

London Borough of Islington

Licensing Sub-Committee A – 17 May 2012

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 17 May 2012 at 10.20m.

Present: **Councillors:** Raphael Andrews, Wally Burgess (Items B1-B3), Barry Edwards (Item B1) Julie Horten (Item B1), Tracy Ismail (Items B4 and C1), Phil Kelly (B2-B4 and C1).

COUNCILLOR WALLY BURGESS IN THE CHAIR (Items B1-B3)
COUNCILLOR PHIL KELLY IN THE CHAIR (Items B4 and C1)

126 INTRODUCTIONS (ITEM A1)

Councillor W Burgess 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.

127 APOLOGIES FOR ABSENCE (ITEM A2)

Councillor Jean-Roger Kaseki.

128 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Ismail substituted for Councillor Burgess for Items B4 and C1, Councillor Horten and Councillor Edwards substituted for Councillor Kelly and Andrews for Item B1 as the same membership was required for this item as had previously heard this application.

129 DECLARATIONS OF INTEREST (ITEM A4)

None.

130 ORDER OF BUSINESS (ITEM A5)

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

131 MINUTES (ITEM A6)

RESOLVED

That the minutes of the meeting held on the 8 March 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

132 SEXUAL ENTERTAINMENT PREMISES, FLYING SCOTMAN, FOR YOUR EYES ONLY, PLATINUM BAR AND THE HORNS – APPLICATION FOR AN AMENDMENT TO A SEX ESTABLISHMENT PREMISES LICENCE (Item B1)

Julia Palmer, solicitor, supported by Mr Nicie, company director of For Your Eyes Only, reminded members that the application for a sex entertainment licence had been uncontested. She considered that the condition imposed by the Sub-Committee at the meeting on the 26 March 2012 would be too onerous and disproportionate but agreed an alternative condition imposed as detailed in paragraph 2.2 of the report.

Kingsley Hoddinott, agent for the Flying Scotsman, reported that, although they did not engage in any form of advertising either externally or on the web, they agreed with the proposed condition detailed in paragraph 2.2 of the report.

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Michael Jones, The Horns, considered that the condition imposed at the March meeting would be very difficult to comply with and agreed with the imposition of the condition detailed in paragraph 2.2 of the report.

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

RESOLVED:

That, having considered all of the evidence and submissions and having given consideration to the Local Government (Miscellaneous Provisions) Act 1982 as amended, the national guidance and the Council's sex establishment licensing policy, it be agreed that the condition imposed on the licence on the 26 March 2012 be amended to read.

The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside), complies with the Advertising Standards Authority's guidelines and is not unacceptable to the Council.

REASONS FOR DECISION

The Sub-Committee considered the oral submissions put forward by the applicants.

The Sub-Committee noted that the incorrect standard conditions were before members on the 26 March 2012. The Sub-Committee considered standard condition 14 as set out on page 29 of the agenda. The Sub-Committee was persuaded that the amendment proposed by For Your Eyes Only (and supported by the Flying Scotsman and The Horns) would address the concerns of the Sub-Committee regarding advertising and promotional material.

Note of the Sub-Committee

The new condition 14 states that external advertisements should not be unacceptable to the Council. Officers have delegated authority to approve external advertising but the Sub-Committee noted that there may be times when it would be necessary to refer decisions to the Sub-Committee.

133 KC's 148 HOLLOWAY ROAD, LONDON N7 8DD – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)

The noise officer reported that a new calibration certificate had been received and the noise team were in agreement with the noise levels that had been set.

The police reported that they would object to an extension to hours past 2am but requested that, should the Sub-Committee agree that the hours could be increased, they impose the additional conditions as proposed by them.

A local resident reported that noise from the venue itself was not a problem but noise from patrons attending and leaving the venue created disturbance to residents, particularly from patrons talking, banging car doors and playing music in their cars. An extension of hours particularly during the week would cause noise problems for residents.

Mr A Coker, the company director, supported by Mr Etuk the designated premises supervisor, spoke in support of the application. He reported that they would employ two members of staff who would accompany patrons to their cars. The next door premises, which attracted a lively, young crowd, was open until 5am. KC's attracted a crowd aged 30/55 years of age.

