

Licensing Sub Committee C - 19 January 2023

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 19 January 2023 at 6.30 pm.

Present: **Councillors:** Phil Graham, Asima Shaikh and Heather Staff

Councillor Phil Graham in the Chair

20 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.

21 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Anjna Khurana.

22 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Asima Shaikh substituted for Councillor Anjna Khurana.

23 DECLARATIONS OF INTEREST (Item A4)

Councillor Heather Staff declared that she was a councillor in Laycock Ward. She had not had any involvement with the applicant or the objectors regarding Item B1 – Islington Blend on the agenda.

24 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

25 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 22 November 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

26 ISLINGTON BLEND, 489 LIVERPOOL ROAD, N7 8NS - PREMISES LICENCE VARIATION (Item B1)

The licensing officer reported that the Licensing Authority had made a representation which was withdrawn after conditions were agreed. Four residents had put in representations. No residents were in attendance but two had confirmed that they wished their objections to remain.

The applicant's representative stated that this premises had a restaurant style licence but was a high-end cocktail bar. The variation application had been

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submitted to remove the maximum number of persons from 50 to around 65 persons and to remove the condition that alcohol would be sold ancillary to a meal. The police, noise team and the licensing authority had been consulted and the application had been an opportunity to substitute old conditions with new updated ones. He submitted that this application promoted the licensing objectives. There had been a joint representation made by four residents. Noise complaints had been made in 2017 and 2019 under previous operators. No representations had been made by the noise team, police or trading standards. The Licensing Authority had submitted conditions which had been agreed. It was considered that therefore this application would be capable of promoting the licensing objectives. There had been no representations made by local councillors. Local residents had been written to but no response had been received and in addition, residents had been invited to a meeting with the licensee but this offer had not been taken up. He considered that with the comprehensive operating schedule and the conditions, the application would not undermine the licensing objectives and he asked that the licence be granted as sought.

In response to questions, it was noted that the premises was not in a cumulative impact area. There was currently a 24 hour licence for recorded music in place. It was expected that the maximum number of customers could be 65 persons but numbers would be subject to a fire service risk assessment. There was an outside seating area which was limited to 10 smokers after 10pm. No drinking outside was allowed after 9pm. Staff would monitor the outside area. There were glass windows and staff would be able to see the behaviour of customers. It was unlikely that customers would wander onto the pavement area. There would be no vertical drinking. Music would be at background level. The licensing officer reported that music should be played at a background level and voices should not be raised in order to be heard. At this level, music was not considered to be licensable. The regulated entertainment had previously been for 24 hours daily and it was proposed that this be removed from the licence. The licensee's representative confirmed that this was not a party place and would be ideal for groups of friends or couples. Most customers would be over 25 years of age and cocktails were in the region of £9. There would be glass collections every ten minutes and the glass windows allowed staff to view customers outside.

In summary, the licensee's representative asked that the Sub-Committee grant the application.

RESOLVED

- 1) That the application for a premises licence variation in respect of Islington Blend, 489 Liverpool Road, N7 8NS, be granted to remove:-
 - a) all the current Annex 2 conditions from the premises and replace with those agreed with the Metropolitan Police, Council's Noise service and the Licensing Authority as detailed at pages 39-41 of the agenda.

- b) regulated entertainment in relation to the playing of recorded music from the premises 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.

Four local resident objections had been received. Conditions were agreed with the Licensing Authority. There had been no representations made by the other responsible authorities who had been consulted.

The Sub-Committee noted that there had been noise complaints registered historically with previous operators but the current problem with the existing licence was that the conditions were designed for a restaurant. This operation was a cocktail bar. There would be no vertical drinking and everyone would be seated. As it was not a restaurant more than 50 people could be accommodated. The style of cocktail bar would be older adults. Music would be played at a background level so that conversation would be possible. In relation to the residents concerns about people congregating outside their properties, the applicant explained that there were partitions outside separating the pub from the street. Customers could be supervised as they would be visible from inside the premises which had large windows.

The existing premises licence had been in force for a very long time. The conditions on it no longer suited current requirements. With the advice of licensing and other responsible authorities a new package of appropriate conditions had been created.

