

Licensing Sub Committee C - 11 February 2021

Minutes of the meeting of the Licensing Sub Committee C held by Zoom on 11 February 2021 at 6.30 pm.

Present: **Councillors:** Troy Gallagher, Phil Graham and Gary Poole.

**Councillor Troy Gallagher
in the Chair**

91 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Troy Gallagher welcomed everyone to the meeting and introduced officers and members. The licensing officer introduced herself and the interested parties. The procedure for the conduct of the meeting was outlined.

92 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Michelline Safi-Ngongo.

93 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Phil Graham substituted for Councillor Michelline Safi-Ngongo.

94 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

95 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

96 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 3 December 2020 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

97 THE BIG HOUSE, 151 ENGLEFIELD ROAD, N1 3LH - NEW PREMISES LICENCE (Item B1)

The licensing officer reported that further comments from the interested parties had been circulated separately.

The interested parties spoke against the application. Concerns were raised regarding the noise from the courtyard which was only a few metres from bedrooms. The noise team had been contacted on a number of occasions. Staff still remained outside. Customers could be heard swearing. The local pub garden was vacated at 9pm and this premises should be vacated as soon as shows finished. There was also concern regarding the smell from the fire outside. It was stated that

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half of the outside space was taken up by the public house and the other half by the Big House. The public vacated the public house garden at 9pm. The buildings surrounding the courtyard were tall and sound echoed around the space. The sound from crowds impacted on sleep. There was no objection to the licence but noise in the courtyard should be controlled. Patrons would have to leave at the end of the show and there was a concern about noise when alcohol was included. One resident raised concerns about a metal door which caused the whole house to vibrate when shut. On occasion, this had been 20 times in one hour. This had been for over a year and nothing had been done. The applicant had stated that this was to do with the wind but it was considered that it got worse in the wind but also happened on less windy days. One resident accepted there would be some disturbance but raised concerns regarding external hires as these were not always so easy to control.

In response to questions, a resident stated that she had emailed the applicant on a number of occasions regarding the use of the outside space. She did not always consider that dispersal happened before 21:45 pm. The applicant had informed her that smokeless fuel had been purchased for the fire but she was still able to smell the fire. Bedrooms were only five metres away from the courtyard.

The Director for the Big House stated that they had received overwhelming support. She understood the concerns about the gate but this had been exacerbated in high winds. She did not think it was fair to say it slammed 20 times as she had been keeping an eye on it. It was not their property and she needed to ask the owner if there was anything they could do. There had been no complaints about the shows in the building. There had been an occasion when they had the doors open but following a resident request had shut the doors. Young people were allowed only one drink. There had been no instances of drunk behaviour and 95% of people were out of the building by 9.50pm. They had run over this time on occasion. There were signs up and patrons were asked to be mindful. It was jubilant noise and residents could hear people whispering. The fire pit was used to keep people warm as entry during 2020 was in bubbles of six and there had been queues. Following a complaint the fire pit was moved away and smokeless fuel was used. They had responded to suggestions and could take comments on board. They had three or four events a year and were not hiring out every week. The Business Manager stated that this was not a bar. The external hires would usually happen during the day and were not alcohol based events.

In response to questions it was noted that off sales were for flexibility but it was stated that they were happy not to have off sales. The courtyard was described as a driveway with a walled area. Patrons could have cigarette outside. The gates could not be locked. The director stated that they had offered to pay for double glazing for one resident. Outdoor performances had been stated as an option but the applicants were open to compromise. The planning consent allowed ten ticketed events. The director stated that she would ask the owners about options regarding the banging gate.

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The licensing officer confirmed that the gate covered the driveway and was closed off at the end of the performance.

In response to members concerns about external private hire it was noted that an event assessment was carried out and, as they were secure in their funding, finance was not their primary driver. The applicant confirmed that they were also happy to look at their existing structure for assessing private events. They tried to hold joint events with partners. The young people were between the ages of 18-25 with only one 17 year old in the last two years.

