

**Licensing Sub Committee A - 17 December 2024**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 December 2024 at 6.30 pm.

**Present:**      **Councillors:**      Heather Staff (Chair), Ben Mackmurdie (Vice-Chair) and Gary Heather

**Councillor Heather Staff in the Chair**

**117      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.

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

None.

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

None.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 22 October 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**123      LONDON LEBANESE GRILL, 120 ST JOHN STREET, EC1V 4JS - NEW PREMISES LICENCE APPLICATION (Item B1)**

The licensing officer reported that an updated plan with further information had now been circulated. Although the operating schedule was extensive, there was no explanation how they would manage the premises; although an email had been circulated to the licensing team in the afternoon. The application was outside framework hours.

The Licensing Authority stated that they had received the plan of the premises during the week and an email that day with a paragraph explaining the arrangements. The Licensing Authority had not changed its position and was concerned about where drivers would park as there was not much space close to the premises. The police stated that they had agreed conditions suitable for framework hours but could not condition outside these hours. These were standard conditions for late night premises.

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In response to questions, it was noted that the email was sent today, the plan of the premises was sent on Friday.

The applicant stated that he had spoken to the delivery companies, and they had said that electric bikes could be used if they operated late hours. Drivers could park in the parking bay rather than just outside the premises. They wanted these hours as they were busy lunchtime, but the area did get busy later at night. There were no restaurants in the area. They had a lot of customers in the late evening and got increasing calls later up until 11pm. With later hours they would also get the benefit from customers that went to nightclubs as they would come around 2.30am.

In response to a question about the late submission, the applicant stated that the plan and email were due to be submitted ten days previously but were late as he had been ill. He had got help from friends as this was his first time in submitting an application. The Sub-Committee agreed to accept the late email submission in the circumstances.

In response to further questions, it was noted that there had been complaints about the extractor fan which was used when the premises was a café. Works to upgrade the extractor fan had taken place about two months previously, the food smell and gone and there had been no further complaints. The parking bays were situated about 20 metres away. The applicant agreed that delivery drivers could use the toilets in the premises. He welcomed a good relationship with the late-night patrols as this would be good practice. The fire exits were always kept clear. Staff were trained in handling drunk customers and would remain calm and polite. They had not had any issues with customers but would ring police if a customer was out of control. They were open for eating in as well as takeaway, but the applicant would be happy if it was takeaway only during the later hours. Soup was often given out to customers if they were waiting for food. He was happy to accept additional conditions.

In summary, the Licensing Authority stated that it was a decision for the Sub-Committee to consider whether the applicant had made a good case for extended hours. The Licensing Authority would be happy to pass the number to the applicant for the late- night patrols. The police and the applicant had no further comments.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of London Lebanese Grill, 120 St John Street, EC1V 4JS be granted to allow the provision of late-night refreshment on Sunday to Thursday from 11pm until 1am and on Friday and Saturday from 11pm until 3am.
- 2) Conditions detailed on pages 64 to 66 of the agenda shall be applied to the licence.
  - That delivery drivers be able to use the welfare facilities provided on the premises.
  - That the premises licence holder works with Nightsafe and operates Nightsafe best practice standards.
  - No customers be allowed in the premises from between the hours of 1am and 3am on Fridays and Saturdays (except for use as a Safe Haven) and the business be take-away only for those hours.
  - The management of the premises shall implement a procedure to take action, through the delivery service providers or on individuals, on any driver causing anti-social behaviour, or contravening licence conditions, to ensure they are not used for further deliveries. A copy of the procedure and records of actions taken will be kept on the premises and made available to authorised officers of the Council.

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### Note of the Sub-Committee

That the applicant work with the Licensing Authority for the premises to provide a Safe Haven for patrons.

### **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.

Five local resident objections had been received. There had been representations made by the Licensing Authority and Metropolitan Police.

The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 6.

The Sub-Committee heard evidence that the applicant had agreed police conditions suitable for the premises. Further evidence was heard from the applicant that there were no late-night refreshments businesses in the local vicinity and local people have often enquired about why they did not open later. Further evidence was heard from the licensing authority regarding the applicants' late submissions which included an updated plan and reasons why the cumulative impact would not be affected.

The Sub-Committee was concerned that there would not be anywhere for the delivery drivers to park and there was evidence of illegal parking in the resident's representations. The Applicant confirmed that there was parking 20 meters away from the shop which the delivery drivers will be using. The Sub-Committee was further concerned with the late submissions and after hearing that the applicant had been ill allowed the late representations. The Sub-Committee was further concerned about how the applicant would control and manage patrons that were misbehaving to which the Applicant agreed to implement the Night Safe Patrol Best Practice Standards.

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 outside of the hours specified in licensing policy 5 and 6 thus the conditions for takeaway after 1am were appropriate. 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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**BLOOMS YARD, 4-10 NORTH ROAD, N7 9EY - NEW PREMISES LICENCE APPLICATION (Item B2)**

The licensing officer reported that no further information had been circulated. The applicant had sent a response to the residents, but this was included in the agenda pack. Two residents had written in to say that an interested party present at the meeting was speaking on their behalf. Residents were particularly concerned about the use of the yard at the rear of the premises.

The police had agreed conditions with the applicant and had withdrawn their representation.

