

London Borough of Islington

Licensing Sub Committee C - 21 May 2019

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 21 May 2019 at 6.30 pm.

Present: **Councillors:** Gary Poole, Ben Mackmurdie and Marian Spall.
Also **Councillors:** Phil Graham
Present:

Councillor Gary Poole in the Chair

41 INTRODUCTIONS AND PROCEDURE (Item A1)

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

42 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Ngongo.

43 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Spall substituted for Councillor Ngongo.

44 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

45 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

46 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 21 March 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

47 SHPELLA, 21 CROUCH HILL, N4 4AP - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that, regarding the planning situation, the premises had A3 planning consent but this had now been transferred to A1. Hours were until 6pm previously. This was a variation application.

The Sub-Committee noted that a resident that was unable to attend the meeting requested that smokers be limited to three people and the outside space be swept regularly. This had been included in the proposed conditions. The resident asked that an awning be erected, however, it was noted that this may require planning consent.

The previous licence had been approved under delegated authority.

Licensing Sub Committee C - 21 May 2019

One local resident attended the meeting. She stated that there had been issues with the extractor fan but this had now been fixed. She said that when the premises were open residents could hear conversations in the kitchen, even when windows were closed. She was very concerned about the extension of hours. She also would prefer less smokers outside or that smokers were moved around the corner of the property.

The applicant's representative stated that the premises had previously been licensed up until midnight as A1. The premises held an alcohol licence until 6pm. The extractor fan was changed in January. There may have been noise from workers at this time. The police asked that the hours be reduced to 10pm and this was agreed. It was also agreed that there be only three smokers outside and that there be a regular sweep outside. They could currently be open until 10pm but would want the alcohol licence extended from 6pm. This was not a pub. They intended to have bottled beers with food.

In response to questions, the applicant stated that the extractor fan was changed in January which alleviated the noise. Carpet could not be used for health reasons so chairs could scrape on the floor and create noise. The kitchen was very small and only one person could stand in there at a time. The applicant would prefer 11pm as the sale of alcohol time. The lease stated it was A3 but the previous tenant had changed the premises from a restaurant to a hairdresser which would be A1 use. The licensing officer reported that once the premises was operated as A1 use it could not then revert back to A3 use. The applicant was in the process of applying for A3 use. The premises had been trading as a café since 2015. It had stated that it was A3 on the lease so the applicant was not aware that it was A1. There was a smoking sign to limit smokers to three persons outside and they would stop further customers smoking if necessary. The applicant assured the Sub-Committee that they were responsible and would do everything they could to fix issues. They would not serve customers who were drunk. They engaged with the local community and would offer a phone number if necessary. Alcohol would be served ancillary to food. The majority of trade was for breakfast. They intended to serve café food such as burgers or paninis. They agreed that there be a condition that the premises would not be hired out for parties.

In summary the resident stated that even three smokers were too many and she would prefer customers to smoke around the corner. The noise from the premises was already too much.

The applicant stated they could serve food until 11pm and just wanted alcohol to be permitted. They agreed to 10pm, although they stated they would prefer until 11pm, and said they could use lino instead of wood on the floor.

RESOLVED

- 1) That the application for a premises licence variation, in respect of Shpella, 21 Crouch Hill, N4 4AP be granted to allow:-
 - a) The sale of alcohol, on and off sales, from 10 am to 10pm Monday to Sunday.
 - b) Opening hours to be 7am to 11pm Monday to Sunday.
- 2) That conditions detailed on pages 47 and 48 of the agenda shall be applied to the licence with the following addition.
 - The premises shall not be hired out for private parties.

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 considered the written application and representations in the papers from residents. In addition, it considered the oral submissions made by the applicant and his representative as well as one resident who addressed the Sub-Committee.

The Sub-Committee took into consideration the fact that there were no representations from any of the Responsible Authorities and that the noise issue associated with the extractor fan at the premises appeared to have been resolved.

The Sub-Committee noted that the premises did not fall within a cumulative impact area, that the applicant agreed to reduce the applied for time to 22hrs instead of 23hrs, that the agreed conditions were robust, that the neighbours were to be provided with telephone contact details of the applicant, that the business was a coffee shop and that the business was not alcohol led. The conditions provided that there could be no vertical drinking, alcohol could only be supplied to seated customers for consumption as ancillary to a meal. Any off sales would have to be supplied in sealed containers.

The Sub-Committee noted that there were planning consent issues which needed to be resolved in the applicant's favour before the business could operate with the varied licence.

