

London Borough of Islington

Licensing Sub Committee D - 28 September 2022

Minutes of the meeting of the Licensing Sub Committee D held via zoom on 28 September 2022 at 6.30 pm.

Present: **Councillors:** Angelo Weekes, Heather Staff and Valerie Bossman-Quarshie.

Councillor Angelo Weekes in the Chair

- 9** **INTRODUCTIONS AND PROCEDURE (Item A1)**
The Chair welcomed everyone to the meeting and members and officers introduced themselves. The procedure for the conduct of the meeting was outlined.
- 10** **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillor Asima Shaikh and Councillor Joseph Croft.
- 11** **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Valerie Bossman-Quarshie acted as substitute for Councillor Asima Shaikh and Councillor Heather Staff acted as substitute for Councillor Joseph Croft.
- 12** **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 13** **ORDER OF BUSINESS (Item A5)**
Item two was heard first, followed by item one and then the remaining business in order.
- 14** **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meetings held on 3rd May 2022 and the 16th August 2022 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 15** **GREEK TAVERNA, 156A SEVEN SISTERS ROAD, N7 7PL - PREMISES LICENCE VARIATION (Item B1)**
The Licensing Officer introduced all parties to the application, which was for a variation premises license under the Licensing Act 2003. The License was to allow the sale of alcohol, on the premises only, between 11:00 and 01:00 Fridays and Saturdays. The provision of late-night refreshment, Fridays and Saturdays, from 23:00 to 01:00 and premises opening hours, Fridays and Saturdays, from 23:00 to 01:00.

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The applicant had agreed conditions with the Metropolitan Police and the Council's Noise Team, so those representations were withdrawn, and conditions agreed were included in the operating schedule. There were five representations received from residents. None attended the hearing.

The applicant's agent explained the variation to extend opening hours to 1am on Fridays and Saturdays was due to increased demand, with many people wanting to eat later. The application was not asking for vertical drinking or regulated entertainment.

It was explained that issues with a previous license holder had led to the license being revoked in 2014. At the time the premises was a nightclub. This was a new licensee, who had held the license for the preceding eight months. The premises was a high-end eatery that had not had any issues since the applicant had held the license. The applicant was sympathetic to the concerns of residents, caused by issues near to the premises, but it was explained that the new licensee had five other successful businesses.

The Sub-Committee considered how the applicant would engage with residents. The applicant's agent explained that a number of residents ate at the premises and the license holder was happy to provide them with his personal number. He was also trying to join the local pub watch.

The Sub-Committee also considered staffing, noise control and safety. The applicant explained that to mitigate against issues caused by noise an additional set of windows had been installed to stop noise leakage. Additionally, only background music would be played on the premises. The restaurant catered for a maximum of 30 people but if a large number were expected there was enough staff to implement a dispersal policy.

In response to whether alcohol could be bought on the premises to take away. The applicant explained they had only applied for on sales and would need to apply for a variation to the license to provide offsales. Responding to a question on a diagram in the application which suggested there would be a bar the applicant's agent said it was a service area for dispensing food and drink, there would be no drinking at the 'bar'.

In summary the agent highlighted that the applicant was sympathetic to residents, was an established businessman, had an achievable operating schedule in place and would be an asset to the area and residents.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee decided to grant the application for a premises licence variation in respect of Greek Taverna, 156a Seven Sisters Road, N7 7PL to allow

1) The sale of alcohol, on the premises only, Fridays and Saturdays from 11am to 1 am.

- 2) The provision of late night refreshment, Fridays and Saturdays from 11am to 1 am
- 3) The premises to be open to the public, Fridays and Saturdays from 11am to 1.30.

Conditions detailed on pages 53 to 55 of the agenda shall be applied to the licence.

REASON FOR THE DECISION

This meeting was facilitated by Zoom.

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 Finsbury Park and Holloway 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.

Five local resident objections had been received. There had been no representations made by the responsible authorities. No resident attended the hearing.

The Sub-Committee noted that the hours sought were one hour outside the policy specified in licensing policy 6. The premises would not be alcohol led, the application was for on sales only and these sales had to be ancillary to a meal at a table. No vertical drinking would be permitted. Conditions were agreed between the applicant and the Noise Team and Police which the Sub-Committee found to be satisfactory.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive 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.

16 ESQUIRES, 319 ESSEX ROAD, N1 2BD - NEW PREMISES LICENCE (Item B2)

The Licensing Officer introduced all parties to the application, which was for a new premises licence under the Licensing Act 2003. The Licence was to allow the sale of alcohol, on the premises only, between midday and 9pm Monday to Sunday.

