

London Borough of Islington

Licensing Sub Committee C - 8 June 2023

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 1, Town Hall, Upper Street, N1 2UD on 8 June 2023 at 6.30 pm.

Present: **Councillors:** **Weekes, Croft, Jeapes**

Councillor Angelo Weekes in the Chair

37 INTRODUCTIONS AND PROCEDURE (Item A1)

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

38 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Shaikh

39 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Jeapes had substituted for Councillor Shaikh

40 DECLARATIONS OF INTEREST (Item A4)

None.

41 ORDER OF BUSINESS (Item A5)

The Order of Business was as per the Agenda.

**42 MINUTES OF PREVIOUS MEETING (Item A6)
RESOLVED**

That the minutes of the meeting held on 30th March 2023 be confirmed as a correct record and the Chair be authorised to sign them.

43 NAGS HEAD COVERED MARKET, 22 SEVEN SISTERS RD N7 6AG (Item B1)

The licensing officer explained there has been an amendment to the application to remove Off Sales of alcohol and amend the opening hours, so these were now consistent with Planning. She reported that additional papers had been circulated following agenda despatch. These included papers from the applicant and their representative, and further representations from residents.

Objectors expressed concerns to another premises in the cumulative impact area serving alcohol. They explained this area was already a 'hot spot' for crime which included drug dealing, assault, public urination as well as already issues with noise and nuisance. There were already 4 pubs and 10 licensed restaurants in the area and therefore the objectors felt another one was not needed. There was also congestion in the area already with daily deliveries for the surrounding shops and premises and another premises will only worsen this, as there was not a tube stop close by so patrons would likely arrive by car. Objectors also stated they were concerned over the dispersal of patrons and the noise and nuisance

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this created. They also felt they had not been properly consulted on matters and did not feel as though the communication with residents in the vicinity had been good enough.

In response to questions the objectors expressed that they would prefer the space to be used for retail purposes and they did not want any more motorised delivery drivers. They also explained that the incident log did not allay their fears but understood there were Anti-Social Behaviour issues in the area that did not arise just from this premises.

The applicant's representative understood the issues faced in the Nag's Head area and wanted to help improve the area, not worsen it. The applicant had no partnership with previous applications or the area downstairs other than wanting the use of the upper level for the street food stalls and bar. This was a well 'tried and tested' means of operation and would not be an alcohol-led style of operation. Alcohol would only be able to be purchased ancillary to food and there would be no vertical drinking or Off Sales of alcohol. The space would also be used for family friendly activities such as cooking classes and an exhibition space for artists to display their work. The applicant and their representative believed it promoted the Licensing Objectives and had received no objections from the Responsible Authorities despite being in a cumulative impact area.

In response to questions, the applicant and their representative explained they had reduced numbers from 400 to 130 in response to the initial refusal. They also explained there would be an automatic and manual headcount controlled by management and SIA door staff would be on site. Once the premises had reached 70% capacity an hourly headcount would take place. As for queues, these would be directed to the seven sister's road and managed by staff to elevate noise and nuisance. They explained an alcohol token would be given to be exchanged at the bar only when a substantial meal had also been purchased. Their main objective is to bring regeneration to the area and provide a new space for people to come and experience different cultures of food and activities.

Interested parties spoke in support of the application and explained the area was in desperate need of regeneration and there was a duty to encourage small businesses, which this space allowed. It was refreshing to see a new space in the area to make use of something which has previously not been used to its full potential. They did not feel as though there would be any increased Anti-Social Behaviour as it was not alcohol-led.

In summary the objectors felt as though the premises would only increase Anti-Social behaviour in the area and they did not feel the applicant met all the licensing objectives especially being in a cumulative impact area.

The applicant summed up explaining there had been masses of support for the application and premises and they had proven and would have continued to prove they meet all licensing objectives. They were also happy to liaise more with residents to help allay their concerns.

RESOLVED

That the application for a new premises licence, in respect of Nags Head Covered Market, 22 Seven Sisters Rd, N7 6AG be GRANTED

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.

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The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises falls within the Finsbury Park and Holloway 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

14 local resident objections had been received and 19 local residents made representations in support. 3 ward Councillors made representations against the proposal. Conditions had been agreed with the Police and there had been an objection from Planning, based on a discrepancy with the proposed hours of operation and the condition about windows being closed except for maintenance. This condition and the hours were agreed by the applicant prior to the hearing.

The Sub-Committee heard evidence that there were serious problems already associated with cumulative impact in the vicinity of the premises. The residents opposed, described urinating in the street and anti-social behaviour including drug use and were concerned about dispersal of a large number of people from the premises. However, residents in support, argued that this proposal might benefit the area.

The Sub-Committee took into account that this was already a cumulative impact area and Licensing Policy 3, paragraph 54, refers to adverse impacts associated with late night venues in the Holloway and Finsbury Park area. Cumulative impact is concerned with the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area. Licensing Policy 3, paragraph 14 states that as a general rule the Licensing Authority does not consider the fact the premises will be well managed and run nor that the applicant operates similar premises elsewhere without complaint as an exception to the cumulative impact presumption. Under paragraph 54, the Licensing Authority recognises that it has to balance the needs of businesses with those of local residents.

