

London Borough of Islington

Licensing Sub Committee A - 6 February 2024

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 6 February 2024 at 6.30 pm.

Present: Councillors: Angelo Weekes (Item B1), Bashir Ibrahim and Praful Nargund, Heather Staff (Item B2)

Also Present: Councillors: Clare Jeapes, Nick Wayne.

Councillor Angelo Weekes in the Chair (Item B1)
Councillor Heather Staff in the Chair (Item B2)

70 INTRODUCTIONS AND PROCEDURE (Item A1)

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

71 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Ben Mackmurdie for the meeting and Councillor Heather Staff for Item B1.

72 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Angelo Weekes substituted for Councillor Heather Staff for Item B1. Councillor Bashir Ibrahim substituted for Councillor Ben Mackmurdie for the meeting.

73 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

74 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda. The Sub-Committee noted that Item B3 and Item C1, the matter of urgent business had been withdrawn from the agenda.

75 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 28 November 2023 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

76 LOOM CLUB, UNITS 21, 22 AND 23, THE IVORIES, 6-8 NORTHAMPTON STREET, N1 2HY - NEW PREMISES LICENCE (Item B1)

All parties to the application introduced themselves.

The licensing officer reported that additional papers from the applicant had been circulated to the interested parties and the Sub-Committee members.

Residents spoke in objection to the application. One resident stated that there had been a delay in consultation and residents had not been given time to respond to additional

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papers. There had been a previous application which was refused and subsequently appealed. There was a concern that this was a second application in the absence of an appeal decision. He considered that there was clear advice that this application did not fall within Class E and was therefore unlikely to comply with planning policy. This operation would stray well beyond the hours permitted in terms of the planning consent. A second resident stated that they had enjoyed the quiet amenity of the neighbourhood with no disruption. Residents had less than five working days to make a response to the application and planning concerns had not been addressed. The applicants had stated that they were interested in the local community and neighbourhood but had not spoken to residents about the application. Residents had concerns regarding condition 2 that implied that the premises would be open to anyone booking a private event in advance. The resident also raised concerns that the terminal hour of 10.30pm would go well beyond the planning condition that was set for 7pm.

Three residents spoke in support of the application. One resident stated that the applicant had been involved with many community projects and this was a meticulously planned new business. It was considered that this would attract Islington residents to the business. One resident stated that, with this application he would feel less isolated, and he would be more connected to people in his local neighbourhood. He would be able to spend more time in the area, meet his local community and also use the gym in the premises. He had been to one of the events that had been held and it had been well run. The third resident stated that this would give people the chance to meet new people in the area and also offered a chance for investment in the area.

In response to questions, one resident stated that he had attended a resident meeting that had been held at very short notice. Only some residents had received invitations and he considered that the applicant had not communicated with the community. One resident considered that the lack of planning consent was a material consideration to the application. In response, the legal advisor to the Sub-Committee stated that a lack of planning consent was not a reason to refuse the application. Any enforcement, if necessary, would be taken by the Planning Department and a licensing hearing was held to ensure that the application promoted the licensing objectives. Residents in support considered that this would be a place to bring people together and for local people, who had not been born in the area, to be part of the community.

The applicants' representative stated that this application promoted the licensing objectives. The applicants stated that with the increase in working from home it was hoped that this space would be used to build a sense of community and to share vibrant workspace for hundreds of residents. Loom was built on the core values of localism using local independent businesses. Events such as cooking workshops would be offered. One applicant stated he had lived in Islington for nine years and it had taken some time to feel that he belonged to an area. He was excited to offer this space to residents. He detailed how the fitness classes would operate. The applicants' representative stated that the application had been amended in the spirit of collaboration. The application for recorded music had been deleted and the hours for the sale of alcohol reduced to 10.30pm for alcohol and to 10pm for films. He stated that the application could be further reduced to 10pm Sunday to Thursday for the sale of alcohol. He stated that this was not a bar. The applicant would make available his contact details and wanted to be a contributing part of the community. They had engaged extensively with local residents and the responsible authorities and had held meetings and site visits. The conditions proposed were appropriate and proportionate. There would be a high standard of management and no objections from the responsible authorities. All concerns had been addressed with the numerous conditions. This was not a bar or night club and condition 1 would require authorised licensable activities to be ancillary to the use as a neighbourhood space.