The applicant had agreed conditions with the Police Licensing Team and the Council's Noise Team, so those representations were withdrawn and conditions agreed were included in the operating schedule. Two local residents and one ward

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councillor had made representations. The licensing officer read a statement provided by one of the residents who could not attend. The statement highlighted the resident's concerns, which were related to noise being caused by people eating and drinking outside the premises and extra refuse, and the importance of mitigations to prevent noise caused by live and recorded music.

The Sub-Committee asked about staffing, noise from extractor fans and air conditioning. The applicant explained that alcohol would be served ancillary to coffee, which was the main product. The alcohol served would be light beverages and the occasional cocktail or glass of wine to accompany a charcuterie board. There would be no noise from extractor fans because they would not be serving hot food. The latest they would be open until was 9pm and customers would not be allowed to drink alcohol outside of the premises. Refuse would be collected each night. If neighbours had experienced noise, it may have been during the construction period and would not be routine.

Following questions from the Sub-Committee the applicant explained that there was not much additional footfall during match days however they would bring in extra staff for vigilance who would be trained to be aware of customers and to not serve alcohol if someone seemed too intoxicated. Alcohol would only be served inside along with food products.

The applicant explained that they were not planning on bringing in live music as they were conscious of not disturbing residents. They felt they were more likely to run a book club or a similar activity.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a new premises licence in respect of Esquires Essex Road Ltd, 319 Essex Road, Islington, London, N1 2BD to allow the sale of alcohol on the premises only between midday and 9pm Monday to Sunday Conditions detailed on pages 86 to 88 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting was facilitated by Zoom.

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. There had been no representations made by the responsible authorities. Conditions proposed by the Noise Team and Police were agreed to by the applicant.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The application was for on sales only. The premises would not be

alcohol led and alcohol would only be sold to seated customers. There would be no vertical drinking.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that granting the premises licence with the extensive conditions agreed was proportionate and appropriate to the promotion of the licensing objectives.

17 HARVEST N5, BARCLAYS BANK, 2-4 HIGHBURY CORNER, N5 1RE - NEW PREMISES LICENCE (Item B3)

The Licensing Officer introduced all parties to the application, which was for a new premises license under the Licensing Act 2003. The License was to allow the sale of alcohol, on the premises only, between 08:00 and 23:00 on Monday to Sunday.

There were no representations made by responsible authorities. One resident made a representation. There were two errors in the report that were corrected by the licensing officer. Where the report said one ward councillor had made a representation, this should be none and, the report should have included off sales as part of the application.

A local resident in objection to the new premises license, informed the committee that he would not go through all the points he had previously raised in his letter. He highlighted that the premises was in a sensitive, conservation area leading to Highbury Fields and a change of use from a bank to a retail outlet, that sold alcohol, should have greater consultation. He felt a retail operation until 11pm could change the nature of the area, with people congregating outside the premises. The applicant should ensure the premises worked for the community and was well managed. A close time of 9pm would be preferable which was a similar closing time to other Harvest shops.

Following questions from the Sub-Committee the resident explained there had been conversations with both councillors and residents regarding the area becoming a busy area for Deliveroo. He highlighted the applicant had agreed not to allow motor vehicles or deliveries from the back of the building.

The applicant and his representatives informed the Licensing Sub-Committee that several issues raised were related to planning concerns however there had been no planning issues with the application. It was highlighted that there was customer demand for the store that included opening hours until 11pm. The produce and the reduction in customers having to travel to alternative harvest stores were a benefit to the customer and the local area.

The legal representative asked whether conditions had been agreed to ensure deliveries and collections were not made from the back entrance to the shop. The Licensing Sub-Committee were informed that there were not conditions attached to the license, but it had been agreed the side entrance would not be used and there were currently no plans to use it. It was residential towards the rear and they wanted to avoid loitering. Consequently, only the front entrance would be used for customers and deliveries.

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It was highlighted that it was an independent family run business, and the applicant was the designated premises supervisor and manager at three other shops. People could come to the shop to buy local produce; new business could request shelf space and they would try and source items they didn't have for the customer. The premises aimed to be part of the community and to have a great relationship with residents.

The Sub-Committee asked how the community had been engaged and whether the premises would hire local people. They would hire 20-25 people and would advertise to and aim to employ local people. There had been some consultation with local business and residents had expressed a desire to have a Harvest nearby.

A question was also raised regarding plans to change the entrance at a later date. It was explained that the entrance would remain at the front however to utilize the space at the side they would remove the disabled ramp and considered having an extension. This would need planning permission. There would be assisted access for disabled customers.

The Sub-Committee considered how the premises would ensure Deliveroo drivers didn't park up idly and disturb residents. It was explained that there would be no motorised cycles, cars or motorbikes allowed. Only cyclists. They also considered whether additional security would be provided. It was explained that on match days they would increase the number of staff from five to seven or eight. Security may be on the front door to ensure customers are not queuing up outside.

