

London Borough of Islington

Licensing Sub Committee D - 7 September 2023

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 7 September 2023 at 6.30 pm.

Present: **Councillors:** Graham (Chair), Spall (Vice-Chair) and Jeapes

Councillor Phil Graham in the Chair

46 **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.

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

There were no apologies for absence..

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

There were no declarations of substitute members.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED

That the minutes of the meeting held on the 20th April 2023 be confirmed as a correct record and the Chair be authorised to sign them.

52 **NAAR, 94 OLD STREET, EC1 9AY - NEW PREMISES LICENCE (Item B1)**

The Licensing Officer reported one update to the Sub Committee, that one representation had been withdrawn.

The Licensing Officer also informed the Sub Committee that this was a new application which if granted would supersede the existing licence, and that officers were working to get the existing licence surrendered.

The Licensing Authority, in their verbal representation to the Sub Committee, made note that the existing licence had longer, overall, operating hours than that requested in the new application put forward before the Sub Committee. If granted of which the overall operating hours would be reduced, although weekend hours would still be two hours over policy.

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The Licensing Authority also put forward concerns regarding noise, and suggested a condition that all deliveries to the premises should be by non-motor vehicles such as e-Bikes and scooters.

The Police, in their verbal representation to the Sub Committee, made note that the premises initially came to their attention due to an incident under the previous operators. The current operators engaged well with the Police, to which the Police encouraged them to obtain either the current licence by way of a transfer, or a new premises licence entirely. The Police highlighted that the current operators (the applicant) had accepted their recommendations and generally made a good impression, but their objection was primarily regarding the failure of the applicant to obtain the old licence from the previous operator, and that if the licence was granted, would constitute another premises in the area that would be operating outside of framework area. The Police did, however, make clear to the Sub Committee that they were pleased the new licence applied for, will have enforceable conditions on it.

The applicant, in their verbal representation to the Sub Committee, highlighted that they had been at the premises for a number of years with no issues regarding customers and/or delivery drivers since the business started, and that when there was, they engaged with the Police immediately. The applicant stressed that the business was their living, and that they take pride in customer service and the quality of their products, and always trying to improve their service.

There were no interested parties, residential or business, in attendance at the hearing to raise verbal objections to the Sub Committee.

In summing up, the Licensing Authority highlighted that should the new licence be granted there would be fewer operating hours during the week than currently permitted, and through the conditions on the new licence, the local authority would have greater powers to enforce.

In summing up, the Police highlighted that then they visited the applicant, they discussed the proposed conditions, and was assured by the applicant that it could be abided by. The Police also went on to state that the premises was quite small, and thus the number of patrons on the premises at any given time, would also be small in number.

In summing up, the applicant stressed to the Sub Committee that they already try to alleviate crowding concerns at their premises by closing the seating area, making their servings takeaway only after a certain time in addition to restricting the menu to quickly servable items only.

RESOLVED:

That the application for a new premises licence in respect of Naar, 94 Old Street, EC1V 9AY, be granted to allow:-

- 1) To allow the provision of late-night refreshment from 23:00 until 00:00 Sunday to Thursday and from 23:00 until 03:00 Friday and Saturday.
- 2) To allow the opening hours of the premises to be from 11:00 until 00:00 Sunday to Thursday and from 11:00 until 03:00 Friday and Saturday

Conditions detailed on pages 50 to 51 of the agenda shall be applied to the licence with the following amendments:-

- Condition 10 to read. The licensee shall ensure that no internal combustion engine vehicles be used for deliveries from the premises.

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- Condition 11 to read. The licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises.
- Condition 12 to be deleted.

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 Bunhill 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 licensable activities and times applied for in the application were to provide late night refreshment on the premises from 11pm to 3am on Fridays and Saturdays and from 11pm to midnight on Sundays through to Thursdays.

The Sub-Committee heard oral representations from the licensing authority and the police as well as from the Applicant.

The Sub-Committee noted that there is an existing premises licence for the premises with longer permitted hours of trading and very few conditions attached. Consent has not been obtained to transfer that licence.

The Licensing Authority stated at it no longer had objections to the hours of operation but was concerned about the noise nuisance that could be created by the delivery drivers at the premises.

The Police informed the Sub-Committee that the current owner of the business had co-operated with the police in relation to this application. The Police representative stated that he was agreeable to the application being granted with the agreed conditions and that it was an improvement on the existing licence.

The Applicant stated that his business was a small one and would manage to comply with the agreed and any further imposed conditions.

