

London Borough of Islington

**Licensing Sub Committee C - 30 March 2023**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 30 March 2023 at 6.30 pm.

**Present:**      **Councillors:**      Phil Graham (Chair), Heather Staff and Anjna Khurana.

**Councillor Phil Graham in the Chair**

**28      INTRODUCTIONS AND PROCEDURE (Item A1)**

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

**29      APOLOGIES FOR ABSENCE (Item A2)**

None.

**30      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

**31      DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**32      ORDER OF BUSINESS (Item A5)**

The order of business would be B3, B2 and B1.

**33      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on 19 January 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**34      CLUB BONBON, 1ST FLOOR, 1 NAVIGATOR SQUARE, N19 3TD - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that additional papers had been circulated following agenda despatch. These included papers from the applicant, details of the visit made on the 26 March and subsequent closure notice details with the response from the applicant's representative.

The Police reported that the premises was currently operating under a revoked licence that was currently under appeal. He stated that the business link between this new application and the previous one was for a matter for the Sub-Committee to consider. He stated that in the first instance, a new application with framework hours, with a venue that was committed and held an operation compliance manual

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would have largely mitigated concerns. Later hours would not have been supported. The applicant did not agree to the proposal of framework hours. A visit at the weekend of the 26 March found licence breaches in relation to the CCTV and the incident log. This visit changed the stance from the police as they would be looking at a gold standard operation for this type of venue. The serving of a closure notice was not of the high management standard expected. He stated that there had been improvement from the previous six months, but the visit had undermined confidence. The applicant's representative had stated that issues regarding the incident log had been addressed but the police had not revisited to confirm.

The Licensing Authority stated that they fully supported the police representation. She stated that a licensing officer also attended on the 26<sup>th</sup> and he had stated that he raised concerns about the smoking terrace, already previously raised. The drug policy was not being followed and not all customers were being searched despite this being conditioned. There were concerns about links between the two companies as they had the same office address. She stated that the Sub-Committee must have complete confidence in the applicants', and she asked that, should the licence be granted, it should also be subject to the surrender of the previous licence.

It was confirmed that the Trading Standards officer had sent written confirmation of the withdrawal of his representation.

In response to questions, the premises was due a visit as it was rare to get an application when a premises was going through an appeal process.

The applicant's representative asked if the witnesses for the Licensing Authority would be attending. The Chair advised that their representations were not received within the time limit, and they would not be taken into account.

The applicant's representative referred to the bundle circulated and stated that the current Director had acquired the business in late November. The previous Director was no longer involved with the business in any way and there was a condition proposed to this affect which could be further amended by the Sub-Committee. He stated that the current appeal would be withdrawn if the licence was granted as sought. He reminded the Sub-Committee that the police had stated that this venue was currently trading and was better than the previous business. The licence would not add to the cumulative impact and was underpinned by a robust schedule of conditions and a compliance manual that was detailed in the papers. They had engaged with Licensing SAVI and had received 4.5 out of 5. They were moving towards 5 out of 5. Measures had been put in place to assist with customer welfare. There had been 15 positive representations, and each had urged the Sub-Committee to grant the application. The club offered customers the chance to listen to artists that they would not usually have the chance to see. The door policy had changed. They would continue to monitor the venue as recommended by the licensing report carried out by an ex-police sergeant, detailed in the bundle. They considered that framework hours would be an issue and they could not accept an end time of 2am. Artists were regularly flown in and the club had to pay for these artists and shorter hours would result in a loss. If they could not make a return on the money spent they would cease trading.

In response to questions, it was noted that they were currently training female staff as welfare officers which could fulfil the role that a female SIA officer would. It was not always possible to have female SIA staff present but if this was stipulated in the conditions they would have to do so. With regard to the framework hours it was noted that events were normally held on a weekly basis and the cost for a Balkan artist could be between £5000 and £15000. The venue would need to have the additional hours to recoup this cost. These were acts that appeared in a nightclub and then customers would stay. There was traditional dancing in a nightclub setting.