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

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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 premises licence variation in respect of KC's, 148 Holloway Road, N7 8DD be granted:-

- i) To permit the premises to sell alcohol, for consumption both on and off the premises, allow the performance of plays, live music, the exhibition of films, the playing of recorded music, the provision of facilities for making music and dancing Sundays to Wednesdays from 08:00 to midnight, Thursdays from 08:00 to 02:00 and Fridays and Saturdays from 08:00 to 04:00.
- ii) To allow the provision of late night refreshment Sundays to Wednesdays from 23:00 to midnight, Thursdays from 23:00 until 02:00 and Fridays and Saturdays from 23:00 to 04:00.

b) That the following conditions shall be applied to the licence.

- i) Conditions of the current premises licence.
- ii) Conditions as outlined in appendix 4 as detailed on page 101 of the agenda with the following amendments.
 - Condition 9 to read. Last entry 1am when opening is beyond midnight. No re-entry apart from smokers.
 - Condition 12 to read. DPS to be present when the premises is operating after midnight. Personal licence holder to be present at all other times.
 - Additional condition. Persons leaving the premises will be advised by written notice to leave the area quietly and without causing disturbance in the neighbourhood. If patrons have arrived by car they will be accompanied to their cars by a member of staff.

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.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 009 regarding development planning which states that the licensing authority will only grant licences for premises without planning consent in exceptional circumstances. Therefore in making its decision the Sub-Committee took into account the permitted hours of operation under the planning consent for the premises.

The Sub-Committee also considered Licensing Policy 021 regarding flexibility in licensing hours. The licensing authority expects applicants operating beyond midnight to have earlier terminal hours Sundays to Thursdays.

The Sub-Committee therefore decided that the premises should have different hours of operation throughout the week.

The Sub-Committee considered Licensing Policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation. The Sub-Committee took into account the written and oral submissions from the interested parties. The Sub-Committee were satisfied that the hours of operation with the imposed conditions would address concerns about noise from within the premises and from patrons leaving. In line with Licensing Policy 022 the Sub-Committee decided to restrict the operational hours of the premises

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which were sought by the applicant. This was in response to representations from the responsible authorities and was considered necessary to promote the licensing objectives.

The Sub-Committee had specific regard to the amended home office guidance regarding police representations. The Sub-Committee accepted that there should be restrictions on the hours of operation but there was persuasive evidence presented by the applicant about their management of the premises, the profile of their patrons and their operating schedule.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 197 of the report subject to the amendments, the licensing objectives would be promoted.

134 ODESSE FOOD AND WINE, 59 COPENHAGEN STREET, N1 0JH - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The trading standards officer reported that the premises licence had recently been revoked. The applicant, Bulent Kale, was in the process of purchasing the business at the time of the revocation. Mr B Kale had been involved in a business in Enfield. Enquiries had been made to Enfield and they did not have any concerns about the business he had been running.

Jun Simon, agent for Bulent Kale, reported that a deposit had been given for the business prior to revocation of the licence which he reported was non refundable. Hayri Kale, the previous owner, was known to Bulent Kale but was not related. The Sub-Committee noted that Hayri Kale would not be employed or have any financial interest in the business.

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

RESOLVED:

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 Odesse Food and Wine, 59 Copenhagen Street, N1 0JH be granted to allow the supply of alcohol, off sales only, Mondays to Sundays from 08:00 until 23:00.

REASONS FOR DECISION

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

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

The Sub-Committee was satisfied that the applicant had no business association with the former owner and that the applicant would not allow the former owner to have any role in the current business including working as a shop assistant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 032 regarding children and alcohol. The Sub-Committee was satisfied that the applicant would implement measures to challenge 25 standard to ensure that underage sales did not take place at the premises. The Sub-Committee also considered Licensing Policy 039 and was satisfied that poor management under the previous ownership would be addressed by the applicant and that the operating schedule would ensure that counterfeit and smuggled goods were not offered for sale on the premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 133/134 of the report subject to the amendments, the licensing objectives would be promoted.

