

London Borough of Islington

Licensing Sub-Committee A – 5 January 2012

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 5 January 2012 at 10.00am.

Present: **Councillors:** Wally Burgess, Barry Edwards and Tracy Ismail

COUNCILLOR BARRY EDWARDS IN THE CHAIR

103 INTRODUCTIONS (ITEM A1)

Councillor Edwards welcomed everyone to the meeting and asked members and officers to introduce themselves.

Those present were informed that the procedure for the conduct of the meeting was detailed on page 3 of the agenda.

104 APOLOGIES FOR ABSENCE (ITEM A2)

Councillor Webbe and Whaley.

105 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor W Burgess for Councillor Webbe and Councillor Ismail for Councillor Whaley.

106 DECLARATIONS OF INTEREST (ITEM A4)

None.

107 ORDER OF BUSINESS (ITEM A5)

The Sub-Committee noted that the order of business would be as set out in the agenda.

108 MINUTES (ITEM A6)

RESOLVED

That the minutes of the meetings held on the 3 November 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

109 CLERKENWELL CONFERENCE CENTRE, 89-93 CENTRAL STREET, 35-39 SEWARD STREET, 61 LEVER STREET, LONDON EC1V 8AD – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)

The Sub-Committee noted the conditions proposed by the noise team and that had been agreed by the applicant.

There were no interested parties present at the meeting.

Stephen Ayres, the applicant, supported by Dorian Price the DPS and Graham Seabrook the architect, spoke in support of the application. He reported that the premises were new and built to modern standards. Music events would only be held approximately three or four times a year. The first floor terrace was only accessed from the flats and was not to be used by customers. Their premises were mainly on the ground floor with a small percentage in the basement. He had thirty five years experience of this type of business in the borough and had received no complaints. Their current premises were no longer fit for purpose and so new premises had been sought.

Members of the Sub-Committee left the room to consider their decision, together with the legal officer and the clerk.

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RESOLVED:

a) That, having considered all of the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of Clerkenwell Conference Centre, 89-93 Central Street, 35-39 Seward Street, 61 Lever Street EC1V 8AD be granted to allow:-

- i) The sale of alcohol, for consumption both on and off the premises from 10:00 until 23:30 Monday to Saturday.
- ii) The exhibition of live music, recorded music, provision of facilities for making music and provision of facilities for dancing from 10:00 until 23:30 Monday to Saturday.
- iii) The provision of late night refreshment from Monday to Saturday from 23:00 until 24:00.

b) That, conditions as outlined in appendix 3 as detailed on pages 39 and 40 of the agenda, be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee noted the applicant's thirty five years previous trading history in the borough and that the applicant had never received any complaints from the police or community regarding their licensable activities. The Sub-Committee also noted the nature of the business proposed by the applicant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation. The Sub-Committee were satisfied that the applicants operating schedule and their agreement to the proposed conditions would reduce the potential negative impacts on residents in accordance with Licensing Policy 41.

The Sub-Committee considered that with the conditions detailed on appendix 3 on pages 39 and 40 of the report, the licensing objectives would be promoted.

110 FARRINGDON GRILL, 98 FARRINGDON ROAD, LONDON, EC1R 3EA – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The Sub-Committee noted the additional papers sent in by the interested parties which would be interleaved with the agenda papers.

The Licensing Officer reported that the environmental health team were investigating the flue to establish whether or not it was faulty. Planning permission would need to be sought if an extension to the flue was necessary.

Atakan Keles, the applicant, supported by his father Mustafa Keles and brother, Ibram Keles, spoke in support of the application. In response to a question from the Sub-Committee, the applicant agreed to reduce the hours on a Thursday in line with Licensing Policy 021.

Members of the Sub-Committee left the room to consider their decision, together with the legal officer and the clerk.

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RESOLVED:

a) That, having considered all of the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of Farringdon Grill, 98 Farringdon Road, EC1R 3EA be granted to permit the provision of late night refreshment 23:00 hours to 02:00 on Sundays to Thursdays and 23:00 to 03:00 on Fridays to Saturdays.

b) That conditions as outlined in appendix 3 as detailed on page 75 of the agenda, be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee noted in particular the interested parties concern regarding the nuisance caused by smells from the premises extraction flue. The Sub-Committee was advised that this issue is currently being investigated by the authority's environmental health team and was satisfied that it was not necessary to impose any specific condition to the licence as the matter would be actioned separately.

