

**Licensing Sub Committee A - 28 November 2023**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 28 November 2023 at 6.30 pm.

**Present:**           **Councillors:**       Heather Staff (Chair), Ben Mackmurdie, Phil Graham.  
**Also**           **Councillors:**       Clare Jeapes, Nick Wayne  
**Present:**

**Councillor Heather Staff in the Chair**

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

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

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

Apologies were received from Councillors Praful Nargund and Valerie Bossman-Quarshie.

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

Councillor Phil Graham substituted for Councillor Valerie Bossman-Quarshie and Councillor Ben Mackmurdie substituted for Councillor Praful Nargund.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED**

That the minutes of the meeting held on the 19 September 2023 be confirmed as a correct record and the Chair be authorised to sign them.

**68**           **CIROS, UNIT 6, THE IVORIES, 6-8 NORTHAMPTON STREET, N1 2HY - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that four local residents would be speaking, and the planning officer was also present to respond to questions. A statement from the applicant had been circulated separately.

The planning officer reported that the proposed use for the premises complied with Class E. If the premises had use of the air conditioning unit this would need to be switched off at 6 or 7 pm depending on the relevant condition.

The residents stated that there had been no change since the previous application. This was a quiet residential street and adjoining streets, Upper Street and Essex Road, were perfect for licensed premises. The applicant had arranged a meeting with residents with only two days' notice. The applicant promised not to open the rear door and the room was very hot. Test nights had been held but it was cold and wet and there had not been many customers. There had been a private party for staff and doors were open at the front and noise could be heard by residents. Smokers would also gather outside the premises.

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Another resident stated that the area was ill suited to an influx of drinkers who did not have any connection with the area and noise would increase with the drinking of alcohol. There would also be parking issues as there were not enough parking spaces. There were concerns about how the applicant would ventilate the premises without being able to open the windows and doors. There would be outdoor tables on a narrow pavement. The A boards had already been found to encroach on the pavements and it was considered that outdoor seating should not be agreed, and hours of operation limited to those limited by planning. It was stated that during the test events the air conditioning was turned on at 6.45 pm. One resident stated that you could hear the noise from all around the building due to the way it was built. People outside would not be possible to control, and customers could cause problems when they left the premises.

In response to questions, it was noted that noise from two public houses were away from the area and this particular locality was very quiet. The residents were concerned about noise escape if doors were open at the rear of the premises. Residents queried how customers at tables seated outside the premises could be served if doors were not allowed to be opened. The planning officer advised that they had no evidence of a breach of planning use but stated that there was a live ongoing investigation. The licensing officer reported that there had been no complaints from the temporary events and the licensing team had also carried out regular monitoring of the premises.

The applicant's representative stated that this was an application with modest hours, less than framework hours detailed in the licensing policy. The application detailed a comprehensive set of conditions which included CCTV, incident logs, training, keeping doors and windows closed and keeping the outside clean and tidy. This was a small venue and a representation and petition had also been made in support. The applicants' CV had been detailed and she had been a personal licence holder for ten years. This was not a nightclub and residents' objections were based on a fear of what might happen. There had been a series of temporary events and there had been no complaints. Doors would be closed at 9pm. It was a small premises and unlikely to overheat. The premises were outside the cumulative impact area and not near schools, with extensive conditions. Any risk relating to off sales would be low. The outside tables were placed on a private forecourt and the representative offered an additional condition that tables could be brought inside at 9pm. He stated that this was an experienced applicant, the application was supported by policy and objections made were not evidenced.

In response to questions, it was noted that there were two tables outside with three seats. Dining outside would be up until 9pm. Smokers would stand away from diners and there could be a condition with a limit placed on the number of smokers. The premises had a capacity of 30/40 and a limit of 4 or 5 smokers could be made. There would be no vertical drinking and alcohol would be ancillary. There was not a large industrial kitchen in the premises; doors could remain open until 9pm and in hot weather a small air conditioning unit could be purchased. The premises was not connected to the air conditioning units detailed in the planning application and would not operate in breach. There would be staggered table bookings, but a dispersal policy could be agreed if it was helpful. Smokers would be moved to the front after 9pm and would not be allowed to take their drinks outside. New staff would undertake personal licence training. Off sales would be taken away in closed containers. Staff would ensure the outside area was cleaned. This was a restaurant and noise would be mitigated through conditions.