The Sub-Committee was satisfied that the granting of the license subject to the agreed conditions and the added conditions referred to in the decision in relation to delivery drivers was proportionate and reasonable in order to promote the licensing objectives and that the presumption in relation to the cumulative impact area had been rebutted.

53 JIMMY AND THE BEE, 135 GOSWELL ROAD, EC1V 7JY - NEW PREMISES LICENCE (Item B2)

The Licensing Officer informed the Sub Committee that the correct opening hours were as per the front page of the report in the agenda, rather than the hours listed in the application form; the discrepancy was due to the hours being changed after the applicant had discussed with the Police.

In their verbal representation to the Sub Committee, the interested party stressed that the area in and around the Triangle Estate had suffered from a lot of alcohol-related anti-social behaviour, and that the number of establishments in the area, had contributed to high instances of noise, public

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urination and vomiting. The interested party cited the number of other representations that had been made regarding this application as evidence of local concern regarding anti-social behaviour. The interested party also outlined that they felt another alcohol-licensed premises in the vicinity would worsen the problem of anti-social behaviour, and that permitting the use of the outdoor space late on Fridays and Saturdays would result in increased smoke and noise. The interested party also stated that there was the possibility of noise emanating from inside the premises itself, that the increase in trading hours were significant and that there appeared to be a lack of kitchen facilities on-site.

In response to the Interested Party's representation, the Licensing Officer informed the Sub Committee that the interested party had made several points that were not in their formal submission, therefore neither the applicant or the Sub Committee would have had an opportunity to consider or verify this.

In their verbal representation to the Sub Committee, the applicant stated that they had unfortunately been unable to meet objectors in person. The applicant also went to state that they were not aiming to create a pub, but a welcoming atmosphere that was quieter than neighbouring establishments, in which they could offer such things as wine and coffee tasting. The applicant stated that their clientele is primarily from nearby universities, and that while they have not encountered any issues yet, they were aware of issues in surrounding areas. Don't think there will be an issue. There are lots of off licences and pub, target is not creating a pub. The applicant stated that they share the same concerns as residents regarding public urination and highlighted that they permit the public use of their toilets free of charge to help with the problem. The applicant also made note that they didn't believe that there would be noise from their premises, and that they were trying to be part of the local area, and not a hindrance to it.

In response to questions from the Sub Committee, the applicant informed the meeting that they operate as a coffee shop, with an outside area that had very limited seating. The applicant stated that each day they have approximately 40-45 customers, but rarely any higher, and the profile of their customers were not revellers or disruptive, but quieter and well-mannered.

In response to questions from the Sub Committee, the applicant clarified that the main form of alcohol they intend to trade with the new licence would be wine and gin, with the possibility of draft beer; either of which would only be served with a substantial meal.

In summing up, the interested party made the points that the local area suffered with alcohol-related anti-social behaviour, noise generation from other premises, and requested that the Sub Committee took this into consideration, in addition to the proximity of the premises to residential dwellings and arrangements for food preparation.

In summing up, the applicant clarified that they have different station areas that enabled them to prepare food, and they had previously turned down offers to enlarge the premises into a restaurant and/or bar. The applicant stated that they were trying to be a local business that fitted into the community.

RESOLVED:

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That the application for a new premises licence in respect of Jimmy and the Bee, 135 Goswell Road, EC1V 7JY, be granted to allow:-

- 1) To allow the on-sales of alcohol from 10:00 until 22:30 Sunday to Thursday and from 10:00 until 23:30 Friday and Saturday.
- 2) To allow the opening hours of the premises to be from 07:00 until 23:00 Sunday to Thursday and from 07:00 until 00:00 Friday and Saturday.

Conditions detailed on pages 78 to 80 of the agenda shall be applied to the licence, with the additional condition:-

- That the outdoor tables are rendered unusable after 10pm and that there is no outside drinking from 10pm.

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 licensable activities applied for was the on sales of alcohol from 10am until 10.30pm Sunday to Thursday and from 10am until 11.30pm Fridays and Saturdays.

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

No oral submissions were presented by the Responsible Authorities. The Sub-Committee noted that the Noise Team and the Police had agreed conditions with the Applicant.

The Sub-Committee noted and considered the oral submissions from the resident that was present. His concerns were anti- social behaviour, the hours of trading and the noise that could be generated by the outside tables especially late at night.

The Sub-Committee carefully considered the oral representations made by the Applicants and were satisfied with their operating schedule.

The Sub-Committee considered that the hours requested for the licensable activities were within the framework hours of the council's policy (Licensing Policy 6).

The Sub-Committee concluded that the granting of the licence with the said conditions would promote the licensing objectives. The Sub-Committee was satisfied that the 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.

