

**Licensing Sub Committee D - 11 June 2024**

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 11 June 2024 at 6.30 pm.

**Present:**      **Councillors:**      Angelo Weekes, Clare Jeapes and Marian Spall

**Councillor Angelo Weekes in the Chair**

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

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

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

Apologies for absence were received from Councillor Phil Graham.

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

Councillor Angelo Weekes substituted for Councillor Phil Graham.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

That the minutes of the meeting held on the 30<sup>th</sup> of January be confirmed as a correct record and the Chair be authorised to sign them.

**7      PREMISES LICENCE VARIATION APPLICATION - SOMEDAY, 2 CITY NORTH PLACE, LONDON N4 3FU (Item B1)**

The Licensing Officer was asked to report any additional updates to the Sub-Committee. In response, the Sub-Committee were informed that supporting documentation had been forwarded to all parties, and that the only other update was the additional document of the Noise Impact Assessment 2023, which was provided to the Sub-Committee for information. There were representations made by residents, however none attended this meeting. The Sub-Committee noted that no other representations were made.

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The applicant's representative presented their key points and stated that the new condition of the premises closing at 2:00 on Fridays and Saturdays would only be applicable for patrons that were already in the premises. This condition would be implemented as an exit only policy. Since 2022, there had been engagement with the licensing authorities and the Police. The Sub-Committee was notified that the Police had conducted an undercover investigation on the premises which highlighted no areas of concern. It was also noted that the premises was closing their doors at 22:00 although conditions enabled them to be operational until 23:30. Only smoking was permitted outside the premises, for up to fifteen people. The premises was classed as a seated food-led venue which had tables screwed to the ground. The premises did not do any food deliveries. The applicant's representative advised that although the hours sought were not within the hours specified in licensing policy six, for a bar/restaurant and were more appropriate to a nightclub, the aim was to provide a late-night entertainment environment for the wider community. It was also noted that substantial acoustic works had been carried out in accordance with the noise management plans since 2021. An acoustic concrete ceiling had been installed between the venue and the flats, acoustic lobbies had been constructed and there were acoustic seals put on exits. The applicant's representative advised that they had good relationships with the residents and there had been no complaints on public safety, nuisance and on crime and disorder.

In response to questions reading the nature of the venue, it was noted that the premises was a seated food-led venue where there would be food offerings throughout until closing. The premises would not be a nightclub as there would be no vertical drinking or loud music. The number of people would flow throughout the day, and it would not get as busy where people would need to stand at the bar to have their drink.

In response to a question regarding the use of entertainment, the premises had a small offering of live music which had a lower impact compared to DJs. There premises did not aim to be a sports bar or football type venue. The venue attracted people who wanted to sit and drink from the local catchment area.

There was a Dispersal Policy which was under review. In terms of dispersal of customers, the premises door would close at 10pm to indicate that the premises was winding down, so between 22:00 -23:30pm there was only slight dispersal. The SIA quota was kept to a minimum, risk assessments would be carried out constantly and there were CCTV cameras that covered areas to monitor activity.

In response to concerns around the of uses of other substances in the premises, it was noted that staff were trained and followed a Zero tolerance policy on substance use. Highly experienced managers were employed and there was a structure through which there would be advice available from a higher manager. On a busy weekend, there would be around 6-8 front house staff and around 3-4 kitchen staff.

The Sub-Committee noted the bottling hours were prohibited between 23:00 and 08:00. In response to the complaints about a barrel being rolled on the streets at 5am, of vibration and noise, the Sub-Committee was advised that some of the complaints about noise from the streets were probably related to other venues in the area and the applicant suspected that the noise from the barrel was to do with another premises receiving deliveries early in the morning.

The Sub-Committee was informed that if the application were granted, the premises would not be operating immediately to the full extent of the hours requested and graduated hours would be introduced with the full hours coming into effect in October 2024. This would enable management to provide training for staff, observe and resolve any potential problems.

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In summing up, the Legal Representative for the applicant stated this seated food-led venue would be a very different offering for people in the local community.

