

## London Borough of Islington

### Licensing Sub-Committee A – 9 January 2013

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 9 January 2013 at 6.35 pm.

**Present:**        **Councillors:**        Wally Burgess, Phil Kelly and Jean-Roger Kaseki.

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

**176**    **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 5 of the agenda.

**177**    **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

**178**    **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

**179**    **DECLARATIONS OF INTEREST (ITEM A4)**

None.

**180**    **ORDER OF BUSINESS (ITEM A5)**

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

**181**    **MINUTES (ITEM A6)**

**RESOLVED**

That the minutes of the meetings held on the 6 November 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**182**    **THE FOUR SISTERS, 25 CANONBURY LANE, N1 2AS – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing officer outlined the changes to the application as stated in an email received from the applicant and tabled at the meeting. The email, together with further information supplied by the applicant would be interleaved with the agenda papers. The hours requested had been amended to reduce hours on Thursday evenings. The hours proposed were now in line with those previously held. The Sub-Committee noted that the premises had been operating under Temporary Event Notices since 28 November 2012. Non-standard timings for bank holidays had been withdrawn from the application and the hours for the presentation of films were reduced to 22:00 hours.

The noise officer confirmed that a calibration certificate had been received at the lower settings. The noise team would not object to an extension in hours for New Year's Eve. She considered that the performance of dance was not compatible to the low sound levels permitted.

Local residents, Andrew Hawkins, David Parkin and Andrew Hall spoke against the application. They reported that there had been a long history of disturbance from the premises. It was in a residential location, in a narrow street where sound was amplified. There had been problems with

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noise escape from the premises and also from the noise created from customer overflow outside the premises. They considered that the proposed conditions would not deal with the noise outside the premises and requested that the hours requested be reduced by one hour. A previous member of staff had informed residents that it was impossible to deal with customers outside the premises.

Simon Bastable, the designated premises supervisor, supported by Andrew Green, the previous director of the company, informed the Sub-Committee that an extension in hours was not being sought. He informed the Sub-Committee that temporary event notices had been operational since the 28 November with the hours applied for and no noise complaints had been registered with the noise team. It was admitted that mistakes by the management had been made in the past but he would ensure that the business would operate properly. The noise levels had been set at levels agreed by the noise team and a meeting had been held for local residents to discuss their concerns. It was proposed that there would be another residents meeting in March. All residents who had made representations had been notified of a mobile telephone contact number should there be any issues with the premises.

In response to questions from members Mr Bastable outlined his previous licensing experience. He outlined the measures that they were taking regarding the patrons who gathered outside the premises. This had worked successfully over previous weeks. It was noted that Mr Bastable was a shareholder and director in the business and Mr Green, although a shareholder, would not be involved in the running of the business. Mr Bastable took over as a Director on the 26 November 2012. It was noted that the resident in the first floor flat at 23 Canonbury Lane would always be independent of the premises and therefore the higher sounds levels could be deleted.

In summing up, the interested parties asked that there be a reduction in the hours applied for, in order for there to be time for the residents to gain trust in the management team. Mr Bastable assured the Sub-Committee that with the conditions proposed and the procedures they had put in place, the premises could operate without causing a nuisance.

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 the Four Sisters, 25 Canonbury Lane, N1 2AS be granted to allow:-

i) The sale by retail of alcohol, on and off supplies, to allow the playing of recorded music and the performance of dance, Mondays to Thursdays from 12:00 until midnight, Fridays from 12:00 until 02:00, Saturdays from 10:00 until 02:00 and Sundays from 10:00 until midnight.

ii) To allow the presentation of films, Mondays to Fridays from 12:00 until 22:00, Saturdays and Sundays from 10:00 until 22:00.

iii) To allow the provision of late night refreshment Sundays to Thursdays from 23:00 until midnight and Fridays and Saturdays from 23:00 until 02:00.

iv) To allow the extension of hours for licensable activities until 04:00 on New Year's Eve.

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b) That conditions as outlined in appendix 3 as detailed on pages 99/100 of the agenda be applied to the licence with the following amendments:-

i) the deletion of condition 12b

ii) the additional conditions:-

- The designated premises supervisor and door staff shall make every effort to minimise noise from patrons outside the premises at all times.
- A sign shall be displayed inside the premises informing patrons that a licenced mini cab shall be called for them upon request and they shall be allowed to remain inside the premises whilst waiting for the mini cab should one be required and the time is within the permitted opening hours of the premises.
- A sign shall be displayed inside of the exit reminding patrons to leave quietly and respect the neighbours of the premises.

