

London Borough of Islington

Licensing Sub Committee B - 1 August 2023

Minutes of the meeting of the Licensing Sub Committee B held at Islington Town Hall, Upper Street, N1 2UD on 1 August 2023 at 6.30 pm.

Present: **Councillors:** Bashir Ibrahim (Chair), Nick Wayne (Vice-Chair)
and Ilkay Cinko-Oner

Councillor Bashir Ibrahim in the Chair

- 71 **INTRODUCTIONS AND PROCEDURE (Item A1)**
Councillor Bashir Ibrahim welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 72 **APOLOGIES FOR ABSENCE (Item A2)**
None.
- 73 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**
None.
- 74 **DECLARATIONS OF INTEREST (Item A4)**
None.
- 75 **ORDER OF BUSINESS (Item A5)**
The order of business would be Item B1, B2 and B3.
- 76 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:
That the minutes of the meeting held on 16 May 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 77 **HORNSEY ROAD SERVICE STATION, 213-217 HORNSEY ROAD, N7 6RA - VARIATION (Item B1)**
The Licensing Officer did not have any updates regarding this item.

The Licensing Authority did not have anything further to add to the representation made in the papers. She asked that the Sub-Committee satisfy themselves regarding the application made for a 6am start time in this high-risk area and close to a drug dependency unit.

The applicants' representative stated that there over 650 service stations in their remit and most of those sold alcohol for the same hours as their opening hours. This was a premises where alcohol required shutting off from 6am until 8am as the store opened at 6am with a start time of 8am for alcohol sales. The police had been consulted, additional conditions had

Licensing Sub Committee B - 1 August 2023

been agreed with them and they were therefore satisfied. The interested parties had seemed to believe that a 24-hour licence had been applied for and he asked that the Sub-Committee consider less weight be given to these as this was a misunderstanding. It was unlikely that Arsenal supporters would choose to buy from the premises at 6am and street drinking had not been experienced in this store. There was no evidence that street drinkers would migrate to this premises if a 6am licence was granted. He stated that the premises was opposite a fire and police station and there needed to be a balance between businesses and residents. There was a small off licence section in the premises. The sale of less than one product an hour would not change the cumulative impact on the area. There had been no representations from the police, noise team or the environmental health team and no evidence to support an increase in the cumulative impact.

In response to questions, it was stated that if the licence was agreed there would no longer need to be the management task of shuttering off the alcohol. There were also some sales that currently needed to be refused. From the current figures there was not expected to be a huge increase in sales. There were currently two personal licence holders who worked on shifts. There was no requirement to demonstrate a need for an alcohol licence and this licence would allow trading hours to match licensing hours which could be considered as in the case of the vast majority of their other stores. The Home Office guidance stated that this could be considered by Licensing Committees. There were no plans to increase the floorspace. The licence was already robustly conditioned and granting this licence would allow for an additional two conditions which would apply for the rest of the day. There were limited sales of alcohol in the morning and they expected that if sales increased to street drinkers, and the Licensing Authority considered it to be a problem, it would be expected that the retailer would stop sales and the licence reviewed. The theft of alcohol on the premises was low and there was no evidence to suggest that the licence would add to the cumulative impact. They were not expecting sales at 6am to be a major feature of the business.

In summary, the applicants' representative stated that this was not a major off licence contributor. The nature of their trade would not change and they were conscious of their responsibilities and would support the licensing objectives. The company had not had any licence reviews. They would suspend alcohol sales and work with the licensing team if there were issues and considered they were unlikely to be back under review.

RESOLVED

- (1) That the application for a new premises licence, in respect of Hornsey Road Service Station, 213-217 Hornsey Road, N7 6RA to allow the sale of alcohol, off the premises, Mondays to Sundays, from 6am to 11pm be granted.
- (2) That conditions detailed on pages 35 and 36 of the agenda 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 fall within the Finsbury Park 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.

Licensing Sub Committee B - 1 August 2023

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.

Three local resident objections had been received but no residents attended. There was one representation made by the Licensing Authority. There were no other representations made by the other responsible authorities.

The Sub-Committee noted that the residents referred to problems of street drinking and anti-social behaviour but their main objection appeared to be that they did not want the garage operating on a 24 hour basis. This seemed to be a misunderstanding by the residents as the garage already was open 24 hours.

The Sub-Committee heard evidence that street drinkers did not visit the shop. The Sub-Committee was concerned about the proximity of a drug and alcohol treatment centre but noted that there were no representations from public health or the police. The hours requested were two hours before framework hours. The manager gave evidence that spirits and miniatures were behind the till. Two additional conditions were offered concerning sales of single cans of beer, lager and cider and sales of beer, lager and cider with an abv of over 6%. It was a small shop and would be managed by two personal licence holders over the entire period it was open. They would have clear view of anything happening in the shop. His representative emphasised that there were minimal sales of alcohol between 8 and 10 am and the manager did not expect to increase his sales of alcohol significantly. The manager stated that the reason for applying for the variation was the raising of the shutters later in the day and the need to encourage trade in sundry products as much as possible. He wanted to extend the licensing hours to his trading hours. This application appeared to fall within the possible exceptions to the cumulative impact policy for off sales of alcohol.

The Sub-Committee concluded that there was no evidence that there would be any negative cumulative impact on any of the licensing objectives.

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

78 AMOR, 139 HOLLOWAY ROAD, LONDON, N7 8LX - NEW LICENSE APPLICATION (Item B2)

The licensing officer contacted the noise team and clarified that condition 28 should read that music shall be restricted to background levels of sound 'after 10pm'. The noise officer also advised that condition 33 should be revised.

The licensing officer further advised that there had been a noise complaint in May. The noise team visited and witnessed loud music but not a statutory nuisance. The noise team and Licensing Authority had been satisfied that this was a private birthday event and no alcohol had been sold.