### RESOLVED:

- 1) That the premises licence variation application, in respect of Someday, 2 City North Place, London, N4 3FU be granted to allow: -
  - a) The sale of alcohol, On and Off the premises, the exhibition of film, indoor sports, live music, recorded music, and the performance of dance from 11:00 until 00:00 Mondays to Wednesdays, from 11:00 until 01:00 on Thursdays, from 11:00 until 02:00 Fridays & Saturdays and 11:00 until 23:00 on Sundays.
  - b) The provision of late-night refreshment from 23:00 until 00:00 Mondays to Wednesdays, from 23:00 until 01:00 on Thursdays and 23:00 until 02:00 Fridays & Saturdays. • On New Year's Eve, until the time authorised on the following day and until 02:00hrs on Sundays before Bank Holiday Monday, St Patricks Day, Valentine's Day, Boxing Day, Easter Monday, and the Thursdays before Good Friday.
  - c) Premises open to the public, Mondays to Wednesdays from 07:00 to 00:30, Thursdays from 07:00 to 01:30, Fridays and Saturdays, from 07:00 to 02:30 and from 07:00 to 23:30 on Sundays. On New Year's Eve, until the time authorised on the following day, Until 02:30am on Sundays before Bank Holiday Monday, St Patricks Day, Valentine's Day, Boxing Day, Easter Monday, and the Thursday before Good Friday.
  - d) To remove Premises Licence condition number 36 as it was a duplicate of condition no.22.
  - e) To remove Premises Licence condition numbers 9 and 33 and replace with an amended condition No.39 combining them both.
  - f) To agree the new Premises Licence condition 38, "The amendment to hours within this full variation application would only be applicable while under the control of the current licensee Lily Three Limited."
  
- 2) Conditions detailed on pages 83 to 88 of the agenda shall be applied to the licence with the addition of the following conditions: -
  - a) The venue to commence the new hours of operation with a graduated start, with the 2.00am close beginning from the first week of October 2024.
  - b) The venue to offer a substantial food offering until closing.
  - c) The venue to submit an updated dispersal policy to the Licensing Team to reflect the new hours of operation within 28 days.

**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 considered 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 Holloway and Finsbury Cumulative Impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which were likely to add to the existing cumulative impact would normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

Licensing policy 3 paragraph 54 states that the licensing authority recognises that it had to balance the needs of businesses with those of residents and it would use its licensing policy to address these local issues,

- a) Adverse impact associated with late night venues.
- b) Alcohol related anti-social behaviour, especially as a result of drinking in the streets.

The Sub-Committee noted the proximity of residential properties to the venue. There were flats above the premises.

The Sub-Committee took into consideration Licensing Policy 4. The Council had 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 were likely to add to the existing cumulative impact would normally be refused or subject to certain limitations, following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there would be no negative cumulative impact on one or more of the licensing objectives.

Sixteen local resident objections had been received. However, no residents attended.

There had been no representations made by the responsible authorities. However, the applicant's representative explained that the business had worked closely with the licensing authority and with the police.

The police had in fact conducted an undercover investigation into the premises and were satisfied that it was not a "football venue."

The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 6, for a bar/restaurant which these premises were. The hours were appropriate to a nightclub. The applicant's representative emphasised that this would not be a nightclub as understood in licensing terms but would be an alternative offering for people who wanted a meal, a drink and entertainment late at night. It was envisaged that people who might not drink would be comfortable coming there. This was a seated venue with 180 seats and tables screwed down so they could not be cleared. There was space for drinking at the bar as well.

Highly experienced managers were employed. There was a structure through which there would be advice available from a higher manager. The SIA quota was a minimum and risk assessments would be conducted constantly. The premises would not be operating immediately to the full extent of the hours requested. Graduated hours would be introduced with the full hours coming into effect in October 2024. This would enable management to observe and resolve any potential problems and carry out full staff training including drugs

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awareness training. The venue had a zero-tolerance policy to drugs on the premises. On a busy weekend there would be 6-8 members at front of house.

The Sub-Committee was concerned about the complaints made by the residents and was surprised that none had attended. There were complaints about a barrel being rolled on the streets at 5am, of vibration and noise from the venue and people walking down the street late at night singing, shouting, fighting, and indulging in anti-social behaviour. The Sub-Committee noted that these complaints did not appear to be substantiated by the Environmental Health or the police.

The applicant and their representative stated that they had a particularly good relationship with the local residents and the venue was designed to appeal to local residents rather than incomers from a distance. Substantial acoustic works had been conducted in accordance with the noise management plans since 2021. An acoustic concrete ceiling had been installed between the venue and the flats, acoustic lobbies had been constructed and there were acoustic seals put on exits. There had been no complaints about noise from the premises since then. Some of the complaints about noise from the streets probably related to other venues in the area. People who came to Someday were not the sort of people who would fight or scream in the streets. The applicant suspected that the noise from the barrel was to do with another premises receiving deliveries early in the morning.

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 applicant demonstrated high standards of management and that the proposed use, with the additional conditions, 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 7.40 pm

**CHAIR**