

London Borough of Islington

Licensing Sub Committee A - 16 March 2021

Minutes of the meeting of the Licensing Sub Committee A held by Zoom on the 16 March 2021 at 6.30 pm.

Present: **Councillors:** Sheila Chapman (Chair), Marian Spall (Vice-Chair)
and Alice Clarke-Perry

Councillor Sheila Chapman in the Chair

- 115 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Sheila Chapman welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 116 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 117 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
There were no declarations of substitute members.
- 118 **DECLARATIONS OF INTEREST (Item A4)**
Councillor Chapman declared that she was a ward councillor for Junction ward.
- 119 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda. Items B1 and B5 had been withdrawn from the agenda. The remaining items were B2 – B4.
- 120 **MINUTES OF PREVIOUS MEETING (Item A6)**
RESOLVED:
That the minutes of the meeting held on 5 November 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 121 **JJI, 6G ESTHER ANNE PLACE, N1 1WL - NEW PREMISES LICENCE (Item B1)**
The Sub-Committee noted that this item had been withdrawn from the agenda.
- 122 **FREQUENCY, 13 CAMDEN PASSAGE, N1 8EA - NEW PREMISES LICENCE (Item B2)**
The applicant confirmed that the hours applied for the sale of alcohol were from 10am until 11pm Monday to Sunday and opening hours 8am until 11pm Monday to Sunday.

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The licensing officer confirmed that written submissions from the applicant were included in the report and following these submissions representation 5 had been formally withdrawn.

The licensing authority stated that she had submitted a representation as she did not consider initially that there was enough information in the application. Following the additional submissions she now considered that this was a good application. She confirmed that this was a new application and not a provisional statement. She had concerns about noise and anti-social behaviour from deliveries made by motorised vehicles and the use of the frontage for consumption of alcohol or for people to gather. She was assured that capacity was for less than 50 persons and the venue was not alcohol led and asked the Sub-Committee to satisfy themselves regarding the other matters.

In response to questions, the licensing authority stated measures to prevent nuisance could include no drinking of alcohol outside the frontage, off sales by delivery only and deliveries could be made by push bike.

A local business owner summarised her key concerns. She stated that the passageway was very narrow outside the premises with a width of about 10ft. People already gathered outside and, with the café remaining open until 11pm, this would become more of a problem. Customers would wish to smoke outside and could drink outside with take away food. The public already used this area as a public toilet. There was no place for parking motorbikes used for deliveries and the noise generated would cause nuisance. She did not consider this was an appropriate use in a narrow passageway.

The applicant stated that this was primarily a coffee shop. Another shop in Kings Cross had been operated for the last five years. Deliveries were not a major part of the business and the delivery of alcohol was not intended. Alcohol would not be sold in open containers. The off sale application was made so people could buy a bottle of wine. This was of high value and unlikely to be consumed in the streets. He considered that their premises would create a positive impact and considered that if they were open into the evening they could help police the area as anti-social behaviour would be less likely if they were open. Numbers of smokers at the front were restricted and they did not intend to have chairs outside the front. The rear area would be closed at 7pm. Several members of staff would be available. Meeting rooms and the café were the main part of the business. The application was of a high standard and they understood the cumulative impact policy and would comply with all the rules. There was a maximum capacity of 49 persons and 77 conditions to address the cumulative impact area and concerns of residents. He considered that the premises would have a positive impact on the area.

In response to questions, the applicant stated that they could control the area outside the premises but would not have control once customers left the area. They would prefer to have off sales for purchasing from the premises rather than for deliveries. Alcohol sales would be focussed on wine and a few cocktails. No high strength cider would be sold. He stated that they had an Uber app for their Kings

Cross site but did not often use it. Staff would not allow customers to stand outside premises opposite the shop. If they were open until 10/11pm they would be confident that their presence would assist with anti-social behaviour in the evenings as they would have their lights on, CCTV and staff would be able to move people on. They were proposing to sell alcohol but not necessarily with food. They did not host hen parties or bachelor parties. It was rare for people to come and only drink and they did sell tapas. However, customers may want a glass of wine after work without food or drink a glass of wine while a friend had coffee. They had no issues at their Kings Cross premises. If customers were forced to buy food it imposed a restriction on how they could operate.

In summary, the Licensing Authority was pleased to hear that deliveries were not part of the business, off sales would be in sealed containers, staff would monitor the outside of the premises and the premises would have no seating outside. She considered this to be quite a good application.

The interested party stated that as the passageway was so narrow there would be no possibility of having tables and chairs outside. She raised concerns that rubbish was strewn outside as there were no litter bins. She did not see that staff would be able to continually police the outside area.

