

# **MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON WEDNESDAY, 5TH MAY, 2021, 7.00 PM - 8.55 PM**

**PRESENT:** Councillor Gina Adamou (Chair), Councillor Viv Ross, and Councillor Yvonne Say.

## **1. FILMING AT MEETINGS**

The Chair referred to the notice of filming at meetings and this information was noted.

## **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **3. URGENT BUSINESS**

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

## **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **5. APPLICATION FOR A NEW PREMISES LICENCE FOR GREENSIDE HOUSE, 50 STATION ROAD, LONDON N22**

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for Greenside House, 50 Station Road, London, N22. It was explained that the application requested a licence for the sale of alcohol on and off the premises from 1000 to 2300 hours on Monday-Saturday and 1100 to 2230 hours on Sunday. The premises would be open from 0000 to 0000 hours Monday-Sunday; the site was an office building with 24 hour access for office workers but would not be open to general members of the public except for the ground floor. It was noted that the applicant had submitted additional supporting documents which included a brochure and a letter outlining some additional information and amendments to the application.

The amendments to the application for a new premises licence put forward were:

- The application, as amended, would only allow the sale of alcohol on the ground floor. There would be no licensable activities in the rest of the building and both terraces were excluded from off sales.

- Off sales would be restricted to consumption within the premises at 50 Station Road, London, N22 7TP and would not be permitted to be taken outside of the premises, including the terraces or any external areas.
- The fifth floor terraces were no longer part of the application. There would be no alcohol sold or consumed on the fifth floor terraces which was purchased on the premises. There would be no regulated entertainment and there were no loudspeakers on the terraces.
- The applicant had agreed a condition proposed by the Environmental Health Officer that the terraces would only be open until 2100 hours Sunday-Thursday and until 2200 hours Friday-Saturday.
- A full CCTV system would be installed, including an additional camera covering the area at the front of the building. The applicant had agreed conditions proposed by the Police and Trading Standards.
- Prominent, clear notices would be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

The Licensing Officer explained that representations had been received from a number of residents and a ward councillor, Councillor Peter Mitchell, and these were set out in full in the report. It was also noted that the relevant laws and guidance were listed in the report, from section 3 onwards. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, it was noted that:

- The building had been in existence for a number of years but had been subject to a change of management. It was also noted that the building design had not changed but that there had been some alterations to the terrace under the planning regime.
- The application now proposed that the sale of alcohol would only be permitted on the ground floor. It was acknowledged that licences could not seek to manage customer behaviour outside the premises but that customers who remained within the building would still be under management control.
- It was confirmed that alcohol would only be sold to office tenants, co-working members, office members, virtual office members, persons attending a private pre-booked event or function, directors and employees of the licence holder and its affiliated companies, persons who have pre-booked a meeting room, day-pass visitors, and guests of the aforementioned.

In response to questions from objectors, it was noted that:

- A platform had been installed on the fifth floor patio and residents expressed concerns that they had not been consulted. The Licensing Officer explained that the Committee could not consider planning issues as part of its decision

The representatives for the applicant, Alun Thomas (Solicitor), Christina Ronsyn (nominated Designated Premises Supervisor), and Rhiannon Heseltine (Food and Beverage Manager), addressed the Committee. Alun Thomas explained that Clockwise provided offices and their ethos was to bring like-minded people together to

work and collaborate. He stated that the purpose of the application was to allow the sale of alcohol on the ground floor only, through the café. It was explained that the primary income source for the business was membership fees and that the turnover from the café was minimal, with the average takings from alcohol sales being about 5-8% of the café's takings. It was noted that anyone entering the building was required to go past the reception desk.

Alun Thomas stated that the café was mainly used by people who worked in the building but it was envisaged that the café could be used by the public and local residents. It was explained that food and drink could be taken from the café to workspaces in the rest of the building and that, if this related to the sale of alcohol, this was technically an off sale. It was stated that alcohol would not be permitted on the terraces or external spaces and that, except for the ground floor, there was no public access to the building, terraces, or external spaces. It was commented that the management would undertake best endeavours to prevent alcohol being taken onto terraces or external areas and that the applicant would agree a condition to this effect. In addition, it was explained that it would be a condition of membership that members could not take alcohol onto the terraces or external areas.

Rhiannon Heseltine explained that she was in charge of food and beverage. It was noted that the café provided food and drink options, was open from 7.30am-5pm on Monday-Friday, and accommodated 50 seats. It was commented that the café could provide hospitality options for lunches but that the majority of sales were coffee.

