

Licensing Sub Committee D - 6 August 2024

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 6 August 2024 at 6.30 pm.

Present: **Councillors:** Marian Spall, Clare Jeapes and Asima Shaikh

Councillor Marian Spall in the Chair

8 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Marian Spall welcomed everyone to the meeting and Officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

9 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Phil Graham

10 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Asima Shaikh substituted for Councillor Phil Graham.

11 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

12 ORDER OF BUSINESS (Item A5)

The order of business would be as per the agenda.

13 MINUTES OF PREVIOUS MEETING (Item A6)

That the minutes of the meeting held on the 11 June be confirmed as a correct record and the Chair be authorised to sign them

14 **PREMISES LICENCE VARIATION APPLICATION - ASTRO, 4 EXMOUTH MARKET, LONDON EC1R 4PX (Item B1)**

The Licensing Officer was asked to report any additional updates to the Sub-Committee. In response, the Sub-Committee was informed that supporting documentation had been forwarded to all parties, and that the only other update was the additional document of the Dispersal policy which was provided to the Sub-Committee for information ahead of the meeting. There were representations made by residents, however none attended this meeting. The residents that made representations were generally concerned about bar type businesses in the area. The Sub-Committee noted that no other representations were made

In response to a question from the Sub-Committee, it was noted that the variation for the hours were for inside the premises only and condition on the licence regarding the outdoor dining will remain the same where tables would be cleared by 11pm. It was also noted that the police had spoken to the applicant and was happy with the variation as would comply with the crime and disorder policy.

In terms of smoking, it was noted that patrons would be permitted to smoke outside until closing. Condition 17 ensured that the outside of the premises would be monitored to ensure that noise levels from patrons would not cause a nuisance to any nearby residents.

The applicant's presented his key points and stated that the premises was a cocktail bar that served creative cocktails. The premises provided seated drinking for 28-30 people. The premises was equipped with acoustic ceiling, played ambient music and did not permit vertical drinking. The Sub-Committee was informed that around 80% of sales were from bookings. The applicant stated that his reason for seeking an extension of hours to 2am was because the premises attracted people going to Sadlers Wells Theatre and had been asked whether the premises would remain open after the performances at the theatre had finished. He added that his customers were mostly sophisticated groups of people, that were not likely to get drunk or disorderly. It was also noted that the premises was managed by the applicant himself and had invested in training staff on customer service. The applicant had engaged with surrounding business to ensure noise and nuisance were controlled. Signages were displayed inside and outside the premises and no drinks were allowed to be taken outside after 11pm.

In response to a question regarding businesses surrounding the premises, it was noted that the premises was situated between a restaurant and a public house. It was also noted that the public house closed at 3am on Thursday, Friday and Saturday.

In response to a question regarding engagement with the interested parties, the applicant confirmed that the meeting with the interested parties had gone well. He had explained to one resident that drinks outside would not be served after 11pm and the area would be closed. He had a good relationship with his immediate

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neighbours and never received any complaints. It was also noted that there was a terrace above the premises and the residential blocks was above the terrace.

In terms of seating, the applicant advised that the premises had a maximum indoor capacity of 30 with an additional 20 seats at tables outside. During busier periods, there would be around 20-22 people in the premises at once and customers would spend an average of around 2-3 hours dining and drinking in the venue.

The police had no general concerns about Astro being open until 2am but had suggested a condition for a door supervisor at Astro to assist the licence holder should drunken customers from the public house try to force entry and if bookings exceeded 40 people. The applicant commented that the premises had a maximum indoor capacity of 30 and this would also be an additional expense. The applicant added that he had been successful in managing drunken patrons causing nuisance outside the premises to move away and had also assisted in bookings cabs and Ubers for patrons leaving the premises.

The Sub Committee amended the condition 1 from the Police Licencing Team to require SIA door supervisor when bookings exceed 40 people at the premises from 21:00hrs until 30 minutes after the premises closes.

The Sub-Committee raised concerns around the premises being in a cumulative impact area and suggested earlier closing hours. The applicant agreed to vary the terminal hour for the sale of alcohol to 01:00 Thursday to Saturday and to vary the opening hours of the premises to 01:30 Thursday to Saturday.

In summing up, the applicant stated that the premises was a family-owned business that predominantly made sales through bookings.