In summary, the residents stated the kitchen was not large enough to provide a substantial meal and that there would be no enforcement of conditions. They noted that there were to be live jazz events in December which would cause noise disturbance. Customers would be consuming alcohol and getting drunk. Smokers from other premises would also stand outside.

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The applicants' representative stated that the menu passed the substantial meal test. Live jazz had been applied for through TENs, would not be a regular occurrence and was not part of this application. Alcohol was drunk less quickly with food and was ancillary to this application. Numbers would be limited later in the evening which would aid dispersal.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Ciro's, Unit 6, 6-8 Northampton Street, N1 2HY, be granted to allow:-
  - a) The sale of alcohol, to be consumed on and off the premises on Monday – Saturday from 12 noon – 10:30pm and Sunday from 12 noon – 9:30pm
  - b) The permitted opening hours to be Monday – Saturday from 8 am – 11pm and Sunday from 08am to 10 pm
- 2) That conditions outlined in appendix 3 and detailed on pages 61 to 64 of the agenda be applied to the licence with the following additional conditions:-
  - The outside tables and chairs will be taken inside the premises at 9pm.
  - There be no more than 5 smokers outside at any time.
  - That a dispersal policy be submitted to the licensing team within 28 days for their approval.

### **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.

Sixteen local resident objections had been received and one representation supporting the application. 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 from four local residents. The residents stated that the premises were in a residential street that, in their opinion, should not have licensed premises. There had been little resident engagement; although there had been a meeting it felt that this had been arranged by the licensing officer and not the applicant. During the meeting the applicant promised that she would never open the back door, but it was open during the meeting. The residents stated that the test nights could not count for anything because there was virtually no one there. There would be smokers outside and tables at the front which would cause noise. The tables were in a narrow area and encroached onto the pavement. There would be issues with parking and congestion.

The Sub-Committee heard from the applicant's representative that the hours sought were modest and within the licensing policy 6. The application had a number of conditions covering matters such as CCTV, deliveries, keeping doors and windows closed, keeping the outside area clean and tidy, keeping an incident log, training, off sales in sealed containers and sales being ancillary to food. No responsible authorities had objected and weight should be placed on this. The applicant was vastly experienced and had run a number of TENs with no complaints. The premises were not going to be a nightclub. The application fell outside the licensing policy in respect of off sales due to the robust operating schedule

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and detailed conditions. The external dining was on a private forecourt and the applicant offered a condition that tables would be brought in at 9pm. In response to questions the applicant also offered a condition to limit the number of smokers and a policy in respect of dispersal.

The Sub-Committee concluded that the application with the hours sought and the conditions proposed, including the three additional conditions offered, would promote the licensing objectives. The premises was a small tapas restaurant which could not operate as a bar or club and the sale of alcohol had to be ancillary to the main operation of the premises as a bistro and coffee shop. The conditions offered should protect the amenity of local residents later in the evening. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management.

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

### **69 LOOM CLUB, UNITS 21,22 AND 23, THE IVORIES, 6-8 NORTHAMPTON STREET, N1 2HY - NEW PREMISES LICENCE (Item B2)**

The Licensing Officer reported that the address was 20, 22 and 23, The Ivories. The opening hours were from 6am. A summary from the applicant's representative had been circulated separately.

The planning officer stated that the proposed use was not considered to be Class E and was therefore not considered a lawful use. The applicant's representative reminded the Sub-Committee that this was not a planning hearing. He stated that advice had been sought and it was considered to be Class E as this was an office/ workspace and events were ancillary. He considered that the planning team had based their decision on a misunderstanding of the business from draft information on a website. He would be happy to liaise with the planning officers about this. The planning officer reiterated that the submitted proposed use was not considered to be within Class E but clarified that, should a use come forward that was within Class E, then there was no legal requirement for a certificate of lawful development.

