

London Borough of Islington

Licensing Sub Committee A - 16 April 2024

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 16 April 2024 at 6.30 pm.

Present: **Councillors:** Heather Staff (Chair), Mackmurdie and Nargund

Councillor Heather Staff in the Chair

81 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.

82 APOLOGIES FOR ABSENCE (Item A2)

There were no apologies for absence.

83 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

There were no declarations of substitute members.

84 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

85 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

86 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 6 February 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

87 EXCLUSION OF THE PRESS AND PUBLIC (Item)

RESOLVED that Item B1 be held in private session as it contained exempt information as specified in paragraph 1 of Schedule 12A of the Local Government Act 1972, namely information relating to any individual.

88 PERSONAL LICENCE - PROPOSAL TO REVOKE (Item B1)

The licensing officer reported that there were no additional papers.

The police stated that the licensee was an Islington licence holder. There were two relevant convictions under s132 to consider and sought revocation of the licence.

The licensee apologised for the offences. He thought that he had notified the Licensing Authority about the most recent offence. He asked that the Sub-Committee consider the suspension of his licence rather than a revocation.

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In response to questions, he stated that the loss of his driving licence had already affected his work as he worked late. He did not know whether or not he would lose his job if he no longer held a personal licence. He had a wife and two children to support. He outlined the circumstances around his offences and stated that if he lost his licence it would make a large difference to him financially.

RESOLVED

That the personal licence be revoked.

REASONS FOR DECISION

The Sub-Committee considered all the evidence and the Home Office guidance.

The Sub-Committee considered a proposal from the Metropolitan Police on behalf of West Mercia police to revoke a personal licence following the licence holders' conviction for a relevant offence.

The Sub-Committee heard evidence from the Police that the licence holder was convicted of driving with excess alcohol and the licence holder had failed to notify the Licensing authority of the conviction.

The Sub-Committee heard evidence from the licence holder that he accepted that he had done something wrong, he thought that he had notified the Licensing Authority of the conviction and that he would appreciate a suspension rather than revocation. The licence holder stated that at the time of the 2016 offence he was not a dps and his mind was elsewhere as his wife was due to have their first child. At the time of the second offence in 2023, his uncle had just passed away and he could not get back to Australia, he had gone for a drink with friends and had one beer too many. The loss of his driving licence had already affected his work and he did not know if there would be a different position available for him in the company if he lost his personal licence.

The Sub-Committee noted that the licence holder had pleaded guilty and was now 'holding his hands up' and acknowledging his mistakes. However, the seriousness of the offence and the fact that it was not properly reported to the Licensing Authority, led the Sub-Committee to conclude that the licence should be revoked in line with the recommendation of the Police, rather than suspending the licence for a period. The Sub-Committee considered it was proportionate and necessary to revoke the personal licence in order to uphold the licensing objectives.

89 PROPER TACOS, UNIT 6, NAGS HEAD MARKET, 22 SEVEN SISTERS ROAD, N7 6AG - NEW PREMISES LICENCE (Item B2)

The licensing officer advised that an additional letter from the applicant, which had been sent to the representatives, had been circulated.

The local resident stated that there had been a history of licensing applications for the Nags Head market. The upper floor of the market had a number of licensed premises and now this was an application for the ground floor. There were too many licensed premises outlets and residents did not want any more. The granting of this licence would add to the cumulative impact and increase problems with crime and disorder. The upper floor was heavily conditioned and he was concerned that another licence would turn the market into a bigger drinking venue. The market was not well run and the applicant would not be able to control all the entrances and exits.

In response to questions, the resident stated he had seen no improvement in the market and licences granted to the upper floors had not worked. He considered that the heavy

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conditions had stifled business to the upper floors. He stated that the pub on the corner had always been there and McDonalds had a 24 hour licence. Delivery bikes and uber drivers congregated. He considered that the applicant would not be able to overcome cumulative impact. He considered that there was now more litter from food outlets on the upstairs level and it attracted Deliveroo and Ubers. Vehicles had to pull up in Hertslet Road as Seven Sisters Road was a red route. He was concerned that the market operator would make multiple applications on the ground floor further increasing the licences in the market.

The applicant stated that he was applying for this licence independently of the market operator. He had run pubs for ten years and had spent 15 years in hospitality. He had been in the market for 18 months and the market had not been invested in over recent years. He was running a small kitchen with enough room for 6 seats in the front. Alcohol was ancillary to food and customers would not be served alcohol without food. He would remove the chairs when busy and would not serve alcohol during this time. They would be removing the deliveries so that the quality of food could be controlled. The market was strict with its closing times. Traders found it hard to be a successful business. He was a pub manager and had a personal licence. Alcohol could only be sold by a personal licence holder. It would be a better space if traders were experienced and could control the flow of alcohol. There would be no patrons standing and drinking alcohol. Security was available if needed on the upper floors. He had CCTV and the market also held CCTV. Any music played would not be amplified.

