

London Borough of Islington

Licensing Sub-Committee A – 12 March 2013

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 12 March 2013 at 6.35 pm.

Present: **Councillors:** Wally Burgess, Phil Kelly and Raphael Andrews.

COUNCILLOR WALLY BURGESS IN THE CHAIR

185 **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.

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

Apologies were received from Councillor Jean-Roger Kaseki.

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

Councillor Raphael Andrews substituted for Councillor Jean-Roger Kaseki.

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

None.

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

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

190 **MINUTES (ITEM A6)**

RESOLVED

That the minutes of the meeting held on the 9 January 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

191 **BARNSBURY EXPRESS, 9 BARNSBURY ROAD, N1 0HG – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing officer reported that the applicant had amended the application to 23:00 hours.

The trading standards officer reported that he had received a copy of the underlease signed by the applicant and Mr Boyraz. This was tabled and would be interleaved with the agenda papers. He drew the attention of the Sub-Committee to a meeting that was attended by Mr Mehmet Top, the applicant, a summary of which was detailed on page 40 of the agenda. He reported that there had been a volunteer underage sale on the 2 March which had been refused. When visiting the premises earlier in the day on the 12 March 2013 it had been noted that Challenge 25 signs had been erected. However, a refusals book had not been present but officers were told that it had been taken from the shop in preparation of the meeting. He considered that the applicant would need to satisfy the Sub-Committee that he had good grasp of his responsibilities and meet a good standard of management. He considered that he had not been satisfied that the applicant met a high standard of management in the short time that he had met with him.

Buse Buket, licensing agent, representing the applicant, Mehmet Top spoke in support of the

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application. She reported that her client had reduced the terminal hour to 11 pm and agreed with the conditions proposed by the noise team and trading standards which had been tabled at the meeting and would be interleaved with the agenda papers. He had no contact with the previous ownership.

In response to questions from the Sub-Committee, Mr Top reported that the previous designated premises supervisor had been wrong to sell illicit alcohol and this was not something that he would be doing.

The underlease was tabled and would be interleaved with the agenda papers. The refusals book was shown to members. It was noted that there was a refusal noted for the 2 March, the day of the refused underage sale, but a different time had been recorded.

In summing up, the trading standards officer considered that he had not seen any evidence regarding training. The applicant had not engaged with either the trading standards team or licensing. He did not consider that best practice had been demonstrated or shown to be understood. The applicant considered that the refused test purchase demonstrated that the client upheld the licensing objective, the promotion of the protection of children. He was organised well and had received the correct training. His staff all had personal licences as the applicant wished them all to have knowledge of the licensing requirements.

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

RESOLVED:

a) That, the premises licence in respect of the Barnsbury Express, 9 Barnsbury Road, N1 be granted to permit the premises to sell alcohol from Monday to Sunday from 08:00 until 23:00 hours subject to any current licence(s) relating to these premises under the Licensing Act 2003 being surrendered within 5 working days of notification of this decision.

b) That conditions as outlined in appendix 3 as detailed on pages 41 of the agenda be applied to the licence with the following amendments:-

i) the deletion of conditions 6 and 7.

ii) the following additional conditions:-

- Ibrahim Halil Boyraz (the previous Designated Premises Supervisor) and Ahmet Boyraz (Ibrahim's son) will not be permitted to be employed in the business;
- This licence shall not be used should the underlease, dated 6th February 2013, between Ebru Boyraz (Landlord) and Mehmet Top (Tenant), be terminated or amended in any way, without the express written agreement of the Licensing Authority.
- No deliveries and waste collections on Sundays or Bank/Public holidays and between the hours of 10pm and 7am other days of the week.
- No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank/Public holidays and between the hours of 10pm and 7am other days of the week.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

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The Sub-Committee considered Licensing Policy 001 and 002 regarding cumulative impact in conjunction with licensing policy 008 in relation to the hours sought. The Sub-Committee noted that the premises were located in an area of cumulative impact and that the premises were currently operating under a licence which was subject to an appeal. On the evidence provided to the Sub-Committee by the applicant, the Sub-Committee satisfied that the operation of the premises would not add to the cumulative impact in the area or impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that following a meeting with the police, the applicant amended the application in relation to the hours in line with licensing policy 008. The applicant also accepted conditions put forward by the noise team.

