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London Borough of Islington

## Licensing Sub Committee B - 9 January 2020

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 January 2020 at 6.30 pm.

**Present:**      **Councillors:**      Vivien Cutler, Ben Mackmurdie and Matt Nathan

### **Councillor Vivien Cutler in the Chair**

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

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

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

Apologies for absence were received from Councillor Phil Graham.

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

Councillor Ben Mackmurdie substituted for Councillor Phil Graham.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on the 5 November 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**89**      **NORTHAMPTON SQUARE GARDENS, NORTHAMPTON SQUARE, EC1V 0ES - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that the applicant had agreed conditions and hours with the noise team. He stated that the hours had been amended to stop licensable activities at 7pm and have the place cleared by 8pm.

The noise team were happy that conditions had been accepted. It was stated that there would be two types of events that would be held a) quieter community events and b) more commercial events. Significant conditions were required in order to provide residents with some reassurance.

The interested parties stated that the application should be refused. The application could be refused on the grounds of all four licensing objectives and on

cumulative impact. They raised concerns regarding the toilet facilities, issues regarding drug dealing which was already a problem in the area, noise, traffic concerns and concerns around the protection of children from harm. It was considered that the application had not been properly thought out. It was stated that they had not had a chance to look at the details of the noise team submission and there was a substantive issue of the noise from live music from the bandstand. The noise assessment did not include the noise of 200 people singing and chanting. This was a tiny square which allowed the noise to reverberate around and windows would need to be closed to prevent music noise into their premises. The square would not be able to accommodate 500 people. It was considered that the applicant should complete a Temporary Event Notice form rather than have a permanent licence.

The applicant stated that the team wanted the licence granted to allow as many community events to take place as possible and to avoid the need for community groups to have to apply for temporary event notices. There would be appropriate community events and fun days. It was not intended to hold Glastonbury type events.

In response to questions it was noted with the introduction of the Live Music Act, amplification of music was exempt for events for under 500 people. The applicant stated that if the licence was granted they would have greater control over appropriate events. It was stated that more than 500 people would not be able to fit in the square. There would be a requirement for toilets at events. It was stated that Northampton Square was a very different environment to other spaces. Any event that needed to be submitted to the Safety Advisory Group would not be considered appropriate for this space. The start time of events would be from the time of set up. It was conceded that the resident groups should have been consulted about the types of events in the first instance.

In summary, the interested parties were concerned about the control of the numbers present as public could stand outside the barriers. It was considered that the application could be refused on cumulative impact grounds and that the application should be withdrawn for issues to be considered further with the community. The applicant stated that this should have previously discussed with the community and they would only wish to put on events which worked with residents.

**RESOLVED**

That application for a new premises licence in respect of Northampton Square Gardens, Northampton Square, EC1V 0ES be refused.

**REASONS FOR DECISION**

The Sub-Committee read all the written submissions and the material. The Sub-Committee heard and carefully considered all relevant submissions at the hearing from the Applicants representative, Council's Noise Team and from three residents.

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 only Responsible Authority to make written and verbal submissions was the Noise Team. Their representative submitted detailed conditions which were agreed to by the Applicant.

Thirteen written objections to the application were received from members of the public who live near the park in question.

The Sub-Committee was required under Licensing Policy 21 to prevent public nuisance by protecting the amenity of residents in the vicinity of licensed premises. Applicants were expected to address these issues in their operating schedules. The Sub-Committee was not satisfied that the operating schedule adequately addressed this requirement.

The proximity of the premises to residential properties, the location of the premises and the character of the area and the potential impact on residents living in close proximity to the premises all have to be considered (Licensing Policy 2). The Sub-Committee was of the opinion that these factors had not been adequately addressed and /or dealt with. The applicant's representative in his submissions to the Sub-Committee stated that it would have been beneficial for a consultation to have taken place with residents prior to the application being made. This had not taken place.

The Sub-Committee was accordingly not satisfied that the granting of this application would promote the licensing objectives and it was therefore refused.

**90      WRAY CRESCENT PARK, THORPEDALE ROAD, N4 - NEW PREMISES LICENCE (Item B2)**

The applicant requested an adjournment in order that resident groups be involved in more detailed consultation.

**RESOLVED**

That the adjournment request be agreed.

**91      1 REBEL GYM, 407 ST JOHN'S STREET, EC1V 4AD - NEW PREMISES LICENCE (Item B3)**

The Sub-Committee noted that conditions had been agreed with the noise team prior to the meeting and had been withdrawn from the agenda.

**92      DOMINO'S PIZZA, 598-602 HOLLOWAY ROAD, N19 3PH - PREMISES LICENCE VARIATION (Item B4)**

The licensing officer reported that the two interested parties were unable to attend the meeting but their representations remained. A delivery management plan had been submitted by the applicant and would be interleaved with the agenda papers.

## Licensing Sub Committee B - 9 January 2020

The licensing authority stated that the hours requested were beyond core hours and the applicant would need to demonstrate how they would mitigate issues that could arise from customers who may be drunk and disorderly and buying food late at night.

The applicant stated that they had policies which dealt with disorderly customers and staff were instructed to refuse to serve drunk customers. There were panic buttons in the premises and staff could call for assistance. There was a store manager on duty at all times and they had high management standards. In the late hours there would be generally two delivery drivers on duty. Deliveries would be conducted at the front of the store where there was a minimal chance of residents being disturbed. The rear of the premises would only be used to park motorbikes at the end of the evening.

In response to questions it was noted that any issues were dealt with quickly. Residents could go into the store or email Head Office if they had any complaints. It was agreed by the applicant that there would be no third party drivers.

### **RESOLVED**

- 1) That the application for a premises licence variation, in respect of Domino's Pizza, 598-602 Holloway Road, London, N19 3PH, be granted to allow the provision of late night refreshment, Sundays to Thursdays, from 11pm until 1am and on Fridays and Saturdays from 11pm until 2am.
- 2) That conditions detailed on pages 151 and 152 of the agenda be applied to the licence with the following additional condition.
  - All delivery drivers to be employed directly by Domino's Pizza.

### **REASONS FOR DECISION**

The Sub-Committee considered the written application, the written and verbal submissions of the Licensing Authority, the written submissions of two residents and the verbal submissions of the applicant's representative.

The application was for a variation of the licence in relation to the provision of late night refreshment to 1am on Sundays to Thursdays and to 2am on Fridays and Saturdays.

Shortly before the hearing, the applicant filed and served a document entitled "Delivery Driver Management Plan". The applicant agreed to this plan being included as a condition on the licence. The applicant confirmed at the hearing that all delivery drivers were employed directly by Domino's Pizza.

The Sub-Committee took into consideration the facts that the venue is situated within the Holloway Cumulative Impact Area and that the licensed hours requested would be one hour over the Framework Hours as set out in Licensing Policy 6. The Sub-Committee also considered concerns regarding potential noise arising from

## **Licensing Sub Committee B - 9 January 2020**

deliveries (Licensing Policy 23) and from the licensable activities (Licensing Policy 22).

The Sub-Committee also took into consideration the fact that the premises were not alcohol led. The Sub-Committee was satisfied that the applicant had satisfactory procedures and policies in place to deal with drunk customers and problems with staff. It was also satisfied that the variation of the licence with the added conditions would not negatively impact on one or more of the licensing objectives.

The application to vary the licence was accordingly granted with the conditions set out above.

The meeting ended at 7.50 pm

**CHAIR**

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