

London Borough of Islington

Licensing Sub Committee A - 17 July 2023

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 17 July 2023 at 6.30 pm.

Present: **Councillors:** Staff (Chair), Bossman-Quarshie (Vice-Chair) and Ibrahim

Councillor Heather Staff in the Chair

- 43 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Heather Staff welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 44 **APOLOGIES FOR ABSENCE (Item A2)**
Apologies for absence were received from Councillors Nargund.
- 45 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
Councillor Ibrahim substituted for Councillor Nargund.
- 46 **DECLARATIONS OF INTEREST (Item A4)**
There were no declarations of interest.
- 47 **ORDER OF BUSINESS (Item A5)**
The order of business would be as the agenda.
- 48 **MINUTES OF PREVIOUS MEETING (Item A6)**
That the minutes of the meeting held on 16 March 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 49 **MUST WINE ISLINGTON, 2-4 CAMDEN PASSAGE, LONDON, N1 8ED - NEW PREMISES LICENCE (Item B1)**
The Licensing Officer updated the Sub-Committee. Representation 6 had been withdrawn. There had been some discrepancies with planning, but these seemed to have been resolved and the applicant believes the planning is correct for the use of the premises.
- The interested party, a resident objector, spoke against the application and had claimed the applicant did not engage properly with the residents in the vicinity of the premises. The applicant had only sent a letter with a phone number, but the

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resident had not been able to get through on this line. The resident was concerned with the possibility of an open frontage and the noise this would create if it were to be opened, as the resident lived only 18.5 feet away from the premises. The resident asked the committee if they were to be minded to add a condition to the license in which this open frontage would be closed at a reasonable time in the evening. This would have helped with the noise issue, especially in the narrowest part of the passage.

In response to questions from the Sub-Committee the resident explained there had been little engagement. The resident also stated they would have no further issue with the granting of the license were the condition on the open frontage to be added.

The applicant explained that they had headed operation of 4 wine bars in total across London and the outer London area. They explained none of these premises had a single incident against the licensing objectives. They responded to concerns over engagement explaining they had contacted the licensing authority about the representations but due to GDPR they were only able to supply an email and telephone number, however they had met with other interested parties that had made representations to come to an agreement. The applicant explained there was not an open frontage, and this was a front door to the premises within the legal requirements to disability legislation. They further explained that many conditions on noise reduction had been proposed already and they were happy to comply to these. There would be table service only and no vertical drinking at the premises and signs would be put up asking patrons to reduce noise when leaving the premises.

In response to questions from the Sub-Committee, the applicant explained they chose this area because of their love for the vibe and energy and the community feel of Camden and Islington. They wanted to bring something new and vibrant to the area. The Sub-Committee had asked about future plans of outdoor seating, the applicant responded that they had been in the process of applying for a pavement license. On concerns of noise disturbance, the applicant explained that all staff had ample training, and this was a 'wine restaurant' not a 'wine bar' so they had not expected to have a 'rowdy' clientele. Staff were also trained to 'touch tables' regularly so would be alert to any patrons that may have caused issues. The applicant explained they had a strict challenge 25 policy in which a register was kept of those that had attempted to be served underage.

The interested party summed up their case reiterating they did not want the open frontage of the building to be used and cause noise disturbance.

The Applicant summed up explaining it was not open frontage it was just a glass front. It was on the plans.

RESOLVED:

The Sub-Committee has decided to grant the application for a new premises licence in respect of MUST WINE ISLINGTON, 2-4 CAMDEN PASSAGE, LONDON, N1 8ED

- 1) To allow the sale by retail of alcohol, on & off supplies, Sundays from 11:00 until 21:15, Mondays & Tuesdays from 11:00 until 22:15, Wednesdays & Thursdays 11:00 until 22:30 and Fridays & Saturdays from 11:00 until 23:15
- 2) The provision of late-night refreshment, Fridays & Saturdays from 23:00 until 23:45;
- 3) The premises to be open to the public, Sundays from 11:00 until 21:45, Mondays & Tuesdays from 11:00 until 22:45, Wednesdays & Thursdays 11:00 until 23:00 and Fridays & Saturdays from 11:00 until 23:45

Conditions detailed on pages 85 to 88 of the agenda shall be applied to the licence. With the additional condition that doors and windows to the front of the premises shall be kept closed except for entry or egress.