The Sub-Committee considered licensing policies 009 and 010 noting that an underage sale on the 2 March 2013 carried out at the premises was refused. A refusals book was provided to the Sub-Committee by the applicant for consideration; the Sub-Committee also noted the evidence given by the responsible authority in respect of a visit made to the premises earlier in the day. The Sub-Committee noted that, in order to encourage the highest standards of management, the applicant would be managing the premises with new employees and provide them with the necessary training and had also agreed to all the conditions proposed by the responsible authorities.

The Sub-Committee considered that in granting the modified application with the conditions detailed on appendix 3 on page 41, the licensing objectives would be promoted.

192 DAY N NIGHT, 92 OLD STREET, LONDON, EC1V 9AY – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)

The licensing officer reported that a representation had been received from a ward councillor and this was at page 79 of the agenda papers. It was noted that the licence had been transferred to Mr Khan and it was Mr Khan had surrendered the licence.

The trading standards officer reported that after the surrender of the licence Mr Ghalloo, a previous employee, had taken over the running of the business. He considered that Mr Ghalloo would make a responsible licensee. He highlighted the two conditions proposed by trading standards which were detailed on page 86 of the agenda.

The Licensing Service Manager reported on the representation made by the licensing authority and highlighted that there were already a number of 24 hour off licences in the area. It was reported that the applicant would need to demonstrate that there was no additional impact.

The Sub-Committee noted that the noise conditions had been accepted by the applicant.

Mrs Cook, solicitor, representing the applicant Mr Ghalloo, informed the Sub-Committee that the hours were required to put them back to the previous position when a 24 hour licence was held. Mr Ghalloo had attended a licensing course prior to making the application. Mrs Cook informed the Sub-Committee that the applicant would not affect the cumulative impact as previously a 24 hour licence had been held. They held a 99 name petition of support which was shown to the Sub-Committee. They had taken on board that the hours were the main objection from interested parties and informed the Sub-Committee that they could curtail the hours to 3am. Ms Cook informed the Sub-Committee that there had been recent grant of a 24 hour licence in the area.

In summary, the licensing service manager informed the Sub-committee that part of the reasons given for the grant of the 24 hour licence was due to the lapse of the Day N Night licence. Another 24 hour licence in the area was currently under review. The authority did have a saturation policy and in her view a curtailing of hours to 3 am did not go far enough.

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The health authority highlighted their concern regarding the relationship between late hours, the number of ambulance callouts and the link to crime and disorder.

The police informed the Sub-Committee that there was a high number of licensed premises in the area and in his view this led to a number of off licences selling non duty paid goods to remain economically viable.

The applicant reminded the Sub-Committee that the premises had been operating a 24 hour licence for five years with no problems.

RESOLVED:

a) That the premises licence in respect of Day N Night, 92 Old Street, EC1 be granted to permit the premises to sell alcohol from Monday to Sunday from 07:00 am until 23:00 hours.

b) That the conditions of the current licence as detailed on pages 85 and 86 of the agenda shall be applied to the licence.

REASON FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee considered Licensing Policy 001 and 002 regarding cumulative impact in conjunction with licensing policies 004 and 007 in relation to the hours sought. The Sub-Committee noted that the premises were located in an area of cumulative impact and that the premises had held a 24 hour licence for several years until October 2012. On the evidence provided to the Sub-Committee by the applicant, the Sub-Committee was satisfied that the operation of the premises would not add to the cumulative impact in the area or impact adversely on the promotion of the licensing objectives. In light of the representations received from the responsible authorities the Sub-Committee decided that it was appropriate to restrict the hours of operation to promote the licensing objectives.

The Sub-Committee considered licensing policies 009 and 010 noting that the applicant had taken over the day to day business following the surrender of the licence, that he was now in partnership with the owner of the business, that he had engaged with the responsible authorities, had attended relevant courses and had demonstrated a commitment to maintaining high standards of management. The Sub-Committee also noted that the applicant had accepted the further conditions proposed by the responsible authorities.

The Sub-Committee considered that in granting the application with the conditions detailed on appendix 3 on page 85 and 86, the licensing objectives would be promoted.

The meeting ended at 8.15 pm.

CHAIR