Alun Thomas clarified that the terraces were not a part of the licensing application and that the applicant was not seeking any entertainment or regulated activity in this area. It was noted that the terraces had been used by a previous business on site but that, as they had not sold alcohol, this was not covered by the licensing regime. It was commented that the applicant did not wish to cause any nuisance to residents and had agreed a number of conditions proposed by responsible authorities, including restricted use times for the terraces.

Alun Thomas stated that a number of the representations were not relevant to the licensing objectives, such as parking, traffic, and the protection of wildlife. It was noted that the applicant had heard the representations from local residents, the majority of which related to the prevention of public nuisance licensing objective, and had amended the application accordingly.

In response to questions from the Committee, it was noted that:

- Other Clockwise offices had alcohol licences as it was a convenient amenity to provide to members. It was stated that Clockwise aimed to provide a professional environment and so the management monitored this and stringently addressed any anti-social behaviour.
- Alun Thomas confirmed that the applicant agreed to a Challenge 25 policy.
- It was noted that the building was not open to the public except for the ground floor. It was explained that the café was not advertised but that the applicant did not want to preclude public access, for example where it would encourage people to take up memberships. It was highlighted that any members of the public would have to come through reception.

- Christina Ronsyn noted that she was a countrywide manager but was on this site whilst the café was being fitted. It was explained that she was currently listed as the Designated Premises Supervisor (DPS) until a site manager was appointed and added as a DPS in due course.
- Alun Thomas stated that he was not aware of a planning application in relation to the terrace. It was clarified that events in the building would not involve alcohol on the terraces. Christina Ronsyn explained that there would likely be a couple of events per month and that these events would primarily provide wellbeing and networking opportunities for members. It was added that the majority of members were young entrepreneurs who wanted professional exposure.

In response to questions from objectors, it was noted that:

- The proposals stated that there would be no alcohol sold or consumed on the terraces that was 'purchased on the premises'. Alun Thomas confirmed that the licence holder would also agree to undertake best endeavours to prevent the consumption of alcohol on the terraces or any external areas. It was noted that the consumption of alcohol alone was not a licensable activity and could not be conditioned but that it was in the interest of the business to prevent alcohol consumption in these areas. It was added that anyone booking the space would not be permitted to have alcohol on the terrace and this would be addressed as part of a contractual agreement.
- In relation to the opening hours of the terrace area, it was noted that the applicant had met with the Environmental Health Officer who had proposed that the terrace should not be open after 2100 hours on Sunday-Thursday or after 2200 hours on Friday-Saturday. It was explained that the offices were open 24 hours a day and that, increasingly, people worked at different times; the terrace was used by members for fresh air or for cigarette breaks. It was clarified that the applicant had not specifically chosen to have a later closing time on Friday and Saturday but these were the times suggested by the Environmental Health Officer.

The Committee received representations from objectors who either presented their objections or supported the objections of others.

- Frank Hanley, Railway Cottages Residents' Association, stated that, if alcohol was sold in the building and the roof terraces were available, inebriated people would gravitate towards the roof terraces. There were concerns that the applicants would not be able to guarantee that there would not be inebriated people on the terraces at 10pm. Alun Thomas stated that members generally did not use the offices in this way. It was noted that the café did not have a large selection of alcohol and nearby pubs were better suited for this. It was added that there were staff on the premises and that memberships could be revoked if members were engaged in anti-social behaviour.
- A written statement from Nigel Scott, local resident, was read by Frank Hanley. It was noted that Nigel Scott had lived in the area for over 30 years and had worked in a serviced office, similar to Greenside House, for over 20 years. He felt that the application had inconsistencies and should not have been made. He stated that the provision of alcohol fostered a culture that it was acceptable to drink in the workplace and that this was unhelpful for anyone with an alcohol addiction and was at odds with the provision of a caring, creative environment. It was noted that the previous business on the site had held one summer event each year on the roof terrace and that the noise could be heard by all residents. There were concerns

that the applicant was proposing to use the terraces every day as this would negatively impact residents, including children who were trying to sleep and elderly care home residents. It was stated that the terraces should not be open beyond normal working hours. There were also concerns that the fridge for alcohol could be increased in size and that loudspeakers could be installed on the terraces. It was stated that customers would be allowed to move around the building and it was queried who would police the building. It was felt that the application would result in significant nuisance to local residents and the Committee was asked to reject the application.