The interested parties stated that the applicants had identified a location based on low rental and business rates and had not focussed on residents. Details regarding sound insulation had not been provided when requested. They raised concerns about the heat recovery units which required external grills and whether planning permission had been sought for these. Occupancy numbers were about 120 people so the premises would be very heavily occupied. The residents raised concerns that a premises licence holder would only be available from 7pm, they asked how the applicant would limit and control smokers outside, the use of the rear exit doors and the times for refuse collection. The local Ward Councillor stated that she agreed with the comments residents had made. She did not consider the application to be neighbourhood focussed. She had been unaware of the meeting set up for residents which she would have attended. She said that this was a quiet area and was not a suitable site for this premises. She considered that the premises could be extended in the future to become a nightclub. There was an external walkway and customers would walk up and down this area up until midnight. A further resident stated that she did not consider that this was a serious co-working space. Hours were not workspace hours. She stated there had been no consultation with this application. The opening hours and the sale of alcohol hours were well beyond the hours set by the planning condition which limited the operating hours of the air conditioning unit.

The applicant's representative stated that this was not a nightclub and not intended to be so, even with the later hours. It was to create a community of work, wellness and socialising

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and users would come to the venue to take classes and socialise. The space was not open to the general public and users would be a 15-20 minute walk or cycle away. Alcohol was only provided to users and their guests. The hours had been reduced. He stated that there had been a series of meetings with residents. Hours sought were within the Licensing Policy and the Police and the Licensing Authority had therefore withdrawn their representations. They had a constructive dialogue with officers which had led to a comprehensive set of conditions which would promote the licensing objectives. There was no evidence that residents' fears would materialise. This was primarily a workspace with events as necessary. The premises would not be hired out but managed by their own team. The wellness space would be used for these events. Examples would be for talks with an entrepreneur with nibbles and wine, dinner and drinks with a film screening, A noise assessment had been carried out and a noise limiter would be installed. The acoustic engineer was present at the meeting to respond to questions. The general manager had previous work experience at a co-working space in Fitzrovia and residents would benefit from the facility.

In response to questions to the applicant, it was noted that this was not a private members club and users would be a local person who wanted to work in the area. The cost ranged from £145 per month for use on one day a week to £245 a month for full use. The name 'club' was not the intention and the applicant apologised for this. The applicants were looking to offer services to the community for those who found working from home uncomfortable. There were gym facilities. The applicants' representative stated that a personal licence holder could be available during the day if required and in addition, other members of staff would be fully trained. The units were not connected to the air conditioning referred to by the planning team but had separate internal heat exchangers. The planning officer advised that the external grills may need planning consent and a dialogue needed to be had about this matter as well as the lawful use of the premises. There was a bar in the premises with a refrigeration unit. Drinks would be paid for using the same access system used for membership. A host might purchase ten bottles for networking events. There would be no families coming in for events and a Challenge 25 system would be in operation. Alcohol would not be allowed to be brought in. The walkways would only be used in an emergency. Guests would not be charged but their name and address would be required. Guests would be linked to a member so if there were any issues this would reflect on the member. The applicant had been advised that the planning use was correct. They applicant would have a dialogue with the planning team and an application made if necessary. Each event would be risk assessed and security employed for dispersal. Users would be moved towards Essex Road. A draft dispersal policy had been circulated and changes could be made to this. They did not have a final list of beers and wines that they would be selling. They would ensure that collections and deliveries were within the hours of 11pm and 8am.

In summary, the interested parties stated that they were experiencing noise from construction work from 7am and this showed that there was no respect for residents. This was a workspace and they asked if a licence environment was necessary. There were grey areas about planning and the application should be adjourned or refused. The business model did not seem like a workspace but an event space. Canonbury was not a suitable area for this premises. Most local people could not afford the membership costs and a more suitable venue should be sought.

The applicant's representative stated that planning and licensing were separate regimes. This was a workspace. Alcohol and events were ancillary to the main business and would not be held every evening. There were many conditions and residents had been listened to.