In summary, the residents stated that there were different households that had put in complaints and not just one. There had been an event which had gone on past ten o'clock and was on a Monday night. Residents had not been impacted so much during the Covid lockdown. Although one resident was reassured, the applicant was asked to reconsider the application for off sales and concern was expressed about the noise outside the premises.

The applicant advised that off sales was withdrawn. They would pursue the noise from the gate with the owner. It was stated that they had turned down many requests for external hires due to possible disturbance to residents.

RESOLVED

- 1) That the application for a new premises licence, in respect of The Big House, 151 Englefield Road, N1 3LH, be granted to allow:-
 - a) To allow plays and recorded music from 4pm until 10pm Monday to Friday and from 12 noon until 10pm on Saturdays;
 - b) The provision of films, live music and dancing from 4pm until 9.30pm Monday to Friday and from 12 noon until 9.30pm on Saturday.
 - c) The sale of alcohol on the premises only from 12 noon until 9.45 pm Monday to Saturday.
 - d) Opening hours to be from 9.30am until 10pm Monday to Saturday.
- 2) Conditions detailed on pages 41 to 43 of the agenda shall be applied to the licence with the following additional conditions:-
 - The courtyard be closed for use at 9pm other than for ingress and egress.
 - The licence is not to be used until dispersal and hiring policies have been submitted and agreed with the licensing team.
 - There shall be no performances of plays, live or recorded music or dancing outside.

REASONS FOR DECISION

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

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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.

Eight local resident objections had been received. There had been no representations made by the responsible authorities following conditions being agreed with the police.

The Sub-Committee heard evidence from local residents that their main concerns were not so much with the internal use of the premises but with noise outside the premises particularly when patrons were leaving the premises at night. The Sub-Committee heard evidence that residents' bedrooms overlooked the courtyard of the premises and residents were frequently disturbed by noise from patrons in the courtyard. Residents stated that they did not have any noise issues from the neighbouring public house which had to clear the beer garden by 9pm. Residents expressed concern that the courtyard area acted as an echo chamber and noise was amplified, meaning that large crowds laughing or talking metres away from bedrooms impacted on residents' lives. One resident raised issues with the metal gate to the premises which was stated to slam frequently making the whole building vibrate. Residents also expressed concern regarding external hire and how the premises would control such events.

The Sub-Committee heard evidence from the applicant that they were very happy to speak to the owner of the building to try to tackle the slamming of the metal gate. The applicant stated that they had no instances of drunken behaviour and no young person was allowed more than one alcohol drink. The applicant stated that their young people had been told to be mindful when leaving the premises and that signs had been put up. The applicant stated that there was never any fighting and that any noise in the courtyard was jubilant. The Sub-Committee heard evidence that the premises did have a fire pit in the courtyard and following resident complaints they changed to smokeless fuel and moved the fire pit away from the building. The applicant stressed that the premises would not become a bar and that any private hires would be in line with the purposes of the charity.

The Sub-Committee noted that the applicant was willing to withdraw the application for off sales and that they were open to compromise with regard to outdoor performances. The Sub-Committee noted that the applicants had developed a structure to assess events so that they would fit in with the charity's purposes and that the applicants were more than happy to look at this for private events.

The Sub-Committee noted that the premises are subject to planning permission which restricts the hours that the premises are permitted to operate and the number of events they are permitted to hold.

The Sub-Committee was satisfied that the extra conditions in relation to restricting the use of the courtyard and ensuring that suitable policies were in place in respect of dispersal and events hire would alleviate noise disturbance for residents.

The Sub-Committee concluded that the granting of the licence with the agreed conditions and the removal of off sales, would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management.

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

Note of the Sub-Committee

The Sub-Committee welcomed the applicant's assurance that they would ask the owner of the building permission to fit a self-closing device to the metal gates to try to prevent noise nuisance from the gate slamming closed.

98

J AND T FOOD AND WINE, 91 SEVEN SISTERS ROAD, N7 6BU - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that there had been no further submissions from the applicant.

The licensing authority stated that the premises was in an area that was saturated with off licence premises and had a large number of vulnerable residents. The conditions proposed were the minimum conditions they would expect. There was no proposal that the premises would offer specialist goods and the application should be refused unless the applicant could demonstrate that the premises would not add to the cumulative impact in the area.