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The Licensing Officer reported one update to the Sub Committee that since the publication of the report, the Planning Officer had confirmed that the premises did have the correct planning permission.

In their verbal representation to the Sub Committee, the first interested party raised concerns regarding the length of the operating hours, specifically the closing times on Friday and Saturday nights; that the premises was within a cumulative impact area; and that the restaurant had very high ceilings and that it currently had ineffective sound proofing, which the interested party said would result in noise reverberating and affect residents above. The interested party also stated that the premises had always closed at 11pm because of noise issues and cited the closing times of other restaurants in the vicinity to support their representation.

In their verbal representation to the Sub Committee, the second interested party raised concerns regarding noise, and stated that there had been noise issues with previous occupants of the premises, despite each previous tenant giving similar assurances. The interested party stated that the noise came from within property, outdoor seating, and extractor fans, but that their main objection was the proposed later opening hours.

In their verbal representation to the Sub Committee, the third interested party raised concerns regarding noise late at night, the later licensable hours of operation and that the granting of the application would set a precedent for other establishments in the area.

The Sub Committee informed the interested parties that conditions 9 and 10 address the issue of noise from the premises and that in the event of either condition being breached, the licensee would have to take action.

In their verbal representation to the Sub Committee, the legal representative of the applicant outlined that they were grateful for the Sub Committee reading the material in advance, that their client had experience in operating restaurants, and was committed to the local community and the building, which had been occupied by squatters. The Legal Representative went on to state that they hadn't received responses to their letters to the interested parties, but that the door remained open to feedback, and that they were grateful at the indication that the objections were not to the application in principle, but the hours of operation. The Legal Representative continued, stating that the premises' use matched licensing policy and promoted the licensing objectives, and the desire for additional customers was to make the business viable. It was also stated to the Sub Committee that the purpose of requesting after hours was about ensuring controlled departures from second seatings, which they hoped would be less likely to disturb residents; and that there was an existing licensing footprint at the site for late night hours of operation.

In their verbal representation to the Sub Committee, the applicant stated that they had a good relationship with all neighbours. The applicant went on to state that squatters had caused damage and nuisance to the property which had to be addressed, and that they offer staggered sittings to their customers so that they don't feel rushed and also to aid easier dispersal from the premises.

In summing up, the interested parties highlighted that their cases were straightforward and stemmed from their beliefs that the proposed opening hours were unreasonable. The interested parties went on to state that they expected a degree of noise disturbance from the operation of a restaurant, but that they wanted the Council to protect them from excessive noise and disturbance.

In summing up, the legal representative stated that they were grateful to the residents for not objecting in principle, that it was a reasonable, policy-compliant application that was less

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intrusive than previous licences historically granted at the premises, and that the granting of the expanding operating hours were critical for the business to survive.

RESOLVED:

That the application for a new premises licence in respect of Perilla Dining, 84-86 Roseberry Avenue, EC1R 4QY, be granted to allow:-

- 1) To allow the On and Off Sales of Alcohol from 10:00 until 23:00 Sunday to Thursday and from 10:00 until 00:00 Friday and Saturday
- 2) To allow Late Night Refreshment from 23:00 until 00:00 Friday and Saturday
- 3) To allow Alcohol Sales and Late-Night Refreshment until 00:00 on Sunday's preceding Bank Holiday's.
- 4) To allow Alcohol Sales and Late-Night Refreshment from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
- 5) To allow Opening Hours of the premises to be from 09:00 until 23:30 Sunday to Thursday and from 09:00 until 00:30 Friday and Saturday.

Conditions detailed on pages 113 to 115 of the agenda shall 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 application in relation to on and off sales of alcohol was from 10am to 11pm Sundays to Thursdays and from 10am to midnight Fridays and Saturdays.

In relation to late night refreshment the hours sought in the application were from 11pm to midnight Fridays and Saturdays.

The licensable activities also applied for were for on and off sales of alcohol and late-night refreshment on Sundays preceding Bank Holidays until midnight and alcohol sales and late-night refreshment from end of permitted hours until start of permitted hours (New Years Eve to New Years Day)

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 Sub-Committee noted that the hours applied for were within the framework hours (Licensing Policy 6).

The Sub-Committee also noted that the nature of the business fell within the exception criteria of the Clerkenwell Cumulative Impact area.

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The Sub-Committee fully the concerns raised by the residents in the written and oral submissions. The Sub-Committee further noted the fact that there were no representations from the Responsible Authorities and that the Noise Team and Police had agreed conditions with the applicant.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee was satisfied that the 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 8.26 pm

CHAIR