The Sub-Committee raised concerns that, just one week before a hearing to grant a new licence, the venue should not have any issues identified. It was accepted that 2 out of 45 conditions were found wanting. There had been a fault with the CCTV and this had been instantly replaced and upgraded. There had been no issues in terms of the refusal book but the ejection of a customer had not been properly logged. This was recorded on the ID scanner but not as a paper record. It was also noted that a couple of fairly empty drugs packets were still on the premises and kept in a cash box. These were now in a locked safe and the police had been asked to collect them. In the future the police would be asked to pick drugs up immediately. It was noted that the current Director could withdraw the appeal as he had full control of the venue.

An interested party spoke in support of the application. She urged licensing to continue to work with the new management and considered that refusing the application would be an attack on diversity in a thriving night-time economy. Club Bonbon had a very diverse customer base and having a club open until 4am in a capital city was completely normal. She had lived in Archway for many years and customers came back from the West End and visited this venue. She had run many cultural events at the venue, including visits by authors, local film makers and poets which happened because it was such a large space. She was disappointed that two conditions were breached but she was glad that this was solvable. She considered that customers should be supported and Londoners should be able to have a good time in a nightclub.

In response to questions, the resident stated that the poetry evenings could take place in the early evening and could go through to 4am. Most of the book festival events could go on into the morning. There were free events for children and she was concerned that this would be taken away. If she ran an event she would remain there for the whole evening until the end. Crowds could thin out at 1am or 2am but some customers would remain until the morning. The venue needed the extra two hours and there were other activities that kept people awake in London. The Sub-Committee informed the resident that whilst the Licensing Policy encouraged diversity the Sub-Committee had to be satisfied that venues would be managed correctly. The Sub-Committee needed to ensure that smoking indoors, underage drinking and drugs that were not being kept safely were not things that occurred in a licensed premises.

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In summary, the police stated that it was good that the venue was in dialogue with Licensing SAVI and it was not intended to stifle diversity. Framework hours would mitigate risk. The concerns remained regarding the business and the Sub-Committee needed to consider whether they were content to issue a new licence to negate the appeal process.

The Licensing Authority stated that the Sub-Committee must have complete confidence in the management and she suggested core hours should the licence be granted. She raised concerns that there was no events diary. The website was not good and a programme of events was run on an ad-hoc basis. If late hours were only used once a week there could be a TENs application.

The applicant's representative understood that safety needed to be a priority and nobody wanted a repeat of the review proceedings. He could not guarantee that there not be any incidents in the future. They would like the application as sought to be maintained. They could provide a programme of events if possible and if it was required. The new owner started in November and he asked that the Sub-Committee to grant the licence.

### **RESOLVED**

That the application for a new premises licence, in respect of Club Bonbon, First Floor, 1 Navigator Square, N19 3TD be refused.

### **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 Archway 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 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.

Representations were made by the Licensing Authority, the Police and Trading Standards. There had been fifteen letters in support of the application. One member of the public attended to make representations in support of the application.

The Sub-Committee heard evidence from the Police that this was a new application made in the context of a revoked licence which was currently under appeal. Therefore, this was not a new operation. Prior to a visit to the premises, the police considered that a new operation running at framework hours would largely mitigate their concerns and would require an operating compliance manual. Unfortunately, a visit was conducted to the premises last weekend and issues were identified which

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represented licence breaches, namely, CCTV with only two weeks footage and an empty incident log. A closure notice was served and so the licensing police could now only support this application if it was considered that management standards were of a gold standard. The Licensing Authority supported the Police and referred to the statement of the Licensing officer who had conducted a visit in February and identified the same issues with CCTV and the incident log and also with smoking inside the premises. The Licensing Authority stated that, should the Committee have confidence that the premises would be managed to the requisite degree and grant a new licence, the current licence should be surrendered. Trading Standards had withdrawn their representation stating that this was a neutral position and was not an indication of support with regard to the premises licence application.