Licensing Policy 3, paragraph 56, refers to possible exceptions to the policy where the premises are not alcohol-led, where cultural activities are offered and the premises were implementing match and event day controls, as recommended by the police. These premises would operate as a food hall and dining area with alcohol only being provided with a substantial meal.

The Sub-Committee was concerned there could be increased congestion by the use of cars and possible queuing into the Seven Sisters Road and the premises are some distance from the nearest underground station. The Sub-Committee was also concerned by the complaints of residents that the applicant had not sufficiently engaged with them and felt that quarterly meetings with residents as proposed would not allay the concerns of residents. The meetings should be more frequent, and efforts should be made to make sure local residents were informed of these meetings. To avoid late night problems, the Sub-Committee felt that hours should be reduced in this particular case. With these amendments the Sub-Committee considered that the granting of the license would not add to the cumulative impact on any of the licensing objectives.

The Sub-Committee was satisfied that granting the premises licence with the reduced hours and conditions agreed and added was proportionate and appropriate to the promotion of the licensing objectives

44 **D & D RESTAURANT AND LOUNGE, 347 HOLLOWAY RD N7 0RN (Item B2)**

The Licensing Officer introduced the case and explained there had been a recent resident concern regarding noise from building at the rear of the venue.

The Applicant explained they had installed noise insulation at the request of the previous committee this item was deferred from. The building work for this was now complete so there should be no more noise pollution. He further explained the recent noise the resident heard was from cleaning not building work and he had explained this to her at the time. He expressed that he had done everything he now could to reduce noise pollution.

Officers from the Noise Team had been to check the noise levels in residents' properties since the sound proofing had been completed and confirmed there was no longer concern for noise bleeding into surrounding properties.

The Sub-Committee asked the applicant what his understanding of the Licensing Objectives were. He explained it was not an alcohol-led business and would not be rowdy like a club, they also had a closing time of 11PM. He also explained there would be no Off Sales of alcohol and alcohol would only be consumed ancillary to food.

The Sub-Committee had further questions on how he would control Anti-Social Behaviour. He explained staff would be trained and that he would be happy to employ SIA security staff when needed on weekends. He would also place signs in the windows to remind patrons to respect the neighbours. There would also be a limit of 6 people allowed to smoke outside. The only music would be background music.

In response to a question from the Sub-Committee, the applicant explained the business model was a restaurant with a bar and lounge with a capacity of 35 to 45 people. They would have served Ethiopian food and alcohol would be served only with a meal.

RESOLVED

That the application for a new premises licence, in respect of D & D Restaurant and Lounge, 347 Holloway Rd N7 0RN be refused.

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.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises falls within the Finsbury Park and Holloway 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

5 local resident objections had been received. There had been no representations made by the responsible authorities. Conditions had been agreed with the Noise team and the Police. Planning were considering an application to vary the conditions and there was an open enforcement case. Licensing had confirmed that sound proofing works were completed, and the premises had operated under a Temporary Event Notice (TEN) without complaint. Many of the objections related to past building works which had now been completed. However, the Sub-Committee were concerned that the applicant in his opening

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address appeared aggrieved at a representation by a local resident, bearing in mind previous ill feeling between residents and the applicant.

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

Under Licensing Policy 2, the Sub-Committee took into account the following matters:

- The fact the premises was in a cumulative impact area where a presumption against granting a new license applied
- The location of the premises and the character of the area, which is in a busy commercial area
- The proximity of the premises to residential flats and the potential impact on those residents
- The past compliance history of the current management
- Whether the applicant could demonstrate commitment to a high standard of management

Licensing Policy 2, paragraph 8, refers to the fact that Islington has one of the highest densities of licensed premises in England and careful consideration must be given to adding to them particularly in a cumulative impact area.

Licensing Policy 8 refers to management standards and whether he could demonstrate commitment to them. The Sub-Committee was not satisfied that the applicant demonstrated comprehensive knowledge of best practice, understood legal requirements, or could demonstrate knowledge of the licensing objectives and his responsibility under the Licensing Act 2003. He was unable to identify any of the licensing objectives and seemed unclear on what was meant by the question. Although one of the conditions he had agreed to was to operate Challenge 25, he said he would challenge people up to the age of 21, which was not what was required. The applicant spoke of future training of staff but did not go into detail and although he was prepared to use SIA door supervisors, he said he would use them at weekends 'if needed'. He did not seem to have a clear idea of what was needed.

The Sub-Committee concluded that the applicant had failed to rebut the presumption against granting a license in a cumulative impact area and it was likely that because of his lack of good management standards in that challenging Holloway Road District, that the licensing objectives of public nuisance or crime and disorder would be impacted. Granting the license would not promote licensing objectives and would be likely to add to the cumulative impact.

The meeting ended at 9.50 pm

CHAIR