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 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 operating 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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Six local resident objections had been received. There had been no representations made by the responsible authorities as conditions had been agreed with the Police and Noise Team.

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

The Sub-Committee heard evidence from a resident that she was very concerned about the open frontage to the premises. The premises is located at the narrowest part of the passage and an open frontage would be very disturbing to local residents. The resident requested a condition that any open frontage be closed at a reasonable time due to potential noise issues. The resident stated that she had tried to engage with the applicant but had not been able to.

The Sub-Committee heard evidence from the applicant that he runs 4 wine bars and had never had an incident with environmental health or the Police. He had been able to engage with some residents and had agreed conditions with the Police and Noise Team. The premises operated table service only with no vertical drinking and employees asked customers to disperse quietly. The applicant stated that he had applied for a pavement license, and this was currently being processed. The applicant stated that he had at no stage proposed an open frontage; there was a front door. In response to questions the applicant confirmed that there was a glass front then a door then more glass, he repeated that it was a door not an open frontage.

The Sub-Committee concluded that an extra condition was required to alleviate the resident's concerns regarding the nature of the frontage and the noise nuisance this could create. As the applicant confirmed that the frontage consisted of an area of glass and a front door, the Sub-Committee concluded that a condition requiring the door to be kept closed other than for ingress and egress was a proportionate step to prevent any possible noise escape that might disturb residents and other users of the passage.

The Sub-Committee was satisfied that the granting of the license with the conditions agreed, and the extra condition should protect the amenity of local residents and still allow the applicant the opportunity to trade. The Sub-Committee concluded that the granting of the licence with the agreed conditions and extra condition would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6 and that the proposed capacity of the premises fell within the possible exceptions to the cumulative impact policy. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

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

50 **SAINSBURY'S, 14 JUNCTION ROAD, LONDON, N19 5RQ - NEW PREMISES LICENCE (Item B2)**

The Licensing Officer updated the Sub-Committee. The hours for sale of alcohol had been amended from 07:00-23:00 7 days a week to 09:00-23:00 7 days a week. With this amendment the Licensing Authority had withdrawn their representation.

The interested party, a member of the Better Archway Forum, presented their case objecting to the license. They had concerns over excessive street drinking in this cumulative impact area, it was intimidating and another premises selling alcohol would increase temptation to vulnerable people. They had more concerns there had not been indication of how alcohol was isolated from customers outside of licensed hours. Residents had feared the sale of alcohol would cause congregation and lingering in the square nearby. There was also not a WC nearby so there had been possibility of public urination. They believed the license should be refused as to not undermine the cumulative impact policy and the great work this had done so far.

The Applicant explained they were a 150-year-old well established business. They had been aware of the issues of the archway area and had consulted with police on this, resulting in a bespoke application for this area to address these concerns. The hours for alcohol sale had been amended to suit the Licensing Authority and the premises did fall within the exception of the policy as an off license selling within framework hours. The premises would not sell high-strength, cheap, single canned or bottled beers or ciders. There would be no self-serving of spirits and these would be kept behind the counter. They clarified that while the application stated a 24 hour operation the operational hours would be 07:00-23:00 with alcohol sold 09:00-23:00.

In response to questions from the Sub-Committee, the applicant explained they wanted to support the local community and fit in, they encouraged community spirit and made charitable donations to communities they operated in. They wanted to open in this area as it was a prominent site in a key location that had been vacant for some time, the location was close to an underground station so they would have got high footfall from commuters and those that live around this area. The Sub-Committee had questions surrounding the possible sale of alcohol before 09:00; the applicant explained this would not be possible as the licensed hours are uploaded to their epos system so alcohol cannot be processed on the till system outside of these hours and cannot be overridden. The applicant regularly worked with the police and other responsible authorities to mitigate concerns of alcoholism and repeat problem customers, there would also regularly be security on site.

In summary the interested party explained that the 07:00-09:00 was not the problem for alcohol it was the lateness it was sold and while there were no single can sales, people could have just bought a big bottle, or a crate of alcohol instead. There was also a Sainsbury's local nearby, and they felt it was better when all people are local rather than big corporations taking money from local area. The Applicant summarised explaining there would be no negative impact on the cumulative impact area, and they had met the satisfaction of all responsible authorities.

