

London Borough of Islington

Licensing Sub-Committee 'B' – 26 May 2011

Minutes of the meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 26 May 2011 at 6 pm

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

COUNCILLOR WALLY BURGESS IN THE CHAIR

46 INTRODUCTIONS (Item A1)

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

47 APOLOGIES FOR ABSENCE (Item A2)

Councillor Gary Doolan.

48 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Barry Edwards substituted for Councillor Gary Doolan.

49 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

50 ORDER OF BUSINESS (Item A5)

The order of business would be as on the agenda.

51 CONFIRMATION OF THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE B ON 11 APRIL 2011 (Item A6)

RESOLVED:

That the minutes of the meeting held on the 11 April 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

52 KIPFERL VIENNESSE COFFEE HOUSE, 20 CAMDEN PASSAGE, LONDON, N1 8ED APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B1)

The licensing officer reported that the applicant had requested an adjournment in order that any outstanding planning issues be resolved.

53 CUBANA, 59-61 CHARTERHOUSE STREET, EC1M 6HA APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The licensing officer asked members to note the additional information sent out following despatch of the agenda. These were, a further email from the police to support their representation, Cubana's response to the representations, a list of licensed premises in the saturation zone and a map of the area. These would be interleaved with the agenda papers. It was noted that this application was in the cumulative impact zone of Clerkenwell and that licensing policy 027 stated that there was a presumption to refuse applications unless the applicant could demonstrate that there would be no negative impact on the area.

The noise officer reported that the noise conditions had been agreed by the applicant.

Adrian Usher, Islington Police, informed members that this objection was based on the direct causal link between the number of people on the street who had drunk alcohol and the number of people who became victims of violence or perpetrators of violence. He considered that a point had been reached where police and national health service resources could no longer cope with the

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levels of violence. In response to questions, he reported that although police numbers had increased over the past ten years, responsibilities had also increased and the night time economy in the borough had expanded significantly. The number of officers on night duty had decreased over the past 15 years and just one case of grievous bodily harm could take the time of all 10/12 officers on duty. He reported that Clerkenwell ward had one of the highest figures in terms of crime and violent offences for all Islington wards. It was also noted that whilst the figures for crime in Islington had been dramatically reduced over the past five years, it was still in the top five London Boroughs for crime figures.

Councillor George Allan reported that the saturation zone policy had been very well researched, in line with licensing guidance advice. He reported that customers of the premises would be walking past residential properties in order to get to transport hubs so considered it irrelevant that the Cubana was not near residential property. It was noted that the Council had been considering a saturation policy since summer 2009, a petition was submitted to Council in October 2009 and this had been reported in the local papers at that time.

Phillip Oppenheim, Manager, supported by Michael Johnson, architect and Catherine Owst, company secretary, spoke in support of the application. Phillip reported that there was a branch trading in Waterloo and no complaints had been received. He considered that they would be a restaurant and not a club. They were not aware of the proposed policy prior to signing the lease but considered it unlikely that the premises would add to the cumulative impact in the area. He considered that the police concerns were not borne out by statistics. Members noted that the premises had a 200 capacity. He offered a reduction in hours to 02.30 or even 02:00 am. He asked members to consider the application on its merits and considered that the impact on the saturation zone would not be significant if the premises were well run.

In response to questions from members, it was ascertained that the applicant would need to apply for a variation for the provision of dance and that off sales would be required if alcohol was served to tables and chairs outside the premises. The applicant considered that approximately half of the clientele would be from the local area and half would be from bookings from outside the area.

RESOLVED:

a) That, having considered all the oral and written evidence submitted and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the application for a new premises licence in respect of **Cubana, 59-61 Charterhouse Street, EC1M 6HA** be refused.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 023 regarding the location of the premises, character of the area, views of the interested parties and the proposed hours of operation and licensing policy 027 regarding the cumulative impact in relation to the south Clerkenwell area.

The Sub-Committee did not consider that the applicant demonstrated in their submissions or their operating schedule for the grant of the licence that there would be no negative cumulative impact on one or more of the licensing objectives i.e. public nuisance, crime and disorder and public safety. The Sub-Committee felt that no conditions added to the licence would be effective in preventing the problems involved.

The Sub-Committee gave serious consideration to the representations of the Police that an increase in the number of people in the area between 12-6am would only increase crime and disorder.

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The Sub-Committee noted that, by the applicant's own submissions, people attending the premises would be drawn into the area specifically from elsewhere therefore increasing the likelihood of crime and disorder.

54 **TARMON, 270 CALEDONIAN ROAD, N1 1BA**
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003
(Item B3)

The applicant did not attend the meeting.

Members considered that they would wish to ask questions of the applicant.

RESOLVED:

That this item be deferred in order that members have the opportunity to ask questions of the applicant.

The meeting ended at 8.15 pm

CHAIR