

London Borough of Islington

Licensing Sub Committee C - 17 September 2019

Minutes of the meeting of Licensing Sub Committee C held at Islington Town Hall, on 17 September 2019 at 6.30 pm.

Present: Councillors: Ben Macmurdie, Michelline Safi-Ngongo and Gary Poole

Also Present: Councillor: Phil Graham (first part of meeting only)

Councillor Michelline Safi-Ngongo in the Chair

49 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Michelline Safi-Ngongo welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

50 APOLOGIES FOR ABSENCE (Item A2)

None.

51 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

None.

52 DECLARATIONS OF INTEREST (Item A4)

None.

53 ORDER OF BUSINESS (Item A5)

Item B3 would be considered before Item B1, to allow the applicant for item B1 to reach the Town Hall.

54 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 21 May 2019 be confirmed as a correct record and the Chair be authorised to sign them.

55 J&T FOODS LTD., 10-12 Highbury Park, London N5 2AB - APPLICATION FOR A NEW PREMISES LICENCE (Highbury East Ward) (Item B1)

The Licensing Officer had no updated information to share with the Sub-Committee.

The applicant stated that he had noted the objections to the licence application. However, he managed five other shops and the premises next to this one was operating as an off-licence. He could not see any problems with selling alcohol. If a customer looked younger than 25 years of age, they could be challenged. There was a system on the tills in the premises to prompt staff to check this when making sales of alcohol or tobacco. He did not understand residents' comments that he was selling "cheap alcohol" as he bought only from wholesalers.

A member of the Sub-Committee asked the applicant how he would manage the sale of alcohol on Arsenal match days. The applicant replied that he would set up a rule for his staff to refuse alcohol to anyone who was already intoxicated. He would permit only one or two customers onto the premises at any one time. If necessary, customers could be refused alcohol and the premises door would be closed.

Noting that the applicant also ran a number of other shops, a member of the Sub-Committee asked whether any of them sold alcohol, indicating that the applicant would be used to holding an alcohol licence and to selling alcohol. He highlighted the fact that Islington Council had a rigorous system for monitoring the sale of alcohol in premises in the Borough and that the Council's Licensing Sub-Committees were used to considering applications, from residents or the Police, proposing revocation of a licence. The Council was robust in monitoring the sale of alcohol and in taking action against premises licence holders who did not abide by the conditions of their licence. He asked the applicant whether he was sure that he could meet the Council's high expectations in this regard.

The applicant confirmed that he could meet the Council's expectations with regards to compliance with licensing objectives. The applicant added that he had managed this particular shop for three years. He would have to think carefully when running it as an off-licence also. He appreciated that the Council's Licensing Team could inspect his premises at any time to carry out test purchases, or to check his stock.

A member of the Sub-Committee pointed out that the application was not very detailed and made little reference to the objectives of the Council's Licensing Policy. He could find no reference to the maintenance of a Refusals Book and asked whether a Refusals Book was available in one of the other off-licences. The applicant confirmed that there was a Refusals Book available in his off-licence and that he complied with all the conditions of his premises licence.

RESOLVED:

- (a) That the application for a new premises licence in respect of J&T Foods Ltd, 10-12 Highbury Park, London N5 2AB, be granted to allow:
 - i) the sale of alcohol from Sunday to Thursday, from 09:00 hours to 22:00 hours and on Friday and Saturday, from 09:00 hours to 23:00 hours and (ii) opening hours from Sunday to Thursday, from 09:00 hours to 22:00 hours and on Friday and Saturday from 09:00 hours to 23:00 hours.
- (b) That the conditions detailed on pages 30 and 31 of the agenda 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.

Two local resident objections had been received, although they were not present at the Sub-Committee meeting. There had been no representations made by the responsible authorities.

The Sub-Committee considered the evidence from the applicant that he managed other premises in the vicinity of these premises and held a premises licence. He was aware of the requirements for the sale of alcohol. He described how he would challenge anyone who looked under 25 years of age and how there was a system on the tills in the premises to prompt staff to check this when making sales of alcohol or tobacco. He did not understand residents' comments that he was selling "cheap alcohol" as he bought only from wholesalers.