RESOLVED:

The Sub-Committee has decided to grant the application for a new premises licence in respect of SAINSBURY'S, 14 JUNCTION ROAD, LONDON, N19 5RQ

- 1) To allow the sale of alcohol, Off the premises, Mondays to Sundays, from 09:00 to 23:00
- 2) The premises opening hours, Mondays to Sundays from 07:00 to 23:00

Conditions detailed on pages 140 to 141 of the agenda shall be applied to the licence.

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 Archway 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.

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 operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Six local resident objections had been received. There had been 3 objections from ward councillors and 1 objection from the Better Archway forum. 1 resident had written in support of the application. Following a reduction in the hours requested the Licensing Authority withdrew their objection.

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

The Sub-Committee heard evidence that local residents and traders were concerned about extensive street drinking in the area. A representative from the Better

Archway forum stated that there were no exceptional circumstances around the application and there was no indication how alcohol would be isolated in the shop and away from underage drinkers. There were concerns that the premises would add to the cumulative impact.

The Sub-Committee heard that the applicant was acutely aware of local issues and consulted with the Police and the Licensing Authority and agreed conditions and reduced hours. The applicant confirmed that spirits would be kept behind the counter and there would be no high strength beers. Alcohol would be kept shuttered outside licensed hours, which were programmed into the till system and could not be overridden meaning it was impossible to ring up a sale outside of the licensed hours. There would be security provided and the applicant was aware of the need to monitor the square outside. The applicant submitted that the hours sought, and the extensive conditions agreed meant that the granting of the license would not add to the cumulative impact.

The Sub-Committee noted that the applicant was a national operator with well established procedures to deal with incidents of anti-social behaviour or underage drinking. The Sub-Committee noted that security would be provided, and alcohol would be shuttered outside of licensable hours. The Sub-Committee further noted the applicant's willingness to engage with local residents and groups.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 5 and 6. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

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

51 FANN, 28 CHAPEL MARKET, LONDON, N1 9EN - NEW PREMISES LICENCE (Item B3)
ADJOURNED

52 BESPOKE SPACES LONDON LTD, 14 WINDERMERE ROAD, LONDON N19 5SG - NEW PREMISES LICENCE (Item B4)

The Licensing Officer updated the Sub-Committee. There had been an amendment to a condition which had been sent in a bundle by the applicant.

The interested parties including 3 local residents and a member of the Better Archway Forum gave objection to the license. They explained this was a residential area occupied by young families and the elderly. The premises was an office block and the sale and consumption of alcohol was not necessary. The roof terrace on the building overlooks gardens and adjoins the terraced housing surrounding the office block and was therefore invasive and created noise disturbance. Their website had been promoting parties with DJs and alcohol, not just for workers, this would create

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noise and anti-social behaviour, particularly when people disperse from the premises. There had already been issues with litter and drug misuse in the area, they had not wanted this to get worse. There had also been safety concerns for young families with broken glass on the street and late night parties on Fridays and Saturdays, which they felt were unneeded in a co-working space. The surrounding area already had premises which sold alcohol and they had not wanted the problem of anti-social behaviour to worsen in a cumulative impact area. The resident objectors had likened the noise to 'like having a nightclub on your doorstep'.

The Sub-Committee asked the Licensing Officer if there had been any formal complaints. The officer said they could not see any objections to previous Temporary Event Notices that had been used in the premises.

The Applicant explained the roof terrace was not included in the license application and they had added a condition to say there could be no private third-party events. The applicant's representative explained the hours sought were within the framework hours and there would be no Off Sales. They had agreed conditions with the police prior to the hearing, but if there were any repetitive concerns they would work with the police, and these would be dealt with. The applicant emphasised this was still a co-working space and not an alcohol-led business. There had been a dispersal policy submitted explaining how they would mitigate noise concerns and concerns over the dispersal of people leaving the venue. The previous private events had been a way to generate income lost during the Covid-19 pandemic, but the applicant realised that this wasn't a feasible way to make revenue and did not want to create a bad relationship with residents so had stopped these events. While the co-working space operated 24 hours, there would be no alcohol beyond the licensed hours, and this would be locked away. Each member of the facility also had to sign a contract and pay a security deposit, if they were found in breach of this the deposit would be taken and the contract voided. The applicant and their representative emphasised alcohol would only be ancillary to work related events, such as, conferences and training days.