The applicant stated that staff would not stand outside all evening but would keep a close eye on the area and go outside if anti-social behaviour took place. They were more than happy to clear up the rubbish outside. The premises was primarily a coffee shop and alcohol was not the main focus of the business. They wished to extend their hours to be able to serve wine and cocktails.

RESOLVED

That the application for a new premises licence, in respect of Frequency, 13 Camden Passage N1 8EA be granted to allow:-

- 1) the sale of alcohol, for consumption on and off the premises, from 10 am until 11pm Monday to Sunday.
- 2) To permit opening hours of 8am until 11pm Monday to Sunday.
- 3) Conditions detailed on pages 152 to 156 of the agenda shall be applied to the licence.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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 Angel and Upper Street 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.

Objections were received from eight local residents, two local businesses (one of these representations had been withdrawn prior to the hearing), one ward councillor and the Angel Association. Representations from the police and the noise team had been withdrawn as conditions had been agreed. The Licensing Authority made submissions to the Licensing Sub-Committee.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The Sub-Committee also noted that the premises fell within a possible exception to the cumulative impact policy as set out in paragraph 47 of the Licensing Policy.

The Sub-Committee heard evidence from one local business owner about her concerns regarding anti-social behaviour and nuisance.

The Sub-Committee heard evidence from the applicant regarding his proposed operation of the premises. The applicant submitted that deliveries would not be part of his business model, limited numbers of smokers would be allowed outside the premises and customers would be required to consume any off sales away from the premises. The applicant advised that his staff would be present outside the premises and would be a deterrent for anti-social behaviour in the locality.

The Sub-Committee concluded that the applicant had prepared a comprehensive operating schedule that addressed the concerns of the responsible authorities and all interested parties. The Sub-Committee was satisfied that there would be no negative cumulative impact and with the agreed conditions the licensing objectives would be promoted.

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

123 **HUNGRY BIKES, 212 ESSEX ROAD, N1 3AP - NEW PREMISES LICENCE**
(Item B3)

The licensing officer reported that conditions submitted with the original application had not uploaded to the gateway. These had now been circulated to all parties. Conditions had been agreed with the police and the noise team.

The licensing authority reported that in the light of the new information circulated, she could now formally withdraw the representation. There were only 12 seats in the premises and the business was not alcohol led.

The applicant apologised that there had been an issue with the conditions not uploading with the application. This was a small premises and alcohol would be

limited to handpicked artisan alcohol and not cheap ciders or beers. This was a unique idea combining a café/deli with a bicycle repair shop in the basement. They did not do supermarket style alcohol and they would serve a selection of wines from around the world and cocktails with cheese and meat platters.

In summary, the applicant stated that he respected the cumulative impact area and the licensing authority had the option to review the licence if required. The applicant had managed many places without incident.

RESOLVED

- 1) That the application for a new premises licence, in respect of Hungry Bikes, 212 Essex Road, N1 3AP be granted to allow the sale of alcohol, for consumption on and off the premises, on Monday to Saturday from 8am until 11pm and on Sunday from 10am until 6pm.
- 2) Conditions detailed on pages 185 and 187 of the agenda shall be applied to the licence with the additional conditions as circulated separately.

REASONS FOR DECISION

This meeting was held under regulations made under the Coronavirus Act 2020 and it was facilitated by Zoom.

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 Angel and Upper Street 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.

Objections had been received from one local resident and a ward councillor. Representations from the police and the noise team had been withdrawn as conditions had been agreed. The Licensing Authority were in attendance at the meeting but formally withdrew their representation following receipt of further submissions from the applicant.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6. The Sub-Committee also noted that the premises fell within a possible exception to the cumulative impact policy as set out in paragraph 47 of the Licensing Policy.

The Sub-Committee heard evidence from the applicant regarding his proposed operation of the premises including that there would be seating for only 12 patrons and that artisan alcohol and not high strength beers would be available.

The Sub-Committee concluded that the applicant had prepared a comprehensive set of conditions that addressed the licensing policy and the concerns of the responsible authorities. The Sub-Committee was satisfied that there would be no negative cumulative impact and with the agreed conditions the licensing objectives would be promoted.

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

124 HR ORGANIC AND VEGAN SHOP, 786 HOLLOWAY ROAD, N19 3JH - NEW PREMISES LICENCE (Item B4)

The licensing officer reported that the applicant had requested a deferral as their agent was not in attendance.

RESOLVED

That this item be deferred to a future meeting.

125 POPHAMS BAKERY, 19 PREBEND STREET, N1 8PF - NEW PREMISES LICENCE (Item B5)

The Sub-Committee noted that this item had been withdrawn from the agenda.

The meeting ended at 7.50 pm

CHAIR