On Arsenal Match days, he stated that he would set up a rule that anyone coming into the premises to purchase alcohol would be refused if they already appeared intoxicated. He would limit the number of customers entering the premises to two at a time. He appreciated that Licensing Team staff could inspect his premises at any time. A refusals book was kept on the existing premises where alcohol was sold and one would be kept at these premises, should the licence be approved.

The Sub Committee noted that the premises were not situated within a cumulative impact area.

The Sub-Committee concluded that, with the conditions detailed on pages 31 and 32 of the agenda, there would be no adverse impact on the licensing objectives as a result of the granting of this new application. It was proportionate and appropriate to the licensing objectives and in the public interest to grant the licence with those conditions.

56 **CO-OPERATIVE FOOD GROUP, 94-98 TURNMILL STREET, LONDON EC1M 5QP - APPLICATION FOR A NEW PREMISES LICENCE (CLERKENWELL) (Item B2)**

The Sub-Committee noted that all representations had been withdrawn and that therefore this application was no longer for consideration.

57 **THE DRAPERS ARMS PUBLIC HOUSE, 44 BARNSBURY STREET, LONDON N1 1ER - PREMISES LICENCE VARIATION APPLICATION (BARNSBURY WARD) (Item B3)**

The Licensing Officer had no new information to share with the Sub-Committee.

The applicant described the geography of the premises, stating that it was situated in a residential street and south facing. Trade took place over the ground floor, a first floor dining room and a small rear terrace. Although there were three doors at the front of the building, two of the smaller doors had to be kept shut and only the middle door could be opened. The large windows on the upper floor could be opened. He appreciated the fact that living next door to a pub was not the same as living next to regular neighbours. Drinking was not allowed outside the front of the premises. The premises manager monitored the floor each night and all staff were trained to bring patrons back onto the premises if they ventured outside with their drinks. The rear garden area closed at 10.00pm. Patrons were encouraged by staff to order their taxis from inside the premises and to remain inside until they arrived, to mitigate the affects of any noise and nuisance on residents.

He said that, during hot weather, the premises became very hot as it was south-facing. Evaporation coolers had been tried but, without circulation of air, they created very humid air, without much cooling, which was very unpleasant for the pub's patrons and staff. It had not been possible to install pipes in the ceiling for air conditioning as there was no space. In addition, a fan had been installed in one of the windows but, due to listing, had to be removed and a sash window reinstated. He had applied last year for a variation to the premises licence to permit them to open the front doors until 20:00 hours, but this had been refused due to objections from local residents. This latest variation application sought permission to open the front doors until 18:00 hours for ventilation purposes on days when temperatures were in excess of 21 degrees centigrade, although he would be grateful for any hours later than this if at all possible. Most of the drinking at the premises comprised wine being drunk with meals and this comprised 65% of alcohol sales. He described the premises as "moderate" and he suggested that it was a reasonable request for the variation in order to manage the temperature in the building.

He went on to say that the representations circulated with the agenda pack referring to people drinking outside and making noise were not from his premises, but from others in the vicinity. He did not tolerate people singing, vomiting, or being rowdy. His premises appeared in the Michelin Guide.

In response to a question about the steps he had taken to reach out to residents living in the street, the applicant stated that he had invited them to talk. He had made changes by stopping the playing of music, one year after taking up management of the premises. After two years, he had stopped hosting New Year's Eve parties on the premises. On deliveries, suppliers had been asked not to come to the premises before 9.00am and residents had been asked to notify staff at the premises if this was not the case. They had stopped using the services of suppliers who arrived before 9.00am. The premises hosted Christmas dinner for a local school and they gave prizes for school raffles. The upstairs of the premises was used for yoga and university of the third age classes. He said that he found it debilitating to manage local residents' complaints and expectations. He said that he enjoyed what he did as it gave pleasure to many people.