In response to questions from the Sub-Committee the applicant explained they needed to update the website to clarify the events hosted and make clearer there would be no third-party events. The roof terrace would be used for outside working and as a lunch or meeting space, but no alcohol would be served out on the roof terrace. Over concerns of noise reduction, the applicant explained that they had sound reducing double glazing and sound absorbing curtains and furniture.

The Sub-Committee proposed conditions involving a quarterly meeting with residents in all surrounding vicinity, to better engage with them. As well as a condition so that there could be no bring your own alcohol events and any mention of this in previous conditions be removed.

In summary the interested parties were concerned of the noise and nuisance created by allowing the sale of alcohol in an office space.

The applicant summarised explaining alcohol would only be ancillary to work events and if any members were to break these conditions their contract would be voided.

RESOLVED:

The Sub-Committee has decided to grant the application for a new premises licence in respect of BESPOKE SPACES LONDON LTD, 14 WINDERMERE ROAD, LONDON N19 5SG

- 1) To allow the sale of alcohol, on supplies only, Mondays to Sundays, from 11:00 to 22:00
- 2) The Premises opening hours, Mondays to Sundays, from 00:00 to 00:00

Conditions detailed in the applicant's bundle shall be applied to the licence.

And the additional condition presented by the applicant be applied that "The sale of alcohol shall only be made to members of Bespoke Spaces and their staff or bona fide guests or to persons attending a work-related event including conferences, training, and social events. No private third-party events shall be booked at or permitted to take place at Bespoke Spaces"

Reference to Bring Your Own alcohol events will be removed in conditions 14 and 24 in the applicant's bundle.

And additional conditions be applied to the license that:

- the applicant meets with residents quarterly.
- there shall be no sale of beer, lager, or cider with an ABV content of 5.5% or above for save craft and premium beers.
- there will be no Bring Your Own alcohol events.

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 Archway 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 and 1 objection from the Better Archway Forum. A local ward councillor withdrew their objection. Conditions had been agreed with the Police and Noise Team.

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

The Sub-Committee heard evidence from residents that the premises were located in a dead-end road containing 40 terraced houses. The area is heavily residential with children and elderly and vulnerable residents. Residents were greatly concerned about the use of a flat roof terrace and stated that since the office block had been in use there was a significant problem with noise and other disruption. The premises had been a real blight on the area even without an alcohol license. The premises had been open to the public not just members and there had been noise, disruption to parking, and bottles and glasses everywhere. It had been like having a 'night club on the doorstep'.

The Sub-Committee heard from the applicants that the roof terrace was not part of the application and a condition had been offered that no private third-party events were to be booked. The premises had previously operated under some Temporary Event Notices (TENs) but when the extent of the noise nuisance was realised it was decided that these sorts of events would not be held again. A dispersal policy had been submitted, the premises would not be open to members of the public and the sale of alcohol would only be ancillary to the office use of the premises. The applicants apologised for the previous noise caused. The applicants confirmed that they operate with strict conditions on members and any members causing disturbance would be in breach of their contract and would be 'kicked out'. The Sub-Committee noted that the applicant had offered further conditions in respect of bring your own alcohol events and regular engagement with residents.

The Sub-Committee concluded that due to the residential nature of the area it would be proportionate and appropriate to reduce the terminal hour for the sale of alcohol from 23:00 to 22:00. The Sub-Committee noted the concerns of residents in relation to the policing of the dispersal policy and concluded that the reduced hours would ensure that premises did not add to the cumulative impact in the area. The reduction in hours would protect the amenity of residents, whilst still giving the applicant the opportunity to run their business.

The Sub-Committee concluded that the granting of the licence with the agreed conditions, the extra conditions, and the reduced hours would promote the licensing objectives. The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed and the reduction in hours, meant that the premises would not add to the cumulative impact.

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

The meeting ended at 21:45

CHAIR