The Sub-Committee asked what staff would do to control drinking and anti-social behaviour. The applicant explained that on match days someone would be at the entrance making sure it was kept clean and to prevent loitering. They wanted the store to be community based and it sold mostly health foods, not alcohol. Outside of match days they would also check around the store.

In summary, the resident felt the change of use was frustrating and there should have been more opportunity to comment on it. He highlighted that the applicant had agreed not to use the back entrance for customers or deliveries; to ensure the cigarette receptor was not accessible when the store was closed; that the main door only would be used for the collection of refuse and that any development to the rear should include stakeholder consultation.

In summary, the applicant stated that there were no current or historic issues at any of his stores; there was no concern raised by responsible authorities; the shop was customer driven and customers requested the hours applied for and those customers ask that the application be granted.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a new premises licence in respect of Harvest N5, Barclays Bank, 2-4 Highbury Corner, Islington, London, N5

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1RE to allow the sale of alcohol off the premises only between 09:00 and 23:00 on Monday to Sunday.

Conditions detailed on pages 138 to 142 of the agenda shall be applied to the licence with the following additional conditions :-

- The only entrance and exit to the premises for deliveries and customers is to be the current main entrance.
- Deliveries and collections (by whatever means) will only be made to the main entrance and delivery bikes and the like will not be serviced from the rear of the building (the ramped access).
- The cigarette receptacle will not be accessible when the shop is closed (so as not to encourage loitering).
- Commercial rubbish will not be left for collection at the rear of the building but instead will be left at the main door for collection within an hour or two.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom.

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 are situated in the Holloway Road 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. There had been no representations made by the responsible authorities. The local resident and applicant made oral submissions at the hearing.

The application was for an off sales licence. The hours requested were within the core hours specified in licensing policy 6.

The Sub-Committee noted that the proposed conditions provided for special arrangements to be implemented on Arsenal Football match days.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact, specifically conditions relating to entrance to the premises for customers and deliveries, and the condition that purchase deliveries would only be on bikes.

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

18 TABAC CAFE, 45 EXMOUTH MARKET, EC1R 4QL - NEW PREMISES LICENCE (Item B4)

The Licensing Officer introduced all parties to the application, which was for a new premises license under the Licensing Act 2003. The License was to allow on sales of alcohol, on the premises only, between Midday and 23:00 on Sunday to Thursday and midday until 23:30 Friday and Saturdays.

The applicant had agreed conditions with the Metropolitan Police and the Council's Noise Team, so those representations were withdrawn, and conditions agreed were included in the operating schedule. Three residents made a representation. It was highlighted that following a letter from the applicant to those who made representations, one representation was withdrawn.

A local resident who objected to the license informed the Licensing Sub-Committee that the premises had previously been a barber's and the change of use to a bar could mean that nearly 30% of premises on the street were licensed. There had been an increase in vertical drinking in the area and the premises would add to an existing problem. The resident asked for clarity around the patron numbers as it appeared to be too small a space for the capacity stated by the applicant.

The resident also felt there was overcrowding on the pavement outside which he said was narrow and had little space to walk on. There was concern that if customers were not seated they would spill out into the street. It was highlighted that to have seating outside of the premises a pavement license would be required.

The Sub-Committee considered whether the resident had spoken to other businesses. The resident felt an increase in drinking on the street had been allowed and less monitoring was being carried out since Covid-19.

The applicant explained they wished to share their French culture and provide somewhere customers could relax and work in the day and have a glass of French wine or a cocktail whilst listening to casual, ambient music after work. There would be no late-night refreshment or entertainment.

The number of customers had been reduced from 30-40 to ensure all customers could have seated table service and the capacity outside would be around 6-8 seats. There had been consultation with neighbours to ensure they were happy with the road access and access to their homes.

The applicant felt there had been more public nuisance since lockdown, but they would be providing high quality products and would not promote a culture of drunkenness. They did not want a bar, and their policy would include having water on tables. Following consultation with the police and environmental health they had agreed to reduced hours to help stagger the times people left the area. This would help avoid loitering and reduce noise.

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Following questions from the Sub-Committee the applicant explained they would have an open-door policy and had sent a letter to the whole street introducing themselves and providing their contact details. They would have 4-5 staff members on site each day, and the premises owners had experience of running corporate to independent bars so would create a training manual for their staff. They expected to have a capacity of 25-30 patrons but did not have firm numbers.