One of the members of the Sub-Committee said that there was consistency through the representations made by ten local residents and it was the Sub-Committee's duty to balance these with the request for a variation to the licence conditions. The application for the variation might seem innocuous but was a delicate balance, given that the premises was situated in a residential area. He could see that the applicant had been taking steps to mitigate the effects of the activities and noise of the pub on the local residents. Noting that last year's application for a variation had requested that the front doors be left open until 20:00 hours and the application before the Sub-Committee today was for 18:00 hours, he questioned whether the applicant's real ambition was for 20:00 hours. The applicant said that the combination of sweltering temperatures and direct sunlight, combined with the body heat of patrons, led to unpleasant conditions on the premises. A variation allowing opening until 20:00 hours would be welcomed, but permission to open the front door for any length of time would be appreciated so that the evaporation coolers could be used effectively. In response to further questions, the applicant stated that the inner doors at the back were not fire doors and could be kept open until 10.00pm. The doors near to the toilets were fire doors.

In response to a question from a member of the Sub-Committee, directing the applicant's attention to the conditions set out on page 99 of the agenda, particularly conditions 2 viz: "The front doors are to be kept in a closed position after 18:00 hours except for access to and egress from the venue. Where complaints are received due to the front doors being left open and nuisance is substantiated by council officers, the doors shall be kept in the closed position, except for access and egress, for that day. If substantiated complaints are received on 3 occasions within 6 months from the date of the first complaint, the doors shall be kept closed at all times the venue is open, except for access and egress", the applicant stated that the current position was to have the doors closed. It was something that the staff monitored in any case, since patrons were more likely to go outside the premises with a drink. A member of the Sub-Committee highlighted the fact that this was something that the applicant would have to monitor and enforce.

The applicant said that shutting the doors at 18:00 hours or 20:00 hours would not add to noise from the upstairs floor where people were dining.

A member of the Sub-Committee asked how the applicant managed weddings at weekends. The applicant said that they dealt only with large wedding events, with the service of a three course meal. No alcohol shots, bands or musicians were permitted.

In summary, the applicant stated that he wanted patrons to enjoy their time on the premises and for the staff and patrons not to have to sweat through hot and humid conditions.

RESOLVED:

(a) That the application for a premises licence variation in respect of the Drapers Arms Public House, 44 Barnsbury Street, N1 1ER be granted to allow:

the removal of condition 6 of Annex 3 of the premises licence viz " the front doors shall remain closed at all times except for ingress and egress" and replace with "On any day the Met Office forecast states that temperatures in Central London will be in excess of 21 degrees centigrade, the front doors can be left open until 18:00 hours for ventilation purposes"

(b) That the conditions detailed on pages 98 and 99 of the agenda 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.

Ten local resident objections had been received, although none were present at the Sub-Committee meeting. There had been no representations made by the responsible authorities.

The Sub-Committee considered evidence that the applicant had worked hard to mitigate residents' concerns about noise and nuisance emanating from the premises. He described how he and his staff monitored the premises to ensure that no drinks were taken outside, that the garden area closed promptly at 10pm and that patrons were encouraged to order their taxis from inside the premises and to wait inside until arrival. Although evaporation coolers had been installed, they created very humid air, without actually cooling, as there was no air circulating. Listing restrictions meant that air conditioning could not be installed, although this had been explored. He had originally applied to have the doors open until 20.00 hours for ventilation purposes, but this had not been approved, due to objections. He would be happy to accept 18:00 hours, but anything later would be preferable. If the Sub-Committee approved the application, he agreed with the additional conditions set out on page 99 of the agenda.

The Sub Committee further considered that the applicant described how he had invited local residents to meet with him. He had made changes over the past few years and now no music was played on the premises and there were no New Year's Eve parties. Suppliers had been asked not to deliver before 9.00am. Most drinking at the premises comprised wine with meals. However, the temperatures in the premises were uncomfortable for patrons and staff on warm days and he hoped to be able to alleviate this.

The Sub-Committee concluded that, with the conditions detailed on page 99 of the agenda and agreed by the applicant, there would be no adverse impact on the licensing objectives as a result of the variation. It was proportionate and appropriate to the licensing objectives and in the public interest to grant the variation with those conditions.

The meeting ended at 7.15 pm

CHAIR