### **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 023 regarding the location of the premises, the character of the area, the 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 also considered licensing policy 020 which outlines the authority's policy in relation to smoking and drinking outside, licensing policy 021 regarding flexibility in its approach to licensing hours and licensing policy 022 which seeks to restrict the operational hours where necessary.

The Sub-Committee noted that the premises had been operating with Temporary Event Notices since the 28 November 2012 pending the determination of the application; the noise officer reported that there had been no noise complaints since then. The Sub-Committee also noted that a calibration certificate had been received for the premises set at the lower levels agreed by the noise team and the applicant had complied with all conditions on the previous licence that had lapsed.

The Sub-Committee heard evidence from Mr Green, the director of the company who had held the licence previously. He confirmed that he had resigned his directorship of the applicant company, Mr Bastable was the sole director and that since the premises had reopened, on the 28 November, he had no further involvement in the management of the premises.

The Sub-Committee heard evidence from Mr Bastable, who was also the designated premises supervisor for the premises, regarding his previous experience in the hospitality industry and noted that he had made a substantial investment in the premises. The Sub-Committee were impressed with the way he had managed the business since he had taken over and were confident that he would maintain a dialogue with residents to ensure that any grievances they had relating to noise issues would be addressed promptly.

The Sub-Committee considered the written representations from residents and also heard evidence from three of those residents regarding noise nuisance from the premises and particularly noise from customers standing outside the premises. The Sub-Committee noted the failure of management in the past to address the resident's concerns and complaints in this regard. As a result in granting the application as amended, further conditions were added regarding the external space which in their view would promote the licensing objective of the prevention of public nuisance.

183 **PIZZA EXPRESS, 25 COWCROSS STREET, LONDON, EC1M 6DQ – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)**

The licensing officer reported that following three interested parties and the licensing authority had withdrawn their representations following the information supplied by the applicant that the external area would not be used until after 9pm. The letter from the applicant was tabled and would be interleaved with the agenda papers.

Graeme Cushion, solicitor, supported by the applicant, Zeynep Bodur, informed the Sub-Committee that he had been in liaison with the remaining interested parties and they had agreed that the application was acceptable with an additional condition to chain the tables and chairs in the external area as soon as practicable after 9pm.

**RESOLVED:**

a) That having considered all of the oral and written evidence and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy, the premises licence in respect of Pizza Express, 26 Cowcross Street, EC1 be granted to vary the layout plans of the premises to include the removal of the lower ground floor from the licensed area from the licensed area and to include the rear external seating area of the ground floor within the licence.

b) That the conditions of the current licence shall be applied to the licence with the following amendments:-

i) the deletion of condition 2, annex 2 relating to persons under 14 years of age.

ii) the addition of the following conditions:-

- The external area shall not be used after 9pm.
- All alcohol sold for consumption in the external area shall be served as ancillary to a meal.
- Chairs and tables in the external area to be chained to prevent use as soon as reasonably practicable after 9pm.

**REASON FOR DECISION**

The Sub-Committee considered the submissions put forward by the responsible authority, the interested parties and the applicant.

The Sub-Committee noted that the applicant had amended their application in light of the representations received to restrict the use of the external space after 9pm in line with licensed premises in the immediate vicinity resulting in the withdrawal of representations from the licensing authority and residents. The Sub-Committee also noted that conditions had been agreed following discussions with residents.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 027 relating to cumulative impact in the south Clerkenwell area and Licensing Policy 020 which outlines the authority's policy in relation to smoking, drinking and eating outside.

The Sub-Committee considered that with the conditions the licensing objectives would be promoted.

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### 184 THE GREAT WALL, 184-186 OLD STREET, LONDON, EC1V 9FR - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The Sub-Committee noted that there had been two written objections to the application. The objectors had been notified of the hearing but no response had been received.

Shuang Chen, the applicant supported by Steve Olafisoye, reported that the application was for a café and they had applied for the licence in order that their customers had the opportunity to order alcohol with their meal.

#### **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, as amended, in respect of The Great Wall, 184-186 Old Street, EC1 be granted to allow the sale of alcohol between 11:00 and 23:00 hours on Mondays to Saturdays and from 11:00 to 22:30 on Sundays. .

b) That the conditions as detailed on page 168 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.

In reaching their decision, the Sub-Committee took into particular consideration 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 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 168 of the report, the licensing objectives would be promoted.

The meeting ended at 8.30 pm.

CHAIR