RESOLVED:

1) That the premises licence variation application, in respect of Astro, 4 Exmouth Market, London EC1R 4PX be granted to:

- a) Vary the terminal hour for the sale of alcohol to 11:30 Sunday to Wednesday and until 01:00 Thursday to Saturday.
- b) Vary the opening hours of the premises to 00:00 Sunday to Wednesday and until 01:30 Thursday to Saturday.

2) Conditions detailed on the agenda shall be applied to the licence with the addition of the following condition:

- a) On Thursday, Friday & Saturday SIA registered door staff are to be employed when bookings exceed 40 people at the premises from 21:00hrs until 30 minutes after the premises closes.

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 Clerkenwell cumulative impact area.

Licensing policy 3 created 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.

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 created 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.

Four local resident objections had been received and one had been withdrawn. No residents attended. There had been no representations made by the responsible authorities and the police had agreed one condition with the applicant.

The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 6. Members were concerned at the potential for a negative impact on the licensing objectives by allowing an extension of licensing hours for the sale of alcohol to 2am.

The applicant confirmed that the meeting with the interested parties had gone well. He had explained to one resident that drinks outside would not be served after 11pm and the area would be closed. He had a good relationship with his immediate neighbours and never received any complaints. There was an acoustic ceiling to the premises, and he only played ambient music to allow customers to converse.

He served cocktails that were expensive and attracted people going to Sadlers Wells in particular. This was a sophisticated group of people, not likely to get drunk or disorderly. His reason for seeking an extension of hours to 2am was that he had been asked whether the premises would be open after the performance had finished. There was clearly a market for late night cocktails. He had specified 2am

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because he did not want to rush any customers who were drinking up. He would take half an hour to close the premises.

Licensing policy 3 paragraph 20 describes Clerkenwell supporting a diverse and vibrant evening and nighttime economy. The licensing authority was committed to working with existing licence holders to ensure that licensed premises were well managed and any negative impact on local residents were minimised.

Licensing policy 3 paragraph 23 stated that the licensing authority recognises that it had to balance the needs of businesses and residents and the licensing policy would be utilised to address local issues.

Licensing policy 6 paragraph 83 stated that licence holders who wish to provide licensing activities outside framework hours should ensure that the operating schedule specified detailed measures to mitigate against crime, disorder and public nuisance. They should take into account the location of the premises and the characteristics of the area, proposed hours adequacy of proposals to mitigate crime, disorder and public nuisance, the proximity of the premises to other licensed premises in the vicinity and proposals for the orderly dispersal of customers.

In response to questions from members, the licensing officer confirmed that these premises were situated between a restaurant and a public house. The public house closed on certain nights at 3am and appeared to have no conditions requiring security staff. The police had no general concerns about Astro being open until 2am but had suggested a condition for a door supervisor at Astro to assist the licence holder should drunken customers from the public house try to force entry. The licence holder commented that this was an additional expense. He had been successful in persuading drunken and mentally deranged persons causing nuisance outside the premises to go away. He had a maximum indoor capacity of 30 with an additional 20 seats at tables outside. He did not allow smokers to take drinks outside and all drinks were served at the table. The Sub Committee amended the condition to require SIA door supervisor when bookings exceed 40 people at the premises from 21:00hrs until 30 minutes after the premises closes.

Licensing policy 20 stated that in determining late night applications, the licensing authority would consider the arrangements for safe access to public transport facilities. The licence holder explained that his practice was to meet people who were leaving at the bar and assist them in getting Uber taxis if required. On occasion he might assist people into a taxi.

Licensing policy 3 paragraph 15 says "after receiving representations in relations to a variation application, the licensing authority would consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact of an application can be expected to be different for premises with different styles and characteristics".

The Sub Committee deliberated on using half an hour as drinking up time and therefore amended the proposed licensing hours to vary the terminal hour for the

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sale of alcohol to 11:30 Sunday to Wednesday and until 01:00 Thursday to Saturday. The opening hours of the premises would be varied to 00:00 Sunday to Wednesday and until 01:30 Thursday to Saturday. The applicant indicated his agreement to these hours.

The Sub Committee was satisfied that there would be no negative cumulative impact on any of the licensing objectives in granting the application with the amended hours and the additional condition. Granting the variation in these circumstances would promote the licensing objectives.

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

The meeting ended at 7:30pm

CHAIR