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In response to questions, it was noted that this was a co-working space which would allow residents to avoid the stress of the commute and the social isolation of working from home. It provided wellness classes, strength training and events such as cooking workshops. Prices would start from £145 a month depending on the package. Other similar types of business were on an average of £400. Events held were expected to be a few a week and were for subscribers and their guests up to a limit of four. Subscribers would be able to book in advance and the general public were not able to book. Events with alcohol would not allow underage guests and they would operate Challenge 25. They had previous experience of running events. There would not be ID scanners at the premises but underage would not be allowed after 9pm and they would hold records of members at the premises. They had promoted low alcohol and non-alcoholic drinks in January. There would be no draught beer, but beer and wine would be available and they would hold cocktail making demonstrations. There was a dispersal policy included in the papers, all events would be risk assessed and the aim would be to direct patrons to Essex Road and away from residential properties. Most days members would be leaving gradually. If Ubers were called members would be asked to wait inside. The applicants' legal representative stated that there could be a condition should quiet marshals be required. The community was diverse. There was a strong volunteering programme and it was the aim for local staff to be recruited. They would also be looking to partner with local businesses. Resident meetings could be held within the space. The applicants could only reach out to those resident whose details they knew and residents would need to submit contact details if they wished.

In summary, the residents in objection stated that the application should be refused due to the uncertainties and results of the appeal waited. It was also considered that this was the wrong location for this type of premises on a quiet residential street and condition 2 was worded so that a private party could be permitted.

The applicants' representative stated that they had worked hard to engage and had gone beyond the consultation that was required. This was borne out by the number of residents in support of the application. The applicants wished to foster a sense of community and had put together a very good application. He invited the Sub-Committee to grant the application.

RESOLVED

- 1) That the application for a new premises licence, in respect of Loom Club, Units 20, 22 and 23, 6-8 Northampton Street, N1 2HY be granted to allow:-
 - a) The sale of alcohol (on sales only) on Sunday to Thursday from 12.30pm to 10.00 pm and on Friday and Saturday from 12.30pm to 10.30pm
 - b) Regulated entertainment for films on Sunday to Saturday 11am to 10.00pm
 - c) The proposed opening hours to be Sunday to Saturday from 6am to 11pm
- 2) That conditions detailed on pages 73 to 78 of the agenda shall be applied to the licence with the following amendments:-

Condition 2c to read - Guests attending a private, pre-booked members event.

Condition 15 – first sentence to read. The premises licence holder will risk assess the need to engage SIA Licensed Door Supervisors and quiet marshals.

Condition 38 to read – The premises licence holder shall devise, implement and maintain a Dispersal Policy and a risk assessment for the premises. A copy of both

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(which may be electronic) shall be kept at the premises and made available for both by authorised Responsible Authority Officers on request.

Condition 6 – second sentence to read. This telephone number is to be made available to residents and businesses in the vicinity and placed on the website.

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.

Eleven local residents' objections and ten representations in support of the application had been received. There had been no representations made by the responsible authorities.

The Sub-Committee heard submissions that residents opposing the application were concerned about the increase of people potentially leaving the premises. In their view the premises did not possess the required planning permission and that the application should be refused on that ground.

The Sub-Committee also heard submissions that supported the application and the new business about to open. Their view was that it would provide an opportunity for local residents to engage with each other and have a sense of belonging.

The Licensing Sub-Committee noted that there were no representations from any of the Responsible Authorities.

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

77 ADJOURNMENT

The meeting was adjourned for five minutes at 8.05pm for a changeover of members of the Sub-Committee.

78 ESTHER ANNE PLACE AND 116 UPPER STREET, ISLINGTON SQUARE DEVELOPMENT, N1, EXTERNAL AND COVERED SHOPPING ARCADE AREAS, - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the hours had been amended and were now detailed in paragraph 1.2 of the report. Additional papers had been circulated from a local resident which included a number of conditions. The hours, as amended, were in line with the planning consent hours for the use of the market.

Two local residents spoke in objection to the application. One resident stated that this would create significant noise nuisance in a space that was not suitable. Flats with their bedrooms and sitting rooms overlooked the space. Flats were not built to standards that would withstand amplified music and an impact assessment from the applicant had not been provided. Events held before Christmas were loud and noise levels had not been lowered. Residents had to live with quite unsuitable levels of noise. Restaurants could already serve alcohol outside their premises in that space. The market was currently running on Saturdays only and they did not consider that the applicant required a blanket licence. Residents asked that the licence be a specific licence and linked to the farmers market in order that the licence could not be used if the market was not held. A second resident stated that the developers wanted to develop the area into a mini-Kings Cross but this was not the correct location as there was only one road. The restaurants were able to sell

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alcohol on their tables outside so there was no need for further alcohol to be sold. There was no sound proofing in the buildings. The developer needed to work with residents.