The Sub-Committee concluded that there would be no negative impact on any of the licensing objectives. The licence, as varied, promoted the licensing objectives and the granting of the licence was in the public interest.

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

27 LA FROMAGERIE, FROGMORE INDUSTRIAL ESTATE, 99 KELVIN ROAD, N5 2PL - NEW PREMISES APPLICATION (Item B2)

The licensing officer reported that there were no representations from any responsible authority. There had been two resident representations. One of these had been withdrawn following an amendment to the hours requested.

The resident reported that he had emailed further comments following agenda publication and he would refer to this in his submission. He reported that the industrial unit operated 8am to 6pm and even at 5am. It was noisy and loud. The premises had a fridge storage container which they used at Christmas which hummed constantly. A truck would deliver once a day. He appreciated that the hours had been reduced but requested that the hours be reduced to 1pm on

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Saturday as they were the operation hours for the estate. There were five parking spaces and he considered that the licence would lead to an increase in deliveries and additional vehicles would cause more nuisance.

The licensing officer reported that Challenge 25 would be operated at the point of delivery.

In response to questions of the resident it was noted that the generator had been used for the Christmas period but not used for the whole year. There was activity from around 5am on the estate but the resident stated that this was not usually from La Fromagerie but was on occasion. The resident was informed that other premises may not be licensed. The planning use related to B8 as a storage and distribution point.

The applicant's representative stated that the business had opened up the unit in 2011 and had supplied shops and wholesale businesses. They employed 20 staff and now wished to streamline their services and move the online sale of alcohol from the warehouse facility. There would be no deliveries on Sundays. The cheese deliveries themselves were not licensable. Longer hours had been applied for to give flexibility in the future but hours had been amended to 8am to 6pm. Two small delivery vans were used. Age restriction measures had been approved by the trading standards officer. They would not be adding any volume to the deliveries, but just adding some wine and they did not consider that this would increase the traffic to the estate.

In response to questions, it was noted that they would move to electric vehicles in the future. They currently had 2 small van collections each day for cheese deliveries and wine would be added to the existing deliveries. The applicant's representative agreed to a minimum order of cheese with wine. He stated that if customers wanted to purchase wine only they could go to their shop. They received a couple of deliveries a week in larger vehicles. These were deliveries of cheese and not related to wine deliveries. The articulated lorry referred to by the resident was not related to the business.

In summary, the resident asked that deliveries stop at 1pm on a Saturday. The licensing officer advised the resident to contact them if he had any complaints.

The applicant's representative stated that he did not believe disturbance was caused by their deliveries. Their business was mainly the cutting and preparing of cheese and they were trying to streamline this function and did not intend to increase volumes to a large extent.

RESOLVED

- 2) That the application for a new premises licence, in respect of La Fromagerie Ltd, Unit 8, Frogmore Industrial Estate, 99 Kelvin Road, N5 2PL be granted to allow the off sale of alcohol only, from 8am to 6pm Monday to Saturday.

3) That conditions detailed on page 70 of the agenda shall be applied to the licence with the following addition:-

- Alcohol shall only be sold with a delivery of cheese.

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.

Two local resident objections had been received. One resident representation had been withdrawn following amendments to the hours applied for. One resident attended. Conditions had been agreed with the noise team and trading standards. 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 that this was a warehouse supplying shops and upmarket restaurants. There was an associated shop in Islington selling its products, including wine. The premises licence would allow point of sale to take place from the warehouse particularly for mail order gift boxes of cheese with wine. It was explained to the resident that Challenge 25 applied on delivery to the person ordering the alcohol and members of the public did not enter the warehouse.

The resident expressed concern about noise especially in the early morning but the applicant explained that the noise was probably from other units on the estate as early morning operations would be limited to cutting and packing cheese. There were deliveries of cheese a couple of times a week at 7am - 7.30am from Italy and France but not earlier. The articulated lorry was not related to the warehouse. In answer to questions, the applicant said that he hoped to use electric vehicles in the future but at present there were two small combustible engine vans. There would not be a particular increase in business.

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 6.

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 7.40 pm

CHAIR