- Mary Battley, local resident, explained that she wanted to be able to open the windows in her house and for her children to be able to sleep in peace. She stated that the front of the building was in a commercial area but that the rear of the building, including the terrace, was in a residential area. It was also requested that the organisation contacted local residents if any variations to the proposed conditions were made, whether these were minor or major. The Licensing Officer noted that, under the licensing regime, notices were placed on the premises rather than sent to local residents and that minor changes had a shorter consultation period.
- Kyla Bowen-la Grange, local resident, commented that she was a freelance creative and, in her experience, shared office spaces had a culture of drinking and socialising and she believed that the terrace would be used noisily.
- Betty Wang, local resident, stated that she strongly opposed the proposed use of the terrace. She noted that this was a residential area and that she did not understand why the terrace should be open until 10pm.
- Cornelius, local resident, commented that the applicant could apply for exemptions for special events on the premises.
- David Metcalfe, local resident, enquired what local residents could do if the licence was considered to be unacceptable. The Licensing Officer explained that the licence review process was open to local residents and responsible authorities but that suitable evidence would be required.
- Lisa Sharp, local resident, enquired whether parts of the building would be rented out. Alun Thomas stated that events would relate to office and member use.
- Mark Bracegirdle, local resident, stated that the air conditioning system affected Bradley Road gardens and detracted from the peace and quiet in the area.
- Sadie Bell, local resident, enquired about the capacity of the terraces. Alun Thomas explained that the terraces were not part of the application and could not be restricted by condition.
- Roslyn Byfield, local resident, felt that the removal of the terraces from the application was suspicious. She stated that the process had a lack of transparency, that she had not seen any publicity in the local media, and that local residents only knew about the licensing application as a resident saw a notice on the building. The Licensing Officer noted that posting a notice at the premises was the notification requirement of the licensing process.
- Wendy Shooter, local resident, expressed concern that the applicant had not shared the capacity of the terrace and that there may be plans to use it for more intrusive activities. The Licensing Officer noted that safe capacity limits were only imposed where they were appropriate for public safety. It was noted that this was not always a necessity and that this was often progressed under fire safety rather than through licensing arrangements.

- Other local residents, Eleiz Elmekiess, Julia Wise, Michelle Brister, and Susan Tully, were in attendance and supported the representations.

In summary, the representatives of the applicant stated that the primary use of the building was to provide offices and that the sale of alcohol would constitute a small, ancillary use within the café on the ground floor. It was noted that the terraces would not be used for any licensable activities and, therefore, it was not possible to restrict the use of the terraces. It was stated that the applicant had no intentions to undertake licensable activities on the terraces and had agreed a number of conditions in response to concerns raised. It was added that no issues were anticipated in relation to the terraces but that residents would be able to submit any complaints to the Planning Team or Noise Team.

In response to an earlier request for the applicant to inform local residents if any changes were proposed to conditions in the future, Alun Thomas stated that this could not be done. It was explained that there were existing, formal procedures for licensing applications. It was noted that a contact email address would be provided to local residents and this could be used to communicate any concerns.

In summary, the objectors noted that they had made all of the points within their representations. On behalf of the objectors, Frank Hanley, Railway Cottages Residents' Association, noted that the objections made were clear and that the recent amendments proposed by the applicant were felt to be cosmetic changes.

At 8.30pm, the Committee adjourned to consider the application.

## **RESOLVED**

The Sub-Committee carefully considered the application for a new premises licence at Greenside House, 50 Station Road, London, N22. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, and representations made verbally at the hearing by the applicant and their representatives and by objectors.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions:

### **Operating times:**

#### **Supply of Alcohol:**

Monday to Saturday	1000 to 2300 hours
Sunday	1100 to 2200 hours

For consumption **ON** and **OFF** the premises

#### **Hours open to the public:**

Monday to Sunday

0000 to 0000 hours

Not open to general members of the public except for the ground floor; the premises are an office building with 24-hour access to office workers.

**The Committee imposed the following conditions:**

1. Save for the ground floor, the premises shall operate as an office and alcohol may only be sold to:
  - (a) Office tenants - those persons with a minimum one month contract to occupy office space at these or other Clockwise premises;
  - (b) Co-working members;
  - (c) Office members;
  - (d) Virtual office members;
  - (e) Persons attending a private pre-booked event or function, a list of functions to be kept at reception for inspection by the relevant authorities;
  - (f) Directors and employees of the licence holder and its affiliated companies;
  - (g) Persons who have pre-booked a meeting room;
  - (h) Day-pass visitors;
  - (i) Any guests of the above.
2. A list of the names of members of the office shall be kept on the premises at all times showing the names and dates of attendance of any guests introduced by members. The list shall be produced on demand for inspection by the police or an authorised officer of the Council.
3. A Challenge 25 scheme shall be in place. All staff to be trained prior to serving any age restricted products. Training records to be kept for inspection by an authorised officer of the local authority. Refusals system in place (till prompt or book) to be monitored by the DPS and to be made available to an authorised officer of the local authority on request.
4. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV provided at the premises.
5. A digital CCTV system to be installed in the premises. Cameras must be sited to observe the entrance doors from the inside. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises (i.e. capable of identification). A member of staff trained in operating CCTV must be at the venue during times that it is open to the public. Digital images must be kept for 31 days. The equipment must have a suitable export method (e.g. CD/DVD writer) so that the Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request. Cameras must:
  - (a) Be sited to cover all areas to which the public have access including any smoking area.