The applicant's representative confirmed that the ongoing appeal against the existing licence revocation only existed to allow the business to continue as a going concern. He confirmed that it was the aim of the applicant to promote the four licensing objectives and that they had compiled an operation compliance manual. They had engaged with 'Licensing SAVI' and had provided customer training for all staff on issues such as Ask for Angela and Ask for Clive. He emphasised that, as per page 58 of the agenda, this was intended to be a cultural hub with hours until 4am. They needed to fly in artists from abroad and closing at 2am would be problematic. It would operate as a nightclub and there would also be traditional dancing. When questioned by the Sub-Committee as to when the traditional dancing would take place the applicants representative responded that there would be live acts in a nightclub with traditional dancing following afterwards. When questioned by the Sub-Committee as to why there were issues arising with the existing licence only one week previously, the applicant's representative responded that there were only issues with 2 out of the 45 conditions and that this represented a remarkable improvement on the previous operation. He also confirmed that the CCTV issues had now been fixed and he was very sorry. When questioned by the Sub-Committee about Challenge 25, the applicant's representative admitted that mistakes had been made previously when issues with ID were not recorded in the incident log; and when questioned about drugs being found on the premises that had still not been collected by the police it was confirmed that this related to a couple of empty packets which were now being stored in a drugs safe and that he had tried telephoning the police on multiple occasions and couldn't get through. When asked by the Sub-Committee from what date the previous manager had ceased their involvement with the premises the applicant's agent confirmed it was 22 Nov 2022.

The local resident supported the application by stating that Archway needed this type of venue and that this venue was very 'diverse'. When asked by the Sub-Committee as to what constituted cultural events at the venue she responded by stating book readings and poetry and confirmed that these could go on until 4am and that these hours were not unusual for a capital city.

The Sub-Committee observed that whilst they welcomed diversity they also needed to consider safety and the amenity of residents.

In summary, the Licensing Authority confirmed that the venue was culturally diverse, however they had found important breaches of the licence conditions during their visit. She stated that the Sub-Committee must have complete confidence in the management of the premises if they were to grant the licence and if they were to do so she would recommend only core hours and observed that the cultural events could operate on a TENs licence. The applicant's representative stated that he hoped he had demonstrated that the applicant really valued safety. He confirmed that they wished to maintain the application as per the original hours requested.

The Sub-Committee was concerned about the issues raised as a result of the recent visit by the licensing police and also the hours applied for, which were outside framework hours. The Sub-Committee therefore considered that the applicant had not demonstrated the required high standards of management as detailed in Licensing Policy 8; nor did they have confidence that the premises would be managed to the requisite degree given the recent issues and the hours requested, particularly as the premises was situated in a cumulative impact area.

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

**35 CALLY OFF LICENCE, 338 CALEDONIAN ROAD, N1 1BB - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that the applicant had agreed an end time of 11pm in line with licensing policy framework hours. Conditions had been agreed with the noise team and the police and a full set of all conditions were tabled at the meeting which included a proposed amendment by the police to condition 13. Following these conditions being agreed, all representations by the responsible authorities had been withdrawn leaving two objections from interested parties.

The applicant stated that this was an American type candy store selling sweets and drinks and he was aiming for trendy and classy alcohol drinks. He had lived in the area since 2001 and many businesses opened and then closed. He wished to remain in the area and make it a more sociable place.

In response to questions, it was stated that he would be selling mainly drinks and snacks and advised that there would be no advertising of the alcoholic drinks. Customers would need to ask for alcohol with their Slush drink. They were aware of Challenge 25 concerns.