In response to questions, he stated that he would be selling mainly bottled Mexican beers and lagers. He would be happy limiting spirits and food to be with beer. He would be moving people on who were eating. He did send people upstairs for alcohol and they could be seated upstairs. If they were busy they would remove the chairs outside. They were usually quieter between 3 and 5pm. They would explain about the Mexican food. They were getting busier due to social media but tending not to be so busy on a Wednesday and Thursday lunchtime. They had a dedicated person on the floor. Alcohol would be kept where the customers were seated. He had a personal licence and would be the responsible person. When asked about selling no spirits, he stated he would be happy to do that.

The resident considered that the applicant should move to the upper floor in a space that was already designated for the sale of alcohol. He was concerned about the crowds on match days and how they would be managed by the applicant.

The applicant stated that he was happy in the location in the market and could control his customers. He offered a Mexican experience. If there were crowds, the tables would be removed and he would not be selling alcohol once the tables were removed.

RESOLVED

- 1) That the application for a new premises licence, in respect of Proper Tacos, Unit 6, Nags Head Market, 22 Seven Sisters Road, be granted to allow:-
 - a) the sale of alcohol, on and off the premises, Mondays from 12 noon to 8pm, Tuesdays to Thursdays from 12 noon to 9pm, Fridays and Saturdays from 12 noon to 10 pm and on Sundays from 12 noon to 5pm and on Bank Holidays from 12 noon to 4pm;
 - b) Premises to be open to the public on Mondays from 8am to 8pm, Tuesdays to Thursdays from 8am to 9pm, Fridays and Saturdays from 8am to 10pm and on Sundays from 8am to 6pm and on Bank Holidays from 10am to 4pm.
- 2) That conditions outlined in appendix 3 and detailed on pages 61 to 63 of the agenda be applied to the licence with the following addition:-

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- That no spirits be sold on 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 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 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.

Conditions had been agreed with the police and the noise team. Three local residents and one ward councillor objection had been received.

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

The Sub-Committee heard evidence from one of the local residents that the Nags Head Market had quite a history of licensing applications. The local resident acknowledged that those previous applications may not be linked to the current applicant, but was placing the application in a bigger picture. Residents were concerned about the turnover of vendors on the ground floor. The Nags Head was a major transit point and the area already had too many licensed restaurants and shops. The area was really busy with a lot of crime and noise and residents did not want any more. The local resident stated that his children could not sleep due to shouting and other noise and he and other residents were affected by drunken people peeing on walls and vomiting. The fear was that the market operator was behind this application and that if the application were to be granted all the other eateries on the ground floor would then apply.

The Sub-Committee heard evidence from the applicant that the market operator was not backing his application. The applicant had fifteen years' experience in the industry. The premises had a 3x3 m kitchen and a 1x3 m area at the front with six seats. Alcohol was ancillary to food; customers would have to eat food to order alcohol. When the premises got busy, the seats would be removed and no alcohol would be sold. The applicant stated that they would not be using delivery platforms. Only a personal licence holder would be able to sell alcohol and at the moment that meant that it was just him, as he was the only personal licence holder working at the business. The market needed experienced people to take control and make it a better place. The business employed one dedicated person on the floor to take orders who would know exactly where people were and whether they were drinking. People would not be allowed to take drinks elsewhere in the market. The applicant

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stated that the premises would only be selling specialised products and that it was not vital to the business and he would be happy to limit tequila sales.

The Sub-Committee concluded that, with the conditions agreed with the responsible authorities and an additional condition limiting the sale of spirits, granting the licence would promote the licensing objectives.

The Sub-Committee noted the small size of the premises, that the hours sought were within framework and that the applicant had indicated that there would be periods during those hours when alcohol would not be sold. Conditions had been agreed that alcohol could only be served with food, that there would be no vertical drinking and there would be a maximum capacity of six people dining with alcohol.

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.

90 **WEMIMZ AT POST OFFICE, 116-120 SEVEN SISTERS ROAD, N7 6AE - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that details were as detailed in the papers. There had been one objection from a local ward councillor.

The applicant stated that she had taken over the post office. There had been poor customer service previously and she had spent the first year looking at the dynamics of the business and considering a wider range. She wanted a one stop shop for customers. The post office had told her to maximise her space. To limit the cumulative impact she had installed CCTV, would ensure staff were trained, she held a personal licence and her niece was working towards obtaining one. Deliveries would be early as the road was on a red route. She did not intend the premises to be open until 10pm. Staff would be trained not to sell to drunk customers. There was only one fridge for alcohol. She stated that the premises would not be a nuisance to the community.