The applicant's representative stated that he had consulted with the noise team and the police and conditions had been agreed with these responsible authorities. Conditions agreed were detailed in the report and they included conditions about CCTV and deterring street drinking such as no sale of miniatures, single cans or high strength beers. He stated that the applicant had been living in the area for five or six years. The premises at 91-93 Seven Sisters Road used to be a textile shop but had closed in March. The family had 15 years' experience. Hours were to be reduced to 9am to 9pm. The applicant would robustly promote the licensing objectives in the cumulative impact area.

In response to questions, it was noted that the application had been made by a manager in the company. In response to questions asking the applicant whether he understood the cumulative impact area, and to explain the cumulative impact area and how the premises fit into any of the exceptions, the applicant stated that he was aware this was a high crime area. He would work with the police and try his best. His family had 15 years' experience. He was not asking for long hours. He stated that to deter street drinkers they would not sell strong beers or single cans. He would train his staff, he would obtain his personal licence and get full training from his representative. He said he would challenge those that looked to be under 25 and would write in the refusal book. He had CCTV if the police needed evidence.

The applicant's representative stated that he had consulted with the police and the noise team but had not communicated with the Licensing Authority.

In summary, the licensing authority stated that conditions were mainly standard conditions with the exception of the condition relating to the selling of single cans. It seemed a very large shop and the recommendation of refusal remained the same.

The applicant's representative stated that there were a large amount of conditions which offered complete control of the premises. The applicant knew the licensing objectives. The shop was divided into two shops, one textile shop and one off licence. Training was being offered to all staff so that they understood the licensing objectives. If there were breaches of the licence they could be reviewed.

RESOLVED

That the application for a new premises licence, in respect of J and T Food and Wine, 91 Seven Sisters Road, N7 6BU, be refused.

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 Finsbury Park/Holloway Road 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.

The Sub-Committee took into consideration Licensing Policy 4. The Council has 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 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 or subject to certain limitations, 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.

No local resident objections had been received. Conditions had been agreed with the police and the noise team. There was a representations made by the licensing authority.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee heard evidence from the licensing authority that the premises were in a very high risk area with vulnerable residents with drug and alcohol issues. The licensing authority was of the view that the operating schedule offered only the minimum conditions that the licensing authority would expect for an off licence and only the standard police conditions. The applicant was not offering specialist goods and was not limiting the alcohol offering. The premises was in walking distance of 'Better Lives', a drug and alcohol treatment/recovery service. The licensing authority was of the view that the application should be refused unless the applicant was able to demonstrate that the premises were not going to add to the cumulative impact in a saturated and high risk area.

The Sub-Committee heard evidence from the applicant that he owned shop numbers 91 – 93 and that no 93 would remain a textile shop and that 91 would be the off licence. The applicant had lived in the area for 5 or 6 years and his family have been in the off licence trade for 15 years. The Sub-Committee heard evidence that conditions had been agreed to stop street drinkers such as conditions in relation to high strength beer and cider and the selling of spirit miniatures. The Sub-Committee noted that the applicant was prepared to change the hours sought to 9am to 9pm. The Sub-Committee heard evidence that the applicant was aware that the premises were in a high crime area and he would work with the police. The applicant stated that all his staff would be trained and security would be his priority.

The Sub-Committee was concerned that the applicant had failed to demonstrate a full understanding of the implications of the premises being in a cumulative impact area and had failed to show how he would ensure that his premises would not add to that cumulative impact. The applicant had not indicated what percentage of the premises would be dedicated to the sale of alcohol and had not shown that the premises fell within the exceptions set out on page 20 of Islington's licensing policy.

The Sub-Committee was concerned that the applicant had failed to demonstrate the high standards of management required. The applicant had failed to demonstrate comprehensive knowledge of best practice and the Sub-Committee was particularly concerned that there had been no engagement with the licensing authority following their representation. The Sub-Committee took into account Licensing policies 7 and 8 regarding standards of management.

The meeting ended at 8.20 pm

CHAIR