

London Borough of Islington

**Licensing Sub Committee B - 19 December 2023**

Minutes of the meeting of the Licensing Sub Committee B held at Islington Town Hall, Upper Street, N1 2UD on 19 December 2023 at 6.30 pm.

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

**Councillor Bashir Ibrahim in the Chair**

**88      INTRODUCTIONS AND PROCEDURE (Item A1)**

The Chair introduced all parties and outlined the procedure.

**89      APOLOGIES FOR ABSENCE (Item A2)**

None.

**90      DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

None.

**91      DECLARATIONS OF INTEREST (Item A4)**

None.

**92      ORDER OF BUSINESS (Item A5)**

The order of Business was as per the Agenda.

**93      MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED:**

That the minutes of the previous meeting be agreed as a correct record and the Chair be authorised to sign them.

**94      EDENS CHICKEN COTTAGE, 264 SEVEN SISTERS ROAD, N4 2HY - NEW PREMISE LICENCE (Item B1)**

The Licensing Officer updated the Sub Committee that the hours being sought had been amended during the consultation period and these were detailed in the Agenda Pack. Representations had been received from the Local Authority and Community Safety.

The Local Authority explained that the hours sought were still outside of framework hours and this would be a late-night premises that could attract intoxicated patrons from the surrounding pubs and bars. There had also been previous issues with delivery drivers and their behaviour in this area. There needed to be a process in place to control delivery drivers but there was not much evidence of this in the operation schedule. In response to questions from the Sub Committee the Local

Authority explained that any conditions applied would only be enforceable from 11pm.

Community Safety explained that there was a lot of noise generated by late night venues and this was a residential area. There were also many Anti-Social Behaviour (ASB) issues associated with late night venues such as littering, toileting, idling, illegal parking. Their main concern was surrounding the management of large groups that could gather and the ASB associated with large numbers of delivery drivers. To mitigate these concerns, community safety suggested identifying parking spaces and trained security in the premises to moderate any issues that may occur from drunk patrons and large groups. In response to questions, they explained that non-motorised vehicles help with noise concerns and illegal parking issues. They further explained that other premises in the area such as McDonalds had complied well with these issues and done a lot of work to reduce the impact to residents, there therefore needed to be a clear expectation of what is wanted from the owners.

The applicant's representative explained that they had initially sought hours up to 5am but due to concerns from responsible authorities and residents this was reduced. They had already agreed conditions with the police on non-motorised vehicles. The applicant's representative explained the manager was very experienced, managing a premises in Brent that was open until 5am, this was a comprehensive operation with well trained staff. They further explained they have a good relationship with the delivery drivers and are able to manage them well, so they do not cause any issues. In response to questions the applicant and their representative expressed willingness to restrict deliveries after 11 pm to alleviate concerns about late-night operations. The area had not experienced any problems with anti-social behaviour when closing at 11pm. Regarding neighbouring businesses, the speaker was not familiar with activities outside their own and mentioned a fried chicken shop open until 5am nearby, with uncertainty about its policies. Staffing considerations always included a minimum of three fully trained staff, undergoing training every six months. If the license was granted, similar training would be provided to staff at the Islington premises for late-night operations. The business had been operational for seven years, closing at 11 pm with no issues. Although the manager split time between Brent and Islington, there was an intention to bring trained senior staff to the Islington location.

In summing up the Local Authority and Community Safety still had concerns that there would have been an increase in anti-social behaviour and concerns that the managing of people was not robust enough.

**RESOLVED:**

The Sub-Committee has decided to grant the application for a new premises licence to EDENS CHICKEN COTTAGE, 264 SEVEN SISTERS ROAD, N4 2HY

- 1) The provision of Late-Night Refreshment from Sunday to Thursdays 23:00 to 00:00 and Friday to Saturdays, from 23:00 to 01:00.
- 2) Premises opening hours, Sundays to Thursdays from 10:00 to 00:00 and on Fridays to Saturdays from 10:00 to 01:00.

Conditions detailed on pages 42 to 44 of the agenda shall be applied to the licence with the following amendments:-

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- Removal conditions 3 and 4 under noise service conditions.
- No deliveries beyond 23:00 Mondays to Sundays.

### **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 and an objection by a Ward Councillor but they did not attend. Representations had been made by the Licensing Authority and Community Safety. Conditions had been agreed with the noise team and the Police.

The Sub-Committee noted that the hours sought were not within the framework hours specified in licensing policy 6, although the applicants representative confirmed that the hours had been amended from the original application in accordance with planning permission.

The Sub-Committee heard evidence from the Licensing Authority and community safety. There were significant problems in this location with Anti-Social Behaviour and community safety issues, especially with littering, illegal parking, toileting, intimidating behaviour resulting from large groups loitering (particularly delivery drivers) and noise from individuals impacting local residents. The situation needed close supervision by management, or even SIA security and a dispersal policy.