In response to questions, the residents stated that there had been no engagement regarding this application. Residents had sought independent acoustic advice and had asked the applicant to reduce noise levels but had received no response. The flats had been built with a low-grade window system. Residents had raised concerns about noise and had been informed that this was a one-off event. However, they had also been informed that the security team were told to ignore their concerns and this did not give them faith in the developer. They would not be happy to have to report noise and complain about issues. This was not the same type of location as granary square and flats and houses nearby did not have acoustic glazing.

The applicant's representative stated that modest hours had been applied for and had been amended to reflect the planning consent. There had been a temporary event, which was a carol service, which was louder than they would have liked. This ran from 5.45pm to 7.30pm. Films and regulated entertainment had been withdrawn from the application. The application would be subject to conditions and could be reviewed which could impact the deregulation of licensable activities. The hours requested were modest, the conditions extensive and the application had been revised following the comments made.

In response to questions, it was noted that the planning consent allowed markets on Fridays to Sundays. Hours and restrictions, as agreed through the planning process, were now sought. A couple of meetings had been held with local residents and there was a further one to be held in February/March. There had been no instruction to the security team to ignore local resident complaints. There were 3 or 4 security officers for 24 hours per day. If there was a larger event, additional security would be required. Since the event at Christmas there was a more direct escalation process for a simpler and quicker response for resident complaints. The applicant stated that they could also accompany residents to their properties to listen to noise disturbance. The applicant noted that the Council encouraged non-combustible vehicles to help with noise disturbance. The police had not made any comments regarding the strength of alcohol sold but it was likely that stalls would be selling artisan individual products rather than mass produced alcohol. There might be tables near stalls where craft beer could be drunk but these would not be bars. Alcohol sold would need to be part of a market.

In summary, the local resident stated that the application did not specifically link alcohol to the market and the Sub-Committee was urged to consider this. The cumulative impact was relevant as the proximity was close to homes. The noise service could monitor noise in flats. Without strict conditions there would be many complaints. The applicant needed to engage with residents.

The applicant accepted there had been a couple of noisy events. The application had been amended. The sale of alcohol was ancillary to the use of the market. Conditions offered protection from noise. The applicant would be concerned about limiting the abv% of alcohol as this may restrict the sale of craft alcohol, and other alcohol that stall holders may wish to sell. The sale of alcohol would be ancillary to the use of the market.

RESOLVED

- 1) That the application for a new premises licence, in respect of the external and covered shopping areas, Esther Anne Place and 116 Upper Street, N1 1AP, be granted to allow the sale by retail of alcohol, on and off supplies, Fridays from 12 noon until 7pm, Saturdays from 10am until 5pm and Sundays and Bank Holidays from 11am until 5pm.:-

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- 2) That conditions outlined pages 195 to 198 of the agenda be applied to the licence with the additional conditions:-
- The sale of alcohol is restricted to when there is a market held on the premises with market stalls.
 - Condition 34 to read. In the event of a noise/nuisance complaint substantiated by an authorised officer, the premises licence holder shall take **prompt** appropriate measures in order to prevent any recurrence.
 - The premises licence holder shall hold quarterly residents' meetings.

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 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.

Twenty-nine local resident objections had been received and two from local resident associations. There had been no representations made by the responsible authorities.

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

Two residents made oral submissions to the Licensing Sub-Committee. Their concerns were noise emanating from the venue and that the residential premises surrounding the square were not built to withstand noise from the music that the licensee would be permitted to play while selling alcohol on the premises.

The concern was that the venue would be used for events in addition to farmers markets. Farmers markets are currently held at the premises on Saturdays, but the applicants' representative informed the Licensing Sub-Committee that additional farmers markets may be held on the other days that apply to this licence.

The concern of the residents was also their assessment that they could never get hold of anyone responsible at the venue to report noise complaints to and that when these were reported management took a long time to respond.

The Licensing Sub-Committee noted that none of the Responsible Authorities submitted any representations.

The Sub-Committee concluded that the granting of the licence with the additional conditions would promote the licensing objectives and deal with the concern of the residents that the licence should only apply when there was a market with market stalls. 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 proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

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

79 YARD SALE PIZZA, 6 DARTMOUTH PARK HILL, NW5 1HL - NEW PREMISES LICENCE (Item B3)

The Sub-Committee noted that this item had been withdrawn from the agenda.

80 DRIP, 27 CLERKENWELL ROAD, EC1M 5RN - TEMPORARY EVENT NOTICE (Item C1)

The Sub-Committee noted that this item had been withdrawn from the agenda.

The meeting ended at 9.45 pm

CHAIR