The residents stated that there were many outlets selling alcohol in the area and there was a well-established association with the sale of alcohol and anti-social behaviour. There were 18 flats surrounding the premises and there was a concern if the premises changed hands. There was a door leading to the back yard and they were concerned that drinkers who smoked or vaped would stand outside in the back yard and cause a noise nuisance. They raised concerns that some neighbours had not been consulted as the 50-metre area had excluded some houses in error. This had previously been a factory and had been quiet at the weekend. Any noise at the back would reverberate like an echo chamber. Residents were also concerned that the grant of this licence would create a precedent, and the licence could not be taken away once it was given. They would not want a new licence granted that was from 8am to midnight, seven days a week. They would be less concerned with noise outside in North Road as this was a busier road.

In response to questions, it was noted that the previous use was offices and although there was mechanical noise all day it was quite quiet. Residents were not disturbed by The Depot which was opposite as patrons exited into North Road. The licensing officer reported that there were two potential houses that had been cut through by the area circle for consultation. The resident stated that she had been notified but only by luck through speaking to other neighbours.

The applicant stated that there had been some misunderstandings about the business. She had worked in hospitality for 20 years. She started with this business in April 2020 as an online tea, coffee and wine shop and had opened her first shop in September 2020. She enjoyed making a space that people had enjoyed. This was not a pub, and she did not sell cheap spirits. She hoped to progress people to have careers in hospitality. It was more of a coffee led business, but she also hoped to offer a glass of wine. The hours requested sounded long but she wanted the flexibility to offer evening events with community engagement. Fridays were quiet now and she would generally not open at the weekend but would like the opportunity in case there was a Saturday brunch event for example. There was a red line on the plan around the premises. She did not have access to the back yard and the area did not belong to any tenant. She believed this area to be a loading bay or perhaps for bin storage. It would not be used for spill out for her customers. She did not consider that there would be any noise to residents from her premises. She required the off sales for hampers. She had been open for two weeks and hoped to create jobs for local people. She had already engaged with the community and donated food to a local school. She had met up to approximately 25 local residents and had offered a meeting with residents. She had satisfied the noise team and the police. She had met with the police. She had agreed to 11 conditions with the police including for CCTV. She had met with the ward councillors. She considered that it would be a happier area as many studios would be set up in the premises including a yoga studio and a barbers.

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### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Bloom Yard, 4-10 North Road, N7 9EY be granted to allow:-
  - a) The sale of alcohol, on and off the premises from 8am to 11pm Monday to Saturday and on Sundays from 10am to 4pm.
  - b) Opening hours to be from 8am to midnight Monday to Sunday.
- 2) That conditions detailed on pages 94-96 of the agenda be applied to the licence with the following additions:-
  - That there be continued resident engagement particularly around networking events.
  - That a contact telephone number be made available to residents in case of complaints.
  - That staff be trained in handling complaints.
  - That staff training be made regarding the smoking arrangements as they develop.

### **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 particular consideration Licensing Policy 5 which allows the Licensing Authority to impose further limitations on hours where it is appropriate to promote the licensing objectives.

The Sub-Committee took into particular consideration Licensing Policy 6 which allows the Licensing Authority to give more favourable consideration to applications with the opening and closing times that were within 'Framework' hours. The licensing committee in particular took into consideration the policy statement that local issues may indicate that shorter licensing hours are appropriate to promote the licensing objectives.

Five resident objections had been received. There had been no representations made by the responsible authorities. It was noted that the police withdrew their representations following agreement with the police.

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

The Sub-Committee heard evidence that there were already premises locally that sold alcohol and adding another one would not advance the licensing objectives. Further evidence was heard that should the premises change management then the consumption of alcohol may not be as civilised as proposed and would lead to the licensing objectives not being promoted. Further evidence was heard that Noise was a serious problem locally and further that the patrons are likely to use the back of the premises to smoke, vape and thus cause a nuisance to residential property behind the premises.

The Sub-Committee then heard counter evidence from the applicant that the premises was curated for people to be social and was not a place where people go to get drunk. Further, the alcohol offered would be premium and thus discourage binge drinking. Further, the front door of the building was the only way in and out for patrons and this was operated by

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security access. Further, the applicant confirmed that they did not have access to the back of the building. Access to the back was via another secure door and a pass would be required for access. The Applicant re-iterated that they would not allow open alcohol to be taken from their premises which comprised of a small counter that could have around 20 guests around it.

The Sub-Committee was concerned that the Applicant could have used Temporary Event Notices and was satisfied by the explanation why this was not opted for. Further concern related to the Applicant having 7 other businesses and how this would interact with her responsibilities as the licence holder. The applicant in response assured the Sub-Committee that there are three personal licence holders in the business. Further concern related to the delivery of products being via the back which may cause a nuisance for the neighbours. The Applicant confirmed that products were delivered through the front and that was the only entrance to the whole of the building. The Sub-Committee were further concerned about smoking and vaping around the premises. The Applicant stipulated that such measures would need to be discussed with the landlord but noted that there were ashtrays further down the street.

The Sub-Committee were further concerned with the hours proposed especially on a Sunday. The Applicant reverted that they would consider earlier hours.

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 operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not promote the licensing objectives.

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 8.55 pm

**CHAIR**