsible authorities
- has implemented any advice that been given by the responsible authorities
- is able to understand verbal and written advice and legal requirements
- can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- is able to run their businesses lawfully and in accordance with good business practices

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- can demonstrate a track record of compliance with legal requirements
- can explain how they will brief staff on crime scene preservation Where there is a history of non-compliance associated with the management of the premises the Licensing Authority is unlikely to grant a new or variation application, or permit premises to continue to operate without further restrictions on review, unless there is evidence of significant improvement in management standards.

Licensing Policy 14

The Licensing Authority expects licensees to operate to the highest standards of management and to cooperate with the responsible authorities to prevent...alcohol induced crime, disorder and anti-social behaviour inside, outside and in the near vicinity of the premises, and street drinking in the local vicinity.

Licensing Policy 21

The Licensing Authority is committed to preventing public nuisance by protecting the amenity of residents in the vicinity of licensed premises. The Licensing Authority expects premises licensed holders to implement measures to minimise public nuisance associated with noise, outside drinking and urinating in public.

Licensing Policy 22

The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment and leisure.

The Sub-Committee was disturbed to hear the evidence of residents concerning anti-social behaviour in their back gardens and in the street. Further, it appeared the residents made numerous complaints in the past but had not had an adequate response from management. They had been unable to get through on the telephone number contact provided as a requirement under the existing conditions. They had not been notified of quarterly meetings as notices of these meetings were only displayed inside the public house. An existing condition required holding quarterly meetings. In particular, the sub-committee questioned the applicant on whether toilet provision was adequate within the premises.

The Applicant said that because this was an old building the latest regulations on toilet provisions did not apply. It was not feasible for them to build a new toilet block. They had considered using Portacabins outside but believed that these might create more nuisance through smell.

Although the Police had agreed conditions on management and the use of door supervisors in connection with match days, residents were concerned that there should be effective supervision on other days, particularly hot and sunny days when large numbers of people will be likely to attend. The solicitor for the applicant referred to the noise management plan. They would implement risk assessments on other occasions as appropriate.

The Solicitor for the applicant pointed out that the overall area would not be increased by the proposed variation. There might be an increase in 10 per cent of covers. She considered that management of the problems was key. There were at present three exits and entrances. It was proposed that the garden should be fenced off and the vehicular gate closed off. The anti social behaviour reported by residents appeared to be taking place in bushes near the vehicular access and the residents had complained that people were able to enter and leave unsupervised. The bar would now be placed at a point where staff would have clear sight of the outside area. Before closing time people would be moved from the garden towards the front and this was already being implemented. This seemed to have improved the situation with late night noise. A new manager had been appointed in the Summer 2021 and he was committed to improving communication with residents. An email list of residents would be made and an email contact would be given. Staff carried mobile devices on them at all times, and would see that an email had been received, even if, for any reason there was unable to respond to a telephone call immediately.

The Sub-Committee accepted that this was a refurbishment and it would not be appropriate to cut down the existing hours. The provision of fencing and removal of the vehicle access and the moving the patrons to the front might alleviate the existing problems. An improvement in management standards was apparent.

The Sub-Committee accordingly determined that it was appropriate to the promotions of the licensing objectives, proportionate and in the public interest to grant the variation application with conditions.

154 THE BIG HOUSE, 151 ENGLEFIELD ROAD, N1 3LH (Item B2)

The licensing officer introduced the residents and the applicant. It was noted that amended conditions had been circulated. The noise team had agreed one amended condition and had withdrawn their representation.

The Licensing Authority stated that the applicant had a previous licence which had been surrendered as they had found it difficult to comply with the conditions around the outside area. They had since been found selling alcohol without a licence. The premises mainly has runs of plays a couple of times a year. The main noise nuisance was from people outside in the courtyard and they asked that this area be managed quickly, quietly and no drinks be allowed outside.

In response to questions, it was noted that the noise officer had replaced two conditions in the original report with three conditions numbered 48-50 on the tabled appendix. A noise condition had been proposed, agreed by the applicant, that no more than 10 patrons smoke outside. The Licensing Authority proposed that this number be five patrons. The Licensing Authority stated that she had received no communication from the applicant.

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One resident stated that she had concerns regarding the noise management of the outside space. After leaving the premises, patrons gathered and were noisy. The exit was in the courtyard and there had not been a show where staff/patrons had not gathered outside speaking loudly and swearing. The end time of 10pm was far too late. Another resident stated that their bedroom window was only five metres away from a shared courtyard. Half of the space belonged to the pub next door. The area acted as an acoustic echo chamber and even whispering was amplified. The Englefield pub garden closed at 9pm for this reason. The pub garden was not problematic but the Big House premises caused issues. Soundproofing in the premises was rendered useless as doors were kept open. It was considered that the management had disregarded residents. Alcohol was not allowed to be sold but had been without a licence. He did not think that conditions would not be adhered to.

The applicant stated that this was a theatre company and small charity that worked with young people. The sale of alcohol was ancillary to their main work. They had surrendered their licence due to covid and the concern about patrons mixing indoors. Regarding the noise management she had been in discussion with the noise team and had agreed to hold audience members inside the building after 9pm with no drinks allowed outside. Theatre shows could not always be guaranteed a finish time but would finish by 10pm and audiences and staff would quickly leave. They had agreed to stop the sale of alcohol to encourage orderly egress. Holding people inside would work to manage the noise. An additional sound corridor. They had opened windows and doors during covid to allow for ventilation. Having a 9pm close of the courtyard except for smoking was in line with the pub. They encouraged people to move away and were actively trying to improve on their noise management. They had a contact number for residents and would also respond to emails and would work with residents. With the conditions they would manage the noise as much as possible.

