

Licensing Sub Committee D - 30 January 2024

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 30 January 2024 at 6.30 pm.

Present: **Councillors:** Spall (Vice-Chair, in the Chair), Bossman-Quarshie, Wayne.

Councillor Spall, Vice Chair, in the Chair

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

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

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

Apologies for absence were received from Councillor Graham and Councillor Jeapes.

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

Councillor Wayne substituted for Councillor Jeapes, and Councillor Bossman-Quarshie substituted for Councillor Graham.

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

There were no declarations of interest.

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

The order of business would be as per the agenda.

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

RESOLVED

That the minutes of the meeting held on the 7th September 2023 and the minutes of the meeting held on the 27th September 2023, be confirmed as a correct record and the Chair be authorised to sign them.

68 **FILO, 81 HOLLOWAY ROAD, LONDON, N7 8LT - NEW PREMISES LICENCE (Item B1)**

The Licensing Officer was asked to report any additional updates to the Sub Committee. In response, the Sub Committee were informed that supporting documentation had been forwarded to all parties, and that the only other significant update, was that the applicant had indicated that they wanted to revise the hours listed on the application. The applicant's legal representative confirmed this to be the cessation of licensable activities at 00:00, including the sale and retail by alcohol, and the closing of the premises at 00:30, seven days a week. Late night refreshment would be until closing time (00:30) each day. The hours for New Year's Eve would remain the same and anything needed outside of that would be applied for through a Temporary Event Notice.

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In the Interested Parties' verbal representation to the Sub Committee, it was stated that there was no objection to the use of the premises in general, but that there had been historical issues with other premises in the vicinity. The interested parties cited that they were happy that the applicant had provided concessions, but that the Licensing Policy's framework hours had stipulated a closing time of 11pm. The Interested Parties also expressed concern with the length of the delivery window and the potential for noise disturbance to neighbouring properties, adding to existing noise disturbance from existing late-night establishments.

In their verbal representation to the Sub Committee, the applicant's Legal Representative stated that the establishment was a passion project for the applicant, who aimed for it to be a successful cultural venue that was part of the community; it was also highlighted that there had been an existing licence that had lapsed in January and the initial request was for the original hours granted in that licence but the applicant was flexible. It was also stated that the applicant would explore all possible mitigation measures to reduce disturbance, including double glazing, and that dispersal policies would be agreed with the Noise team to ensure they were fit for purpose and if granted, the applicant would be obliged to appoint a noise consultant and noise control measures.

Responding to the interested parties' concerns, the Legal Representative acknowledged that it was a wide delivery window that was proposed, but that delivery to and collections from the premises were not always something that could be dictated by the applicant. However, it was stressed that the applicant had recognised the potential noise disruption from glass deliveries/collections and thus had elected to sell beer almost exclusively in draught.

The Legal Representative also noted the premises was small in size and that the doors would be comprehensively managed; and that the proposed measures had been accepted by the Police, including the match day conditions in which they had been guided by the Police.

Responding to why the premises would be open to midnight, the applicant stated that this was to allow flexibility for greater hospitality, and that the kitchen would be closed by 10pm.

The Sub Committee asked the applicant why the alcohol cut-off was beyond the framework hours, when the kitchen would be closed by 10pm and whether it would significantly affect business if it was pulled back to 11pm. The applicant responded that it would not significantly affect business, but it had been sought to be flexible in catering to special occasions such as birthdays and weddings. In a typical month there would be about five. The Sub Committee asked the applicant whether it was intended to offer takeaway meals from the premises, to which the applicant responded that it was, during the time that the kitchen was open.

The Sub Committee asked the applicant whether a condition restricting the off-licence supply of alcohol to 10pm, would cause issues to the viability of the business, to which the applicant responded that it would not.

The Sub Committee asked whether the applicant envisaged vertical drinking taking place on the premises, to which the applicant advised that it was not their intention, but that they also did not to restrict customers from doing so.

In Summing Up, the interested parties said that they were pleased that an independent noise consultant was proposed to be appointed and that were this premises to function within framework hours there would be no objection. However, there was concern that given

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the premises was in close proximity to residential properties, the granting of hours beyond the licensing framework would encourage more special late-night occasions at the premises, which would cause further noise disruption to that which was already experienced from the other late-night establishments in the area.

In summing up, the Legal Representative for the applicant stated that in a further token of good faith, the applicant was willing for the Sub Committee to restrict the hours to that set out in the policy.

RESOLVED

- 1) That the application for a new premises licence, in respect of Filo, 81 Holloway Road, London, N7 8LT, be granted to allow:-
 - a) The sale by retail of alcohol on supplies from 10:00 until 23:00 Sundays to Thursdays, and Fridays and Saturdays, from 10:00 until 00:00.
 - b) To allow the sale by retail of alcohol off supplies from 10:00 until 22:00 Sundays to Thursdays and Fridays & Saturdays from 10:00 until 23:00.
 - c) The playing of recorded music, Sundays to Thursdays from 10:00 until 23:00 and Fridays & Saturdays from 10:00 until 00:00.
 - d) The performance of live music, Mondays to Sundays from 10:00 until 23:00.
 - e) The premises to be open to the public from 10:00 until 23:00 Sundays to Thursdays, and Fridays and Saturdays, from 10:00 until 00:00.
Licensable activities to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
- 2) That conditions outlined in Appendix 3 and detailed on pages 76 to 79 of the agenda be applied to the licence, with the additional condition that the licensee shall ensure that no internal combustion engine vehicles are used for deliveries from the premises.