In response to questions the manager and the representative said they had no problems at the shop and were unaware of any Anti-Social Behaviour issues in the area beyond 11pm as this is when the shop closed. The business operated two fast-food outlets, one in Seven Sisters Road and the other in Brent. The manager split her time between the two premises, but dedicated senior staff would be brought in. The manager was experienced in agreeing with two platforms about delivery drivers, and certain delivery drivers had been banned on occasion from the premises in Brent. However, the representative confirmed that because of the nature of the trade of the Seven Sisters Road premises he would be happy not to have deliveries after 11pm although they would like them.

Training for staff was planned but had not yet been implemented as the license had not yet been granted.

The Sub-Committee considered Licensing Policy 6 paragraph 80. The hours requested were outside of framework policy. 'Applicants for premises licences falling

outside 'those' hours are expected to fully explain in their operating schedule the arrangements that they will put in place, to ensure that the premises will not add to the impact late-night premises may have on the local community'. It was not satisfied that the arrangements devised by the applicant were sufficiently robust, particularly in relation to training of staff. However, it noted the premises had been operating for 7 years up to 11pm with no complaint.

The Sub-Committee was satisfied that granting the premises licence for late-night refreshment for the hours specified in licensing policy 6 was proportionate and appropriate to the promotion of the licensing objectives with the conditions agreed.

**95 THE KING'S HEAD THEATRE, 116P UPPER STREET, N1 1AP (Item B2)**

The Licensing officer explained the applicant had submitted a further document that had been circulated to all parties. They explained there were no local residents present to make verbal representations. Conditions had been agreed with the Police and Noise team.

The applicant explained there had been a long happy 50-year relationship. The theatre had developed local actors and producers and provided a good entertainment space for residents. The theatre productions will carry on in the purpose-built space to lead to more successful and professional productions. The building did have a slightly unusual layout with access gained via upper street but all licensable activities will take place underground in the basement area. All the bars were temporary and moveable structures and there would be no fixed bar. Most shows will be finished by 10pm and patrons are not anticipated to congregate afterwards. There were occasional later shows planned such as comedy and cabaret. The applicant understood there were people living above and their concerns but they did not expect large volumes of people to be leaving late into the night.

In response to questions the applicant explained that the maximum capacity of the venue was 200 seats, with an additional flexible space for around 50 individuals. Full capacity was not expected regularly, reaching the maximum only during theatre performances. Anticipated audience numbers varied depending on the show, with an expectation of a gradual increase in engagement over time. Ticket presales allowed for advance knowledge of attendance, and the venue could be responsive to these numbers with an agreed condition with the police mandated maintaining adequate staff levels. Regarding dispersal, there was a policy in place, with an expectation that people were unlikely to linger after theatre performances. A side exit would be used if two shows were scheduled together and a quick dispersal was desired. The primary intention for the venue was not as a bar but as a theatre that provided drinks, with the expectation that individuals not connected to productions were unlikely to frequent the space regularly. It was also noted that the move to the current premises had been envisioned for at least 10 years.

**RESOLVED:**

The Sub-Committee has decided to grant the application for a new premises licence to THE KING'S HEAD THEATRE, 116P UPPER STREET, LONDON N1 1AP

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- 1) The sale by retail of alcohol, on & off supplies, Mondays to Sundays from 10:00 until 00:00;
- 2) The performance of plays, the performance of live music, the playing of recorded music and the performance of dance, Mondays to Sundays from 10:00 until 00:00;
- 3) The provision of late-night refreshment, Mondays to Sundays from 23:00 until 00:00; and
- 4) The premises to be open to the public, Mondays to Sundays from 08:00 until 00:30 the following day.

Conditions detailed on pages 99 to 101 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 fall within 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.

Seven local resident objections had been received but the residents did not attend. 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 not within the framework hours specified in licensing policy 6.

The applicant explained this was a purpose built space in the Islington square development and it had always been envisaged that this space would be used for the theatre. Although licensing hours had been requested until 00:00 this was to accommodate patrons attending comedy and cabaret shows in the flexible space next to the theatre. 50 people could attend this area and shows would begin at 10pm but maybe only at weekends. The theatre could accommodate up to 200 patrons and shows would generally end at 10pm. There was a dispersal policy and the bar would be available to theatre goers and associates both before, after and during intervals of shows. It was unlikely to attract general members of the public because of its situation inside the premises.

The Sub-Committee considered licensing policy 11, which states 'the licensing authority wishes to encourage more cultural spaces to be opened in the borough so that the cultural offer is widely available and accessible to residents and visitors.'

The Sub-Committee was satisfied that granting the premises licence with the robust conditions agreed would be unlikely to add to existing cumulative impact, and was proportionate and appropriate to the promotion of the licensing objectives.

**96**      **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

The Sub-Committee resolved to exclude the press and public, as the discussion of the following item would likely involve the disclosure of Exempt Information under Schedule 12A of the Local Government Act 1972.

**97**      **REVIEW OF PERSONAL LICENCE**

This minute is exempt from publication under Schedule 12A of the Local Government Act 1972 and Appendix 5 of the Council's Constitution. The reason for exemption is Category 1: Information relating to any individual.

The meeting ended at 8.00 pm

**CHAIR**