

Public Protection/Licensing
222 Upper Street, London
N1 1XR

Report of: Director of Public Protection

Meeting of: Licensing Sub-Committee

Date: 16/08/2022

Ward(s): Junction

Subject:

PREMISES LICENCE REVIEW APPLICATION

Re:

Club Bonbon, First Floor, 1 Navigator Square,
London, N19 3TD

1. Synopsis

- 1.1. This is an application by the Metropolitan Police for a Review of the premise licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2. The grounds for review is related to the following licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The protection of children from harm

1.3. Relevant Representations:

Licensing Authority	Yes:
Metropolitan Police	Yes: Reviewer
Noise	Yes:
Health and Safety	No
Trading Standards	Yes:
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Two local residents in support of the premises
Other bodies	Yes: Three local ward councillors and Better Archway Forum in support of the review. Three local businesses in support of the premises.

2. Recommendations

- 2.1. To determine the application to review the premises licence under Section 52 of the Licensing Act 2003.
- 2.2. The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3. The steps stated in Section 52(4) of the Act are as follows:
 - a) to modify the conditions of the licence; and for this purpose, the conditions of the licence are modified if any of them are altered, omitted or any new condition is added.
 - b) to exclude a licensable activity from the scope of the licence
 - c) to remove the designated premises supervisor

- d) to suspend the licence for a period not exceeding three months
- e) to revoke the licence
- f) the Committee also have the option to leave the licence in its existing state
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1. The premises currently holds a licence allowing:

The sale by retail of alcohol, Monday to Wednesday, from 10:00 to 02:00, Thursday, from 10:00 to 03:00 and Friday to Sunday, from 10:00 to 03:30.

The provision of late-night refreshment, Monday to Wednesday, from 23:00 to 02:30, Thursday, from 23:00 to 03:30 and Friday to Sunday, from 23:00 to 04:00.

The provision of regulated entertainment by way of, the performance of live music, Monday to Wednesday, from 20:00 to 02:00, Thursday, from 20:00 to 03:00, Friday to Sunday, from 20:00 to 03:30

The playing of recorded music, Monday to Wednesday, from 09:00 to 02:00, Thursday, from 09:00 to 03:00, Friday to Sunday, from 09:00 to 03:30.

The performance of dance, Monday to Thursday, from 09:00 to 02:00, Friday to Sunday, from 09:00 to 02:30.

The exhibition of films, Monday to Wednesday, from 09:00 to 02:00, Thursday, from 09:00 to 03:00, Friday to Sunday, from 09:00 to 03:30.

3.2. The premises, ground floor and first floor, have been licensed by Islington Council for sale of alcohol and regulated entertainments since 2005.

3.3. In May 2019 the Designated Premises Supervisor (DPS) was varied to Sokol Toska.

3.4. On 19th September 2019 the DPS Mr Sokol Toska attended the Licensing Officers panel to discuss breaches of the capacity at the venue and the decision as to whether the premises will be split into 2 or 3 licences.

3.5. On 21 January 2020 a variation application was made to update the plans appended to the premises licence and to update the conditions of the premises licence.

- 3.6. On 29th September 2021 a new premises licence application was made by the Archway Tavern (ground floor pub) which would give the premises the benefit of a separate licence from the Club on the first floor.
- 3.7. On 3rd October 2021 a visit was made to the Club Bonbon by Police Licensing Officers where it was noted that the venue appeared to be very crowded, possibly over capacity, fire exits blocked and the visible use of indoor pyrotechnics.
- 3.8. On 11 October 2021, the DPS Sokol Toska attended a meeting with Police, Council Licensing Officers, and the Fire Brigade to discuss the issues noted at the premises visit on 3rd October 2021. There was an agreed undertaking by Mr Sokol Toska that the premises would not reopen until the Fire Brigade had completed a safety audit, a new door security team were in place and there was a dispersal policy with security staff fully aware and able to implement.
- 3.9. On 23rd November 2021, a premises licence transfer application was submitted and granted to Yourvenue Limited. The previous premises licence holder was Archway Tavern Company Ltd.
- 3.10. In December 2021 a minor variation application was submitted for Club Bonbon. The variation was to remove the ground floor premises from the licence, so that it only applies to the first-floor club, update and refresh the layout plans for the first-floor club and replace the conditions of the premises licence with an updated schedule of conditions.
- 3.11. In February 2022 an application for a minor variation was submitted to add additional conditions on to the premises licence in relation to the Metropolitan Police's Medical Critical Incident Standard Operating Procedure.
- 3.12. An application to vary the Designated Premises Supervisor (DPS) from Sokol Toska to Ardian Aliaj was made and granted in February 2022.

4. Implications

4.1. Financial Implications

- 4.1.1. The Head of Finance reports that there is no fee associated with this application type.

4.2. Legal Implications

- 4.2.1. The legal implications are set out in Paragraph 2.

4.2.2. Legal advice will be provided at the meeting of the Licensing Sub-Committee as necessary.

4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

4.3.1. The Licensing Sub-Committee need to consider the impacts that that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly, or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

4.4. **Equalities Impact Assessment**

4.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

4.4.2. An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Premises Licence application under the Licensing Act 2003.

4.5. **Planning implications**

4.5.1. The property is not a listed building but is it located within St John's Grove conservation area

4.5.2. Historical records confirm that the use of the first floor has been operating for some years as a night club (sui generis) and is, on the balance of probabilities, lawful. The proposed live music venue (also sui generis) would require planning permission for a change of use.

4.5.3. We have no planning history for the terraced area to the rear of the first floor and if any structures (fencing) have planning permission, again on the balance of probabilities, the terrace area and structure would appear to be lawful due to passage of time.

4.5.4. There are no ongoing enforcement investigations concerning the land.

5. Conclusion and reasons for recommendations

5.1. That the Licensing Sub-Committee determines this application.

Appendices:

- Appendix 1: Review application from the Metropolitan Police
- Appendix 2: current premises licence
- Appendix 3: representations in support of the application for review
- Appendix 4: representations in support of the premises
- Appendix 5: map of premises location.

Background papers:

- None.

Final report clearance:

Signed by:

Service Director Public Protection and Regulatory Services

Date:

A handwritten signature in black ink, appearing to be 'J. M. Stet', is written over the 'Date:' label.

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