The applicant's representative stated that some of their business came after Arsenal matches and customers wished to remain after 10pm. Following Covid this application gave an opportunity for an additional hour after business. There was a private birthday party on 11 May and the premises did not sell alcohol. There had been no substantiated noise

Licensing Sub Committee B - 1 August 2023

complaints. The premises was on a main road. The premises held cultural activities such as wine tasting with food from different areas of Italy.

In response to questions, music would only be played indoors during the working time of the restaurant. It was noted that amplified music should be at a level which could not be heard in a complainant's home. The neighbour had asked that the volume of music be reduced and the applicant had moved the speaker to another part of the restaurant which he considered had resolved the problem. Regarding dispersal, the applicant said he would ask patrons to leave quietly. He half closed the shutters to prevent patrons coming in too late. The Sub-Committee raised concerns about this and stated that the applicant could just refuse late custom. There was seating outside which would not be used after 10 pm except for smokers.

In summary, the applicant had advised that there had only been one representation. This was an Italian restaurant with cultural activities. They advised that not many patrons came before 7pm as the premises was not near the City and requested the extension of an hour.

RESOLVED

- 1) That the application for a new premises licence, in respect of Amor, 139 Holloway Road, N7 8LX, be granted to allow:-
 - a) The sale by retail of alcohol, on & off supplies, Mondays to Sundays from 12 noon until 11pm
 - b) The premises to be open to the public, Mondays to Sundays from 12 noon until midnight.
- 2) That conditions detailed on pages 72 to 75 of the agenda shall be applied to the licence with the following amendments:-

Condition 28 to read – Any music shall be restricted to ambient background levels of sound after 10pm

Condition 33 to read – In the event of noise nuisance being established the licensee shall agree to appropriate measures to abate the nuisance, in consultation with the Councils noise service.

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 fall within the Holloway Road and Finsbury Park 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.

One local resident objection had been received but the resident did not attend. There had been no representations made by the responsible authorities but conditions had been agreed with the noise team. The licensing officer confirmed, after speaking on the telephone with the noise officer, that one of the conditions contained an error and this should be corrected to allow amplified music before 10pm with ambient music thereafter. In addition,

Licensing Sub Committee B - 1 August 2023

the condition relating to the acoustic consultants report in the case of a noise nuisance complaint needed to be updated relating to taking measures to abate the nuisance.

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

The Sub-Committee was concerned that the evidence in the report that the premises had been operating outside licensing hours. However, the applicant explained that this had been a private birthday party and no alcohol had been sold.

The applicant said that he had received a complaint from the flat upstairs about noise. He had moved the amplifiers away from the position of the complainants' bedroom and believed that this had resolved the problem. There had been no complaints to the Council about noise that had been substantiated. There was a condition agreed about not causing noise nuisance.

The Sub-Committee concluded that this case fell within the exceptions to the cumulative impact policy in that it was within framework hours and not alcohol led and providing cultural activities as stated by the applicant; wine tasting and regional cookery. The applicant had demonstrated that there would be no cumulative impact on any of the licensing objectives and had rebutted the presumption against granting the variation.

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

79 **KATSUMAMA, UNIT 4 ROSEBERY CT, 36A ROSEBERY AVENUE, EC1R 5HP - NEW LICENSE APPLICATION (Item B3)**

The licensing officer advised that the applicant had written to the residents who had submitted representations; one had withdrawn, one resident was happy to meet with the applicant but had not withdrawn their representation and a third had been contacted three times but had not responded.

The applicant's representative stated that this was a new alcohol licence. This was to be a small restaurant with 25 to 30 covers and was not a bar and was not alcohol led.

In response to questions, it was stated that this was a Japanese restaurant and all customers eating would be seated. CCTV was installed to help prevent nuisance. Alcohol was sold with food. Japanese alcohol would be mainly sold. Four patrons were allowed to stand while waiting for a table and other customers would be denied as the premises did not have any other space. The owner had passed the licensing course. They would indicate to patrons the directions away from the vicinity for quiet dispersal.

In summary, they would comply with conditions and hoped to bring Japanese food to the community.

RESOLVED

- 1) That the application for a new premises licence, in respect of Katsumama, Unit 4 Rosebery Court, 36a Rosebery Avenue EC1R 5HP, be granted to allow the sale of alcohol, for consumption on the premises from 12:00 noon until 11pm Monday to Sunday.
- 2) The premises to be open to the public from 12 noon until 11pm Monday to Sunday.

Licensing Sub Committee B - 1 August 2023

3) That conditions detailed on pages 94 to 97 of the agenda 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 fall within the Clerkenwell 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.

Three local resident objections had been received none of whom attended and one of which had been withdrawn. There had been no representations made by the responsible authorities but conditions had been agreed with the police and noise team.

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

The Sub-Committee heard evidence that the police conditions allowed four people to stand in the restaurant while waiting for a table and to consume alcohol at that point. However, the Sub-Committee accepted that the restaurant was extremely small with 25 covers and no more than four people could be accommodated standing. The premises would operate as a sushi restaurant with specialist Japanese beers and alcohol but was essentially food led. The manager had recently completed a personal licence qualification.

Licensing policy 3, paragraph 21, refers to the significant contribution to the economic prosperity of the borough from businesses in Clerkenwell. Paragraph 23 states the licensing authority has to balance the needs of local business with those of local residents.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote and was appropriate to the licensing objectives and was proportionate. The applicant had rebutted the presumption against granting a new premises licence in a cumulative impact area and the Sub-Committee was satisfied that there would be no negative cumulative impact on any of the licensing objectives.

The meeting ended at 8.40 pm

CHAIR