

London Borough of Islington

Licensing Sub-Committee A – 29 July 2013

Minutes of the meeting of Licensing Sub-Committee A held at the Town Hall, Upper Street, N1 2UD on 29 July 2013 at 6.30 pm.

Present: **Councillors:** Jilani Chowdhury, Wally Burgess and Gary Poole.

COUNCILLOR WALLY BURGESS IN THE CHAIR

215 **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 4 of the agenda.

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

None.

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

None.

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

None.

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

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

220 **MINUTES (ITEM A6)**

RESOLVED

That the minutes of the meeting held on the 23 May 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

221 **534-536 HOLLOWAY ROAD, N7 6ND – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing authority informed the Sub-Committee that her representation was on page 41 of the papers. The premises were in a cumulative impact area. She recommended that, should the Sub-Committee be satisfied that the premises would not add to the cumulative impact, an additional condition be added to the licence regarding the sale of alcohol being ancillary to the operation of the premises.

Mr Bulent Dag a partner in a local business, informed the Sub-Committee that the area was saturated with off licences and that another business opening up in the area would make it hard for the current businesses to survive.

Miss Crew, counsel, supporting the applicant Mr Nedim Kale and daughter, Miss D Kale, spoke in support of the application. She submitted that this application was an exception to the cumulative impact policy as it was a small premises, had restricted hours as specified in the licensing policy and was not a vertical drinking establishment. Proposed conditions to the licence would address concerns regarding drunkenness and/or underage sales. Mr Kale had held a personal licence for five years and understood his role in the business regarding training staff and monitoring sales.

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In response to questions from the Sub-Committee it was noted that the shop had been a clothes shop. There would be no irresponsible drink promotions and an incident book would be kept at the premises and would be available for inspection. Mr Kale had a personal licence, had worked in a business in Seven Sisters Road and had challenged people if they looked underage. He had never had a problem in this business. Alcohol would be ancillary to the sale of other goods.

In summary, the licensing authority reported that there was a concern with the number of off licences in the immediate vicinity and were looking to limit the number of premises which were mainly selling alcohol. Mr Dags was concerned about the number of shops in the area and drew the attention of the Sub-Committee to the representation submitted by the Headteacher of Grafton Primary School. Miss Crew informed the Sub-Committee that the application had robust conditions to meet areas of concern raised and met the exceptions as set out in Licensing Policy 002(6).

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

RESOLVED:

i) That, the application for a new premises licence in respect of 534-536 Holloway Road, N7 6ND be granted to allow the sale of alcohol for consumption off the premises from 08:00 until 23:00 hours Monday to Sunday;

ii) That the conditions in Appendix 3 as detailed on pages 66-68 of the agenda shall be applied to the licence subject to the deletion of conditions 34 to 39 which were duplications.

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.

The Sub-Committee took into consideration Licensing Policies 002 and 004. The premises fall under the Holloway and Finsbury Park cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences are likely to add to the existing cumulative impact and will accordingly normally be refused unless an applicant can demonstrate why the operation of the premises involved will not impact adversely on the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee considered paragraph 6 of licensing policy 002 and was satisfied that this application fell within the exception to the cumulative impact policy in that the premises was small, would operate during hours specified in licensing policy 008 and would not be alcohol led.

The Sub-Committee noted that the management arrangements contained within the operating schedule were robust and that the proposed conditions would promote the licensing objectives.

The meeting ended at 8.00 pm.

CHAIR