- (b) Provide a linked record of the date, time of any image.
  - (c) Provide good quality images - colour during opening times.
  - (d) Have a monitor to review images and recorded quality.
  - (e) Be regularly maintained to ensure continuous quality of image capture and retention.
6. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
- (a) All crimes reported to the venue.
  - (b) All ejections of patrons.
  - (c) Any complaints received.
  - (d) Any incidents of disorder.
  - (e) Seizures of drugs or offensive weapons.
  - (f) Any faults in the CCTV system.
  - (g) Any visit by a relevant authority or emergency service.
7. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.
8. The responsible person for the licensed premises will ensure that a suitable and sufficient fire risk assessment is completed for the premises, this must focus on the safety in case of fire of all "relevant persons". Any significant findings must be recorded and acted upon.
9. Under 18s shall be accompanied by an adult at all times.
10. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise, nuisance or disturbance to any local residents.
11. Save for those in sealed containers, off sales shall be restricted to consumption within the premises at 50 Station Rd, London, N22 7TP, and shall not be permitted to be taken outside of this premises, including the terraces or any external areas. The license holder will undertake best endeavours to prevent the consumption of alcohol on the terraces or any external areas.
12. The external terraces on the 5th floor shall not be used after 2100 hours Sunday-Thursday or after 2200 hours Friday-Saturday.
13. There should be no amplified music in the open spaces at the premises at any time.

14. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.

In order to ensure the prevention of public nuisance licensing objective, the licence holder is asked to consider locking the terraces and external areas when they are not in use.

It was noted that there would be staff monitoring the site to prevent the consumption of alcohol on the terraces and external areas and that there would be CCTV on the premises. In order to ensure the prevention of public nuisance licensing objective, the licence holder is also asked to consider reviewing the CCTV footage to ensure that alcohol is not being taken onto and consumed on the terraces and external areas.

## **Reasons**

The Committee gave serious consideration to the concerns raised by the objectors. The Committee did not wish to diminish these concerns but could not in all fairness ascribe the behaviour of previous occupants of the premises to applicants. In addition, it was noted that some of the concerns raised did not relate to licensing issues; this included some planning matters and concerns about the nature reserve adjacent to the site. The Committee could only consider matters that fell within its responsibility, which was for licensing matters.

The Committee welcomed clarifications from the applicant that:

- Alcohol would not be permitted on the terraces or external areas;
- Members of the public would not be able to access these areas; and
- Events in these areas would not include alcohol.

These points of clarification would be set out as terms and conditions in contractual agreements for the venue hire. The Committee also welcomed the fact that staff on site would monitor the entire premises to prevent the consumption of alcohol in areas where alcohol consumption was not permitted.

The Committee noted that there was a sanction available to the applicants, namely ending the memberships of any members of Greenside House who refused and/ or failed to comply with the rules relating to alcohol and anti-social behaviour.

It was also noted that the primary use of the building was an office space, that alcohol sales would amount to approximately 5-8% of the overall café sales, and that anyone entering the building would be required to pass through reception which provided for a greater degree of control.

The Committee acknowledged that the applicant had voluntarily accepted a number of conditions suggested by the responsible authorities. In particular, the Committee noted that the applicant had agreed to limit the hours of use for the terraces and external areas.

The Committee noted that the applicant had offered to provide a contact email address to residents and wished to encourage communication between the applicants and local residents if any issues arose. Residents asked about what steps could be taken if issues did arise and were informed about the existence of a review process under the licensing regime and that other issues could be raised with Council departments in response to any complaints that might arise in the future.

It was also noted that some residents had indicated that they were not aware of this licensing application. It was confirmed that there was a statutory process for licensing applications, including notification on the website and a notice at the premises, which had been followed by the licensing authority in this application.

### **Appeal Rights**

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Date: 12 May 2021

CHAIR: Councillor Gina Adamou

Signed by Chair .....

Date .....