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.

The Sub-Committee noted that conditions had been agreed with the Police and Noise Team. Twelve local resident objections had been received. There had been no representations made by the responsible authorities.

The applicant clarified that, having reviewed the written representations of the residents, it was amending the hours sought in its application to 00:00 each day for the sale of alcohol (both on and off supplies) and recorded music and to 00:30 for late night refreshments and closing and would be prepared to restrict further if required.

The Sub-Committee heard evidence from the residents that they had experienced ASB and noise from other local premises and that they were concerned about the hours sought and how the premises would disperse customers. The residents sought confirmation how

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deliveries would be managed and nuisance mitigated, particularly on match days. The residents stated that they appreciated the concessions made by the applicant and would be content with the hours sought if they mirrored those in License Policy 6.

The Sub-Committee heard evidence from the applicant's representative that the reduction of hours was an indication of her willingness to work with the community. Conditions had been agreed for the mitigation of noise including the appointment of a noise consultant and doors and windows to be closed. The premises was relatively small with 45 covers, the applicant would manage ingress and egress from the premises and had agreed a dispersal policy for match days to mitigate nuisance. Beer would also almost exclusively be sold in draught to minimise nuisance from glass.

The applicant explained that the kitchen would close at 10pm, including takeaway deliveries, and the additional time sought was to allow customers to finish meals and disperse and also to allow flexibility on special occasions which were infrequent. In summing up, the applicant agreed to further restrict the hours sought to those contained in License Policy 6.

The Sub-Committee noted the comments of the local residents and that the applicant had showed willingness to address the issues raised.

The Sub-Committee was concerned given the representations from residents and cumulative impact associated with noise and anti-social behaviour at night, why off sale supplies of alcohol should be granted beyond the hours of kitchen closure and takeaway deliveries, particularly on weekdays. The applicant accepted that restricting this to 10pm would not cause any issues. The Sub-Committee also considered Licensing Policy 23 and 25 and concluded that an additional condition to ensure non-motorised vehicles were used for deliveries would promote the licensing objectives and mitigate any nuisance.

With the amended hours and conditions agreed with the applicant and added by the Sub-Committee, it was determined that there would be no negative cumulative impact on any of the licensing objectives and the presumption against granting the licence was rebutted.

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

69 BRUNCH ON THE GREEN, UNITS 1-3, 34 ISLINGTON GREEN, LONDON, N1 8EU - NEW PREMISES LICENCE (Item B2)

The Licensing Officer was asked to report any additional updates, which there were not. There were also verbal representations from interested parties or responsible authorities.

In their verbal representation to the Sub Committee, the applicant highlighted that they were a very small restaurant applying for the sale of alcohol between 11am and 10.30pm. The applicants stated that they operated another restaurant in the London Borough of Haringey, of whom had granted them a similar licence.

The applicants also highlighted that they had responded to objections accordingly and also managed to obtain signatures of support from neighbours in close proximity of the premises. The applicants clarified that there would be no vertical drinking from the premises as it was an extremely small space and would be sit down service only. The applicants also clarified that despite the name 'Brunch' featuring in the title, the business did not want to restrict itself to just brunch hours, as it had to remain competitive. The applicant stated that they were not anticipating selling vast list of alcohol and spirits, that the

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environment would be ambient with no live music, and the business's presence in the area would boost safety through footfall and CCTV on the door.

In terms of why the licence was needed up to 11pm, the applicant stated that this was to manage demand. Addressing an objection received about potential waste, the applicant stated that as an existing coffee shop at the premises, they already have waste management procedures in place, but this can be altered if required.

The Sub Committee asked the applicant what the alcohol offer would be, to which the applicant responded that it would be mostly wines or cocktails as there physically was not the space to store beer and the business was primarily focused on food.

The Sub Committee asked the applicant how they would manage large groups of customers congregating outside the premises, to which the applicant responded that they had a private outdoor space that had not been included on the plan, which would help with mitigate against patrons impeding residents' access to neighbouring properties.

The Sub Committee asked the applicant how they would mitigate sound outside, to which the applicant advised that they would have signs reminding patrons to not be too loud and that there would also be a booking system. The applicant stated that they had also engaged with the community and had the support of residents.

In summing up the applicants stated that they were trying to do something different to survive as a business and also adapting to the community.

RESOLVED

- 1) That the application for a new premises licence, in respect of Brunch on the Green, Units 1-3, 34 Islington Green, London, N1 8EU, be granted to allow:-
 - a) To allow the sale by retail of alcohol, on supplies only, Mondays to Sundays from 11:00 until 23:00
 - b) To allow the premises to be open to the public, Mondays to Sundays from 07:00 until 23:00
- 2) That conditions outlined in Appendix 3 and detailed on pages 115 to 117 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 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 noted that there were no representations from relevant authorities and conditions had been agreed with the Police and Noise Team. Two local residents and one local councillor had made a written representation, but none were present at the hearing.

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

The Sub-Committee heard evidence from the applicant that the premises was a small coffee shop and intended to offer alcohol with meals such as wine with cheese boards. There would be no off sales and no vertical drinking within the premises. The hours sought were modest and provisions already in place for non-disruptive deliveries to the premises.

The Sub-Committee concluded that this case fell within the exceptions to the cumulative impact policy in that it was within framework hours, not alcohol led, and had conditions in place to prevent vertical drinking. 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 licence.

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

The meeting ended at 7.59 pm

CHAIR