In summary, it was noted that the business owner had several shops and this replicated other business conditions. He was experienced in the sale of alcohol and staff would be aware of Challenge 25.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Cally Off Licence, 338 Caledonian road, N1 1BB, be granted to allow:-

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- a) Off sales of alcohol from 11.30am until 11pm Monday to Sunday.
  - b) The premises to be open to the public from 8am until 11pm Monday to Sunday.
- 2) Conditions tabled at the meeting shall be applied to the licence. Condition 13 will read. No spirit miniatures or other bottles below 20cl shall be sold from the premises at any time.

### **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 Kings Cross 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 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 also 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.

Two local resident objections had been received but did not attend the meeting. Conditions had been agreed with the Licensing Authority, the police and the noise team and therefore all representations had been withdrawn.

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

The Sub-Committee noted the conditions tabled by the licensing officer which had been agreed with the police and noise team.

The Sub-Committee heard evidence from the applicant that the premises was mainly an American candy store. As a Caledonian Road resident he wanted to open a premises that would remain in operation long term and bring back sociable activity to the area. When questioned by the Sub-Committee as to what would be sold he stated that the premises would stock barrels of Slush that customers could mix with alcohol if they wished. He confirmed there would be no alcohol inside the

Slush. When questioned about Challenge 25 he confirmed that he operated seven shops and was accustomed to operating Challenge 25.

The Sub-Committee considered the conditions that had been tabled and noted that they agreed with the conditions as attached to the decision notice. The Sub-Committee looked at condition 13 as proposed by the police and considered that there should be no spirit miniatures or other bottles below 20cl sold from the premises.

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 5 and 6. The Sub-Committee was satisfied that the proposed use, with the conditions agreed, meant that the premises would not add to the cumulative impact.

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

**36 QUITE GOOD FOOD AND WINE, 57 EXMOUTH MARKET, EC1R 4OL - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that a letter had been circulated from the applicant. There was one objection from a local resident who was mainly concerned about the cumulative impact.

The applicant was unable to attend the meeting and his business partner spoke in support of the application. He had worked as a chef for 15 years in Farringdon. He stated that this was a food led business which served wine with food. There would be no vertical drinking. The applicant had a premises in Dalston and was looking to move to Exmouth Market. They had read and understood the Licensing Policy. Customers would enjoy wine with their meals and perhaps take wine home with them.

In response to questions, it was noted that the seating area and smokers outside would be monitored. There was CCTV both inside and outside. They had applied for off sales. They had a separate shop that would sell alcohol and would deliver alcohol. There would be no deliveries of alcohol from this premises.

**RESOLVED**

- 3) That the application for a new premises licence, in respect of Quite Good Food and Wine, 51 Exmouth Market, EC1R 4QL be granted to allow:-
  - c) The supply of alcohol, for consumption on and off the premises from 12 noon until 10pm Sunday to Tuesday and from 12 noon until 11pm Wednesday to Saturday.
  - d) The premises to be open to the public from 12 noon until 10.30pm Sunday to Tuesday and from 12 noon until 11.30pm on Wednesday to Saturday.



- 4) That conditions detailed on pages 135 to 135 of the agenda be applied to the 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.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Clerkenwell 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 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.

One local resident objection had been received but the resident did not attend. Conditions had been agreed with the Police and the Noise Team.

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

The Sub-Committee heard evidence from the chef at the premises that he had been working for 15 years in the industry and was aware of the Licensing objectives. The application was for a food led premises with no vertical drinking and in agreement with the Licensing Policy the applicant would use a waste management system used elsewhere on Exmouth Market. The applicant confirmed that they supported pubwatch and that any alcohol off sales would be purely for taking home for customers to enjoy. When asked by the Sub-Committee about outside seating, the applicant confirmed that there would be seating outside until 10pm and that it would be monitored and that there was CCTV. He confirmed likewise for smoking. He confirmed that there would be no deliveries from this premises.

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 5 and 6. The Sub-Committee was satisfied that the applicant would demonstrate high standards of management and that the proposed use, with the conditions agreed, meant that the premises would not add to the cumulative impact.

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

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The meeting ended at 10.00 pm

**CHAIR**