Following deliberation, the Sub-Committee initially resolved that the matter should be adjourned to 6 February 2024 to allow the applicant time to resolve the outstanding planning issues and engage further with local residents. However, upon hearing

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representations against the adjournment from the applicant's representative, the Sub-Committee resolved to continue their deliberations and reach a decision in respect of the application. The Sub-Committee then decided to refuse the application.

### **RESOLVED**

That the application for a new premises licence, in respect of Loom Club, Units 20, 22 and 23 The Ivories, 6-8 Northampton Street, N1 2HY 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.

Fourteen local residents submitted representations, eight of which were in support of the application. One representation had been received from the local ward Councillor. There had been no representations made by the responsible authorities following agreed conditions.

The Sub-Committee heard evidence from local residents that, although the application speaks of the importance of community and the local neighbourhood, there had not been engagement with local residents or any kind of focus on the impact of the premises on the immediate vicinity. Local residents had concerns in respect of noise nuisance, in particular how the premises would be ventilated, how the applicant would control smokers, how noise from bottling out would be minimised and how the premises was sound insulated. Residents were concerned that the area was a quiet residential area which was not suited for this type of premises. Concerns were raised about an external walkway and late-night deliveries. Residents gave evidence that there had been no neighbourhood discussion or consultation and expressed concerns that the premises were not a workspace but an event space. In summing up, one resident expressed concern about grey areas in the application and submitted that the application should be adjourned or refused.

The Sub-Committee heard evidence from the applicants representative that the premises would not be a nightclub. The premises would be a neighbourhood club and would form a community with neighbours with users ideally living within a 15 to 20 minute cycle ride from the premises. It would be a members' space which would not be open to the public, only users and their guests. There had been a series of meetings with local residents. Conditions had been agreed with the police, the licensing team and the noise team. Traffic and parking issues were outside the remit of the Sub-Committee and no evidence had been provided. The premises were not a high-volume vertical drinking establishment. The premises would not be given over to third parties or hired out. The applicant had employed an acoustic consultant and also a very experienced manager. It was an exciting concept that would benefit the area enormously.

The Sub-Committee heard from the Director of Planning and Development that a certificate of lawful development had been submitted by the applicant in relation to the planning use of the premises, and that this had been refused. The applicants' representative stated that the applicant had sought advice and been advised that the proposed use of the premises was lawful. The Director of Planning and Development confirmed that on the basis of the information before the planning authority, the use was not considered lawful, but did state that there is no requirement to have a certificate in place. The Sub-Committee noted the submissions from the applicants' representative that planning and licensing are separate regimes. In response to questions, the applicant confirmed that heat exchangers were being fitted in the premises. The Director of Planning and Development confirmed that sometimes this would need planning permission and sometimes not. He could not comment further

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without more details. The applicants' representative confirmed that, if necessary, they would sort out the planning situation.

Upon retiring to deliberate, the Sub-Committee initially resolved that the matter should be adjourned to 6 February 2024 to allow the applicant time to resolve the outstanding planning issues and engage further with local residents. However, upon hearing representations against the adjournment from the applicant's representative, the Sub-Committee resolved to continue their deliberations and reach a decision in respect of the application. The Sub-Committee then decided to refuse the application.

The Sub-Committee was concerned that there had been insufficient engagement with local residents which did seem to undermine the premise of the application as a space for the local community. The fact that the applicant had not even entered into discussions with the planning department in respect of the refusal of the certificate of lawful development gave the Sub-Committee real concerns as to the standards of management that could be expected from the applicants. This was reinforced by the applicants lack of engagement with residents in the local area. The Sub-Committee was concerned that even with the conditions proposed the applicant had not shown that the amenity of local residents would be protected as set out in licensing policy 23. The Sub-Committee was further concerned that the applicant had not discussed planning issues with the planning department, not just in respect of the proposed use, but also in respect of the heat exchangers. This showed a disregard for licensing policy 1 and led to the Sub-Committees' concerns about the standards of management as set out in licensing policy 7.

The Sub-Committee was not satisfied that the grant of the licence, even with the conditions agreed, would promote the licensing objectives. The Sub-Committee was not satisfied that the operating schedule demonstrated high standards of management.

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

The meeting ended at 9.10 pm

**CHAIR**