In response to questions, it was noted that their planning permission would require doors and windows to remain closed. The applicant stated that there was a period of time, during covid restrictions, where premises could open for a small audience. As a small charity, not putting on theatre productions would have a detrimental effect to their financial stability. The young people understood that noise levels needed to be kept down and moved on when requested. They did not have issues with their behaviour. They considered that they would have been able to manage their previous licence. They had a duty manager who was aware of the procedures and plans and were aware of the expectations. They had tried to adhere to the conditions on the licence although it had now been surrendered. The applicant stated that she thought she had contacted the Licensing Authority through the licensing officer. They had been given direction that they could run a donation bar but the licensing team had later informed them that this was not possible. All staff would be Challenge 25 trained, CCTV had been installed and would assist with risk management. They had a refusals book in place. The Sub-Committee considered that the applicant should cultivate a better relationship with the licensing team in the future.

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In summary, the Licensing Authority stated that the issues were around the courtyard area and staff were required to manage the process of exiting and clearing the courtyard.

The residents asked that the end hour be earlier than 10pm. There was a concern regarding noise from smokers and they considered that smokers be moved out of the courtyard area. The second resident stated that the courtyard was an acoustic chamber and his main concern was loitering after 9pm and audiences and staff should leave as early as possible.

The applicant stated that there was a robust noise management plan in place which was in line with the neighbouring public house. No open drinks would be taken outside and neighbours would be respected.

RESOLVED

- 3) That the application for a new premises licence, in respect of The Big House, 151 Englefield Road, N1 3LH, be granted to allow:-
 - a) The provision of plays from 16:00 until 22:00 Monday to Friday and from 12:00 until 22:00 on Saturdays;
 - b) The provision of films, recorded music, live music and dancing from 16:00 until 21:30 Monday to Friday and from 12:00 until 21:30;
 - c) The sale of alcohol on and off the premises from 12:00 until 21:45 Monday to Saturday.
 - d) Opening hours from 09:30 until 22:00 Monday to Saturday
- 4) That conditions as tabled at the meeting subject to the deletion of number 48 be applied to the licence.

REASONS FOR DECISION

This meeting was facilitated by Zoom.

This was an application for a new premises licence. The Licensing Authority explained that the application had been made at their invitation in order to regularise the arrangements after Licensing Officers had reported the sale of alcohol without a licence. The Applicant said that this was a misunderstanding on their part on how to run a donation bar. She accepted that in hindsight she should have sought advice from the Licensing Authority beforehand. A previous licence had been granted but was then surrendered in circumstances which were unclear at the start of the meeting.

The Sub-Committee read all the material and considered the oral submissions made by the Applicant, residents and the Licensing Authority. Conditions had been agreed with the Police and been accepted and at a late stage with the Noise Team. Representations had therefore been withdrawn by all responsible authorities apart from the Licensing Authority.

The application related to a project run by a charity helping young people from the care system. It ran drop- in workshops, and open house projects, offering mentoring and pastoral support. It was not proposed that alcohol should be consumed or sold in relation to these. Alcohol would be sold at the theatrical events which only

took place at certain times of the year, for about eight weeks, from April to May and November to December.

The residents complained about noise from excited young people outside late into the evening. Some bedrooms were five meters from the outside area and children's sleep was affected. The outside area acted as an echo chamber so that any noise was amplified. They also complained about the use of bad language that could be overheard by children. A number of complaints were made about the use of the premises during the Covid-19 Lockdown and under the previous licence. Although the premises had some degree of insulation under the Noise Management Plan, windows and doors had been kept open allowing noise to escape. Residents suggested that the applicant was playing a game of cat and mouse.

The Applicant referred to the Noise Management Plan and the conditions that had been agreed. During Covid-19 they had continued to operate with "bubbles" of six people, socially distanced. In those circumstances, it has been necessary to open windows and use the outdoors but this no longer applied and their inability to keep to the conditions then was the reason for the surrender of the original Premises Licence. Although the premises could only be exited or entered through the courtyard this would be supervised by a member of staff. Under planning requirements the area had to be cleared by 10pm. Theatrical productions finished before 10pm.

The Sub-Committee noted that a certain number of smokers would be allowed outside, but limited them to five. They were satisfied that the Applicant understood the requirements for training and that volunteers would not be allowed to sell alcohol. The Applicant was aware that there had to be a Refusals Book and the importance of ensuring that alcohol was not sold to underage people. The Sub-Committee considered that it was appropriate under the licensing objectives and proportionate and in the public interest to grant the Premises Licence.

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.

155 BEBOP, UNIT 10, 8 HORNSEY STREET, LONDON, N7 8EG. (Item B3)

The Sub-Committee noted that the applicant had accepted the conditions from all Responsible Authorities so all representations had been withdrawn.

156 VOTE OF THANKS

The Chair of the Sub-Committee thanked Councillors Gary Poole and Angela Picknell for their services to the Sub-Committee as this was their last meeting for Islington Council. In turn, Councillor Gary Poole thanked the Chair for being an excellent Chair of the Licensing Committee and also thanked all officers for all of their work in relation to Licensing.

The meeting ended at 9.05 pm

CHAIR