In response to questions, she stated she would not be selling alcohol on match days. She felt that the retail part of the business would keep it sustainable. The post office was a needed service in this area. One of her staff was obtaining an SIA licence. The premises would have two staff at all times. She had CCTV and she hoped that the business would grow and that the community could still have a much needed local post office.

RESOLVED

- 1) That the application for a new premises licence, in respect of Wemimz at the Post Office, 116-120 Seven Sisters Road, N7 6AE be granted to allow:-
 - a) The sale of alcohol off the premises, Mondays to Fridays from 10am to 10pm and on Saturdays from 8am to 10pm and on Sundays from 10am to 8pm;
 - b) The premises opening hours to be Mondays to Saturdays from 8am to 10pm and on Sundays from 8am to 8pm.
- 2) That conditions detailed on pages 93 to 95 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.

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The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Holloway 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 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.

The Sub-Committee took into consideration licensing policy 6, particularly in respect of premises with off licences which are in close proximity to or in high-risk areas.

Conditions had been agreed with police and trading standards. One local ward councillor objection had been received. The Sub-Committee noted the content of the representation from the Ward Councillor.

The Sub-Committee heard evidence from the applicant that she was the post mistress at the premises and had been in that position for around two years. She had spent at least a year looking at the dynamics of the business, and how to sustain a post office in the area for the community. She had been told by the post office that she needed to maximise the space available to her. She was aware that a retail store fell within the cumulative impact area and had put things in place to minimise this. The premises had extensive CCTV coverage and would be operating Challenge 25. Deliveries would be taking place at 7am and not during the day as premises are on a red route. Police conditions regarding match days had been agreed but she was happy to say that the premises could do without selling alcohol at all on match days. The premises were not alcohol led, only one out of six fridges would have alcohol in it and customers would have to walk in a 'U' shape to get to it. The applicant stated that one of her staff was training to get a full SIA licence.

The Sub-Committee concluded that with the extensive conditions agreed, the premises would not add to the cumulative impact. However, the Sub-Committee noted that the premises were in close proximity to a primary school. Licensing policy 4 states that premises that are not near schools may fall within an exception to the cumulative impact policy for off licences. Licensing Policy 6 provides framework hours for premises with off licences in close proximity to or in high-risk areas. The Sub-Committee concluded that a reduction of the start time from 8am to 10am in line with Licensing Policy 6 would help to ensure that the premises did not add to the cumulative impact.

The Sub-Committee concluded that the granting of the licence with the agreed 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.

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DONNAMU, 27 BARON STREET, N1 9ET - NEW PREMISES LICENCE (Item B4)

The licensing officer reported that conditions had been agreed with the Responsible Authorities and hours had also been amended. The applicant engaged with residents and as a result one representation had been withdrawn leaving one representation remaining.

The applicant advised that he had a small dining space and he had invested in double glazing and sound proofing. Staff would monitor the outside area and wanted minimum disruption to neighbours. He had reduced the hours applied for with a limit to late nights at the weekends only. There would be no delivery services. Alcohol would be served alongside a full dining service and customers would be encouraged to remain seated. Customers would include families rather than people solely focussed on drinking.

In response to questions, he advised that neighbours could be supplied with his number in case of issues. Alcohol was ancillary to food. CCTV had been installed both inside and outside.

RESOLVED

- 1) That the application for a new premises licence, in respect of Donnamu, 27 Baron Street, N1 9ET, be granted to allow:-
 - a) The sale of retail of alcohol, on supplies only, Sundays to Wednesdays from 12 noon until 11.30pm and Thursdays to Saturdays from 12 noon to 1am;
 - b) The provision of late night refreshment Sundays to Wednesdays from 11pm until 11.30pm and on Thursdays to Saturdays from 11pm until 1am;
 - c) The premises to be open to the public Sundays to Wednesdays from 12 noon until midnight and Thursdays to Saturdays from 12 noon until 1.30am.
- 2) That conditions outlined in appendix 3 and detailed on pages 128 to 130 of the agenda be applied to the licence with the following addition:-
 - A telephone number be supplied to neighbours in case of disturbance.

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 Kings Cross 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.

Amended hours had been agreed with the Licensing Authority. Conditions had been agreed with the police, noise and trading standards. Three local resident objections had been received but two had withdrawn. The Sub-Committee noted the content of the objection from the local resident.

The Sub-Committee heard evidence from the applicant that the premises were a small dining space. He had invested in double glazing for sound proofing and staff would be

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monitoring the outside area. He was committed to having regular meetings and feedback sessions with residents. There would be no deliveries. He was happy to give his telephone number to neighbours who had any issues. There was CCTV outside and inside the premises.

The Sub-Committee concluded that with the extensive conditions agreed, together with an extra condition regarding the provision of a contact number, granting the licence 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, 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 9.30 pm

CHAIR