

## London Borough of Islington

### Licensing Sub-Committee A – 12 September 2012

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 12 September 2012 at 10.10 am.

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

#### **COUNCILLOR WALLY BURGESS IN THE CHAIR**

#### **159 INTRODUCTIONS (ITEM A1)**

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

The procedure for the meeting was outlined and those present were informed that it was also detailed on page 3 of the agenda.

#### **160 APOLOGIES FOR ABSENCE (ITEM A2)**

Apologies were received from Councillors Phil Kelly and Jean-Roger Kaseki.

#### **161 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

Councillor Edwards substituted for Councillor Kelly and Councillor Ismail substituted for Councillor Jean-Roger Kaseki.

#### **162 DECLARATIONS OF INTEREST (ITEM A4)**

None.

#### **163 ORDER OF BUSINESS (ITEM A5)**

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

#### **164 MINUTES (ITEM A6)**

##### **RESOLVED**

That the minutes of the meetings held on the 17 July 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **165 STAR FOOD AND WINE, 138-140 BALLS POND ROAD, N1 4AD – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The Sub-Committee noted the tabled noise team conditions. These would be interleaved with the agenda papers.

The licensing service manager reported on the representation submitted on behalf of the licensing authority. She highlighted concerns that if the application was granted it would increase alcohol consumption late at night which would lead to an increase in public nuisance, crime and disorder.

She recommended that the licensing hours be restricted to 11pm during the week and 10:30 pm on Sundays.

The Sub-Committee noted that the reference to Ruby's News at 140 Balls Pond Road, included in the representation should be deleted.

The trading standards officer reported that he had visited the premises in July 2012 and identified a number of items of illicit alcohol. At a subsequent PACE interview, the officer considered that the owner had learnt from the seizure. He advised the Sub-Committee that the applicant would be an

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employee of the owner, Mr Kavruk and the Sub-Committee needed to be satisfied that he had high standards of management. The Sub-Committee noted that the applicant had proposed additional conditions to those not included in the papers. These were tabled and would be interleaved with the agenda papers. The Sub-Committee noted that this matter could have been brought for review but was considered to be unnecessary with the application for a new licence.

Jun Simon, the agent, supported by the applicant, Murat Kilic, spoke in support of the application. He informed the Sub-Committee that 138 Balls Pond Road had a 24 hour licence. The proposed hours were much reduced from these. He informed the Sub-Committee that if the application was successful, the licences held for 138 and 140 Balls Pond Road would be surrendered. The Sub-Committee were informed that Mr Kilic had four years previous experience and would be in control of the business. The Sub-Committee noted that the licensee had removed the party wall to convert two premises into one to make one large shop unit but had since reinstated the original layout of the two premises. As there were a number of duplicate conditions, the Sub-Committee and Mr Simon agreed a number of amendments at the meeting.

In summing up, the licensing manager reported that this was a residential area with a high population density. She was not convinced that Mr Kilic had the high standards of management necessary. Mr Simon reported that the applicant had good experience and with the conditions proposed the premises would be well managed. He considered that the application should be granted with the hours requested.

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 the evidence and having considered the Licensing Act 2003, as amended, its regulations, the national guidance and the Council's Licensing Policy, the premises licence in respect of Star Food and Wine, 138-140 Balls Pond Road, N1 4AD be granted to allow the sale by retail of alcohol, Sunday to Thursday 06:00 to 01:00, Friday and Saturday 06:00 to 03:00.

b) That the following conditions be applied to the licence:-

### **Suggested conditions of approval consistent with the operating schedule.**

1. The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
2. The licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

The CCTV system shall conform to the following points.

- Cameras must be sited to observe the entrance and exit doors inside and out.
- Cameras on the entrances must capture full frame shots of the head and shoulders of all people entering the premises ie. capable of identification.
- Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- Be capable of visually confirming the nature of the crime committed.

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- Provide a linked record of the date, time and place of any image.
  - Provide good quality images – colour during opening times.
  - Operate under existing light levels within and outside the premises.
  - Have the recording device located in a secure area or locked cabinet.
  - Have a monitor to review images and record picture quality.
  - Be regularly maintained to ensure continuous quality of image capture retention.
  - Have signage displayed in the customer to advise that CCTV is in operation.
  - Digital images must be kept for 31 days.
  - Police will have access to images at any reasonable time.
  - The equipment must have suitable export method, e.g CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making a copy. If the format is non-standard (ie manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to police on request.
3. Appropriate fire safety procedures are in place including fire extinguishers (foam, H<sub>2</sub>O and CO<sub>2</sub>), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for detail of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.
  4. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
  5. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
  6. The Challenge 25 logo and posters will be displayed at the premises.
  7. No alcoholic goods will ever be purchased from sellers calling to the shop.
  8. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
  9. No spirits in re-sealed cases will be purchased.
  10. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the Council, police or HMRC upon request.
  11. A stock control system will be introduced so that the licensee can quickly identify where and when alcoholic goods have been purchased.
  12. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
  13. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
  14. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

### **Suggested conditions of approval recommended by Health and Safety Officer**

15. The premises shall not be used under the licence until the requirements specified in the schedule dated 7 August 2012 have been completed and approved in writing by the responsible authority for health and public safety.

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### **Suggested conditions of approval recommended by Trading Standards**

16. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge: acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff.

### **REASONS FOR DECISION**

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

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 023 regarding the type of premises, their cumulative impact upon the area and the mix of premises in the area, location of the premises, the character of the area and the proposed hours of operation. The Sub-Committee also considered licensing policy 025 regarding the licensing authority's concern about the increasing number of shops selling alcohol for consumption off the premises, licensing policy 021 regarding the flexibility in its approach to licensing hours and licensing policy 022 where the licensing authority may seek to restrict the operational hours of premises. The Sub-Committee also considered licensing policy 013 which sought to encourage the highest standards of management in licensed premises.

The Sub-Committee noted that a 24 hours premises licence currently existed in respect of 138 Balls Pond Road and a terminal hour of 01:00 hours currently existed in respect of the licence for 140 Balls Pond Road; in the absence of representations from the police, the health authority or interested parties the Sub-Committee considered that the hours sought by the applicant for the merged premises would meet the licensing objectives.

The Sub-Committee noted that on the grant of the licence the two existing licences would be surrendered.

The meeting ended at 11.40 pm.

CHAIR