135 URBAN XXX, 100 OLD STREET, EC1V 4PA – APPLICATION FOR A VARIATION TO A SEX ESTABLISHMENT LICENCE UNDER THE LICENSING ACT 2003 (Item B4)

Anil Ertiyaki, licensee, spoke in support of the amendment. The Committee noted that sales had fallen since window displays had been removed particularly during Christmas and over the Valentine's Day period. They would not require window displays to be permanent but only at periods of the year when promotions were on. They did not expect that they would need window displays for more than three months of the year.

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 national guidance and the Council's sex establishment licensing policy, the window display in respect of Urban XXX, 100 old Street, EC1V 9AY be approved.
- b) That the following conditions shall be applied to the licence.
 - Displays shall not be in the window for more than 12 weeks each year of licence.
 - Displays shall be notified to the Council for approval before placing in the window and this notification to include the layout and wording of the display and the length of time the display will be in the window.
 - Displays will be A2 maximum in size and there shall be no more than two displays at any one time.

REASONS FOR DECISION:

The Sub-Committee considered the oral submissions put forward by the applicant and the sample displays.

The Sub-Committee was satisfied that the sample displays were suitable and noted that the applicant wished to have displays at particular times during the year only. Therefore the Sub-Committee was satisfied that the conditions to its approval would meet the business needs of the applicant and protect the amenities of residents in the vicinity.

Note of the Sub-Committee

The Sub-Committee noted that officers would have delegated authority to determine the suitability of future displays.

136 INDULGENCE, 2-5 CARTHUSIAN STREET, EC1M 6EB – APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (Item C1)

The Chair had agreed that this report was urgent as, following an objection to a temporary event notice by the licensing authority, it was necessary to hold a meeting within seven working days.

The licensing officer reported that CCTV footage had been requested but had not been provided. In response, the applicant reported that footage could be provided on a memory stick but not on a DVD at short notice.

The noise team provided film footage of noise disturbance outside the premises. It was reported that there were two groups of people outside the premises and the officer considered that there were not other people outside who were associated with other premises. It was reported that there was no intervention from the door supervisors to disperse the groups. The groups were present for the full 50 minutes of observation.

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The applicant, Ludmila Sypchenko, reported that the groups outside included 14 people waiting for a cab. The cabs had been called but took about an hour to arrive. Debris was cleared regularly from outside the premises. The licensee did operate a close down procedure as advised by the noise team. They considered that noise disturbance at 5am would be from other premises as they were not open at that time. The applicant informed the Sub-Committee that they would not be applying for any temporary event notices in the near future.

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 Sub-Committee authorised the temporary event notice for licensable activities from 2am to 3am on 27 May 2012.

b) That the existing licence conditions shall be applied to the licence.

REASONS FOR DECISION:

The Sub-Committee considered the objection put forward by Environmental Health, the film footage of 13 May 2012 taken by them and the submissions from the applicant.

The Sub-Committee was satisfied that the licensing objectives would not be undermined if the premises opened for an additional hour on 27 May 2012. The Sub-Committee noted that the proposed event was a birthday party for persons over 40 years of age and that the applicant indicated that the premises would not be applying for any further TENs in the near future. The applicant stated that she would be implementing steps suggested by the licensing authority to improve management of patrons leaving the premises.

The Sub-Committee was satisfied that the conditions of the premises licence should be applied to the TEN to promote the licensing objectives.

The Sub-Committee was aware that it could not impose additional conditions but however, noted the intentions of the applicant to minimise the noise from patrons and promoters leaving the premises.

Note of the Sub-Committee

The Sub-Committee noted that the applicant operated the closing down procedure and this was welcomed.

The Sub-Committee advised that measures be taken to ensure that customers/staff wait inside the premises for taxis to arrive where possible.

The Sub-Committee strongly remind the applicant regarding condition 13 of their licence, that all door staff shall be employed at the entrance of the premises at the time that customers are leaving.

CHAIR