Taking all the above mentioned factors into account the Sub-Committee decided that the granting of the variation with the conditions was proportionate and reasonable.

48 COURTAULD INSTITUTE OF ART, VERNON SQUARE, WC1X 9EW - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the application was time limited and the applicant would be vacating the site on the 31 July 2022. The conditions proposed by the Licensing Authority had been agreed.

The applicant stated they would move back to Somerset House after the short lease at Vernon Square. It was stated that this was a small university with about 550 students and had a summer school programme. One off celebratory events may be held where alcohol could be consumed e.g. the ResFest event recently held. These events would be ticketed and would not be freely accessible. The applicant would be keen to build up relationships with residents. Music would be played at events.

In response to questions, it was noted that the ResFest was an annual event and next year it would be held in Dundee. There would be a limited number of end of term or celebratory events. The exit was a small gate next to the church but had 24hour security, CCTV and they were very engaged with the church. They expected 500 people at events but it would be rare to reach this top limit and not all patrons would leave at the same time. It was noted that proposed condition 2 should read per 100 persons attending events. The applicant agreed that if a maximum limit of an 800 people capacity was a concern this number could be capped at 500 for one off events. It was noted that the temporary event was held for 500 persons. The applicant admitted that they had not been aware that the premises was in a cumulative impact area. Additional security would be arranged for

Licensing Sub Committee C - 21 May 2019

events as necessary. The applicant would not be seeking to hire out the venue for private events such as weddings. Events would need to be compatible with their ethos and mission and would need to be considered as appropriate eg. events aligned with the art world or with another university. The applicant accepted that bagpipes had caused an issue for residents on their opening party but lessons had been learned. Music had been played using a temporary event notice but it was on the top floor and away from the residential side of the premises. Music for events would not be amplified.

RESOLVED

- 1) That the application for a new premises licence, in respect of Courtauld Institute of Art, Vernon Square, WC1X 9EW, be granted to allow:-
 - a) The provision of films from 6pm until 10pm Monday to Friday from 10am until 10pm.
 - b) The provision of live music from 6pm until 10pm Monday to Sunday.
 - c) The provision of recorded music from 10am until 10pm Monday to Sunday.
 - d) Opening hours to be 9.30am to 10pm Monday to Sunday.
- 2) That conditions detailed on pages 85 of the agenda shall be applied to the licence with the following amendments:-
 - Addition to condition 1 – Door supervisors shall be employed at the rate of 1 every 100 persons with a minimum of 2.
 - Condition 2 to read. The premises shall employ at least one first aid trained person per 100 persons attending events.
 - A dispersal policy must be agreed with the licensing team prior to the operation of the licence.
 - Events be limited to a maximum of 500 persons.

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 was for the licence to be for a limited period, ending on 31st July 2022.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Kings Cross 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 operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Sub Paragraph 12 of Policy states that the presumption created by this special policy does not relieve the responsible authorities or other persons of the need to make representations. The Policy states that if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule.

The applicant must comprehensively demonstrate why a new licence would not add to the cumulative impact.

Licensing Sub Committee C - 21 May 2019

The policy in relation to the Kings Cross Cumulative Impact area sets out possible exceptions to the CIA policy, which include premises that are not alcohol led and premises with hours of operation that are consistent with framework hours.

The Sub-Committee took into consideration that the applicant required the licence for events at the Institute which would be associated with the business conducted at the Institute as well as the desire to hire out the premises on occasion. The Sub-Committee further considered that the hours of operation applied for fell within the framework hours.

Conditions had been agreed with the Council's Noise Team, Trading Standards Team and the Licensing Authority prior to the Committee hearing.

The Sub-Committee noted that there had been a complaint in the past about noise emanating from the premises. The applicant had now agreed a condition with the noise Team stating that there should be no outside entertainment after 21:00 and that any music and other sound including voices generated outside would not be amplified. In addition, an agreed condition stated that noise or vibration must not emanate from premises so as to cause a nuisance to nearby premises. The conditions further provided that in the event of an amplification being necessary for outside performances, a noise control plan would have to be implemented to the satisfaction of the Council's pollution team.

The Sub-Committee was concerned that the application made no reference to a dispersal policy and was of the view that this was required in light of the potentially high number of people that could attend the events at the premises.

The Sub-Committee decided that in light of the facts set out above that it would be reasonable and proportionate to grant the application subject to the conditions set out in Appendix 3 (as amended) with the additional condition that a dispersal policy be agreed prior to the operation of the licence.

The meeting ended at 8.00 pm

CHAIR