In summary, the resident asked whether the 3-4 members of staff would include the two owners; whether the seating arrangements would be fire safety compliant and emphasised that a license for outside seating would be required. The applicants explained it would be 4-5 staff total, including themselves and, they would apply for a pavement license. They emphasised they wanted the premises to be a café that felt like a living room for the community.

The Chair informed those present that the legal advisor would inform them if any legal advice was provided during the decision making.

RESOLVED

The Sub-Committee decided to grant the application for a new premises licence in respect of Tabac Cafe, 45 Exmouth Market, London, EC1R 4QL to allow the sale of alcohol on the premises only between noon and 11pm Sunday to Thursday and noon until 11.30 pm Friday and Saturday.

Conditions detailed on pages 168 to 171 of the agenda shall be applied to the licence. Condition 21 to be amended to read - Alcohol shall be supplied to customers who are seated and is served ancillary to food.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom. 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.

The application was for a new licence (on sales only) in what was described by the applicant as a traditional French Café with tables and chairs.

Three local residents submitted written submissions, one of which attended the hearing and made oral submissions.

There had been no representations made by the responsible authorities. Conditions had been agreed with the Noise Team and the Police.

The Sub-Committee noted that the applicant had engaged with residents. The Sub-Committee noted the concerns of residents regarding numbers and specifically fears of customers standing around outside the area drinking.

The Sub-Committee decided it was proportionate to include the condition "Alcohol shall be supplied to customers who are seated and is served ancillary to food" in order to promote the licensing objectives and not add to the cumulative impact.

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

The Sub-Committee was satisfied that the proposed use, with the extensive conditions agreed and added, 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.

19 **SIMPLY LOCAL, 610 HOLLOWAY ROAD, N19 3PH - PREMISES LICENCE VARIATION (Item B5)**

The Licensing Officer introduced all parties to the application, which was for a variation premises license under the Licensing Act 2003. The License was to allow the sale by retail of alcohol, off supplies only, Monday to Sunday, 08:00 until 23:00; and the premises to be open to the public, Mondays to Sundays, 07:00 until 23:00.

The applicant had agreed conditions with the Licensing Authority, so those representations were withdrawn, and conditions agreed were included in the operating schedule. One resident made a representation. They did not attend the hearing.

The applicant informed the Licensing Sub-Committee that there had been prior issues at the premises caused by shoplifting and the resident's objection, which claimed someone had been assaulted on the premises was also related to shoplifting. Police were called to the incident and were looking for the individual involved. There had been no issues related to shoplifting since the hostel nearby had closed.

It was highlighted that the resident did not link their complaints to the licensing objectives, and the applicant had accepted all the conditions outlined by the responsible authority. The shop was about healing and helping people and they cared about the community. It was explained that they had arranged community events and had protected a resident during a recent incident.

Following questions from the Sub-Committee the applicant explained he was aware of the Islington term 'safe haven' and confirmed that they were logging incidents. The applicant also kept a log of staff training and proactively helped the police with issues.

The applicant explained that when they first opened, they would give food close to its expiry date to the hostel. When the issues with shoplifting began, they met with

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the police and hostel management and the police suggested banning hostel residents. A select number were targeting them, but the majority were able to continue shopping with them.

In summary, the applicant explained the premises was an organic shop that was community based, and a family business that cared about local people. The alcohol served would be mostly middle range as they understood the impact alcohol could have on people. It was highlighted that they wanted to encourage a healthy lifestyle so their would-be certain drinks they wouldn't sell.

The Chair informed those present that the legal advisor would inform them if legal advice was provided during the decision making.

RESOLVED

The Sub-Committee has decided to grant the application for a variation of premises licence in respect of Simply Local, 610 Holloway Road, N19 3PH. To allow:-

- 1) The sale by retail of alcohol, off supplies only, Mondays to Sundays, 9am until 11pm; and
- 2) The premises to be open to the public, Mondays to Sundays, 7am until 11pm.

Conditions detailed on pages 201 to 203 of the agenda shall be applied to the licence.

REASONS FOR THE DECISION

This meeting was facilitated by Zoom.

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 Finsbury Park and Holloway 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 application was for a variation of an existing licence the effect of which was to seek permission to sell alcohol (off sales) on Sundays. The applicant agreed additional conditions with the Licensing Authority in relation to the start time (9am) the number of staff and the percentage of the area of the shop that would be allocated to display of alcohol for sale.

One local resident objection had been received. There had been no representations made by the responsible authorities.

The Sub-Committee noted that the applicant had engaged with residents.

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The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The Sub-Committee also noted that only 15% of the shop floor would be used to store/sell alcohol.

The Sub-Committee was satisfied that the comprehensive operating schedule demonstrated high standards of management and that the proposed use, with the extensive 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

The meeting ended at 9.00 pm

CHAIR