The applicant agreed to amend licensable hours on a Thursday in line with Licensing Policy 021.

In reaching their decision, the Sub-Committee also took into particular consideration Licensing Policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 75 the licensing objectives would be promoted.

111 WOLKITE KITFO RESTAURANT, 82 HORNSEY ROAD, LONDON N7 7NN - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The licensing officer reported that the applicant had withdrawn the application for recorded music.

The noise officer reported that the noise conditions had been agreed by the applicant. Officers had paid a recent visit to the premises to check on the noise levels and music playing at the time was background and inaudible from outside the premises.

There were no interested parties present at the meeting.

Sirak Mole, the applicant, spoke in support of the application. The Sub-Committee noted that the closing hour was one hour later than the time that licensable activities had ceased as food was freshly cooked and could take fifteen minutes to serve.

Members of the Sub-Committee left the room to consider their decision, together with the legal officer and the clerk.

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RESOLVED:

a) That, having considered all of the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the new premises licence in respect of Wolkite Kitfo Restaurant, 82 Hornsey Road, N7 7NN be granted to allow the sale of alcohol, for consumption on the premises, from 12:00 until 23:00 Monday to Sunday.

b) That conditions as outlined in appendix 3 as detailed on page 114 of the agenda be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee noted that the applicant had withdrawn his application for recorded music and was only providing background music at the premises.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation and Licensing Policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 114 of the report the licensing objectives would be promoted.

112 CITY HOUSEHOLD STATIONERY AND OFF LICENCE, 153-157 GOSWELL ROAD, EC1V 7HD – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)

The licensing officer tabled a revised plan to be approved by the Sub-Committee which would be interleaved with the agenda papers.

The Sub-Committee noted that a revised condition regarding a signed management contract had been agreed with trading standards, legal and the applicant to replace the current proposed condition 25 on page 154 of the agenda.

The applicant, Mr Ilhan Ornek, spoke in support of the application. He informed the Sub-Committee that he had only met Mr Capti three times regarding the management contract and did not know him well. The Sub-Committee noted that a number of proposed conditions were duplicated.

Members of the Sub-Committee left the room to consider their decision, together with the legal officer and the clerk.

RESOLVED:

a) That, having considered all of the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the new premises licence in respect of City Household Stationery and Off Licence, 153-157 Goswell Road, EC1V 7HD be granted to allow the sale of alcohol, for consumption off the premises, from 08:00 until 23:00 Monday to Saturday and from 10:00 to 22:30 on Sundays.

b) That the revised plan of the premises, tabled at the meeting, be approved.

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c) That conditions as outlined in appendix 3 as detailed on page 152-154 of the agenda shall be applied to the licence with the following amendments:-

- Conditions 4,5,7,8,9 and 25 be deleted.
- Additional condition to read. If the management contract dated 21 December 2011 and made between Salman Capti and Ilhan Ornek ends for whatever reason, the licensee will forthwith surrender this licence unless the licensing authority, in consultation with the police and trading standards have agreed for it to be transferred to a new licensee.

REASONS FOR DECISION:

The Sub-Committee considered the submissions put forward by the responsible authorities and the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee noted that the applicant entered into a management contract with Salman Capti dated 21 December 2011. The contract provides the applicant with a licence to occupy the premises for five years to be used as an off-licence and store. The applicant indicated that Mr Capti would not be involved with the running of the premises and that he had only met him three times in connection with agreeing the management contract. The applicant agreed to the proposed condition put forward by trading standards offering to surrender the licence on termination of the management contract.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policies 032 and 041. The Sub-Committee were satisfied that, with the agreed conditions, the applicant would implement measures to avoid underage sales from the premises and purchasing and selling of counterfeit and smuggled goods. The Sub-Committee were satisfied that the proposed conditions would reduce the potential negative impacts on residents in the Bunhill area.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 152 of the report subject to the amendments, the licensing objectives would be promoted.

The meeting closed at 11.45 am

CHAIR