

London Borough of Islington

Licensing Sub-Committee 'B' – 19 July 2011

Minutes of the meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 19 July 2011 at 5 pm.

Present: Councillors: Wally Burgess, Gary Doolan and Tracy Ismail

COUNCILLOR WALLY BURGESS IN THE CHAIR

55. **INTRODUCTIONS (ITEM A1)**

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

56. **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

57. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

58. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

59. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be B1, B2, B3, B5, B4, B6 and B7.

60. **CONFIRMATION OF THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE A ON 26 MAY 2011 (ITEM A6)**

RESOLVED:

That the minutes of the meeting held on 26 May 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

61. **CANONBURY FOOD AND WINE, 244 ST PAULS ROAD, N1 2LJ
APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT
2003 (Item B1)**

The service manager - trading standards outlined the details of the case and the reasons for the review as detailed in the report. He reported that a large volume of alcohol had been seized and that the licence had been suspended in November 2010 following sales made to volunteer young children under eighteen years of age. He highlighted the home office guidance that stated that revocation of the licence should be seriously considered where the crime prevention objective was being undermined.

The police officer supported the review and recommended the licence for revocation.

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Colin Turner, solicitor, supported by the licence holder Mr S Gunes and his sister Ms A Gunes, spoke against the review. He apologised for the purchase of smuggled goods. He reported that Mr Gunes had been under stress over the last six months and it was proposed that he would transfer the licence to his sister who was currently waiting for her personal licence. He would be removing himself from the business. When the smuggled goods were found he was not at the premises, his father had purchased the goods and was present at the time of seizure. He considered that a condition, to prevent his father from attending the premises would be appropriate. Following the suspension for underage sales, there had been two test purchases and these had both been unsuccessful. There had been no evidence from the police that there had been crime and disorder linked to the premises. Mr Gunes had not been advised by trading standards about smuggled goods.

The Sub-Committee noted that the health and safety works, detailed in a condition applied to the licence following the review in November 2010, had not been carried out. The licensee informed the Sub-Committee that he had not received any letters informing him about the health and safety condition added to the licence. Officers reported that Mr Gunes had been written to about the health and safety condition on four occasions, at least two of these letters had been sent to the business address. The Sub-Committee also noted that the condition would have been included in the report for the review hearing in November 2010 which Mr Gunes attended. Mr Gunes reported he was no longer at the address on the licence.

Mr Gunes informed the Sub-Committee that his father had bought the wine from the back of a van and the spirits from a cash and carry. He had not been given a receipt from the cash and carry. Trading standards officers reported that they had offered advice regarding smuggled goods in March 2011 following the visit in February, but in any case would expect licence holders to act responsibly and not purchase alcohol from vans.

RESOLVED:

a) That, having considered all 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 premises licence in respect of **Canonbury Food and Wine, 244 St Pauls Road, N1 2LJ** be revoked.

REASONS FOR DECISION

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

The Sub-Committee noted that the review was brought, following the discovery of smuggled alcohol found at the premises by the responsible authorities. The Home Office guidance at paragraphs 11.23, 11.26 and 11.27 identifies criminal activity which the Secretary of State considers should be treated particularly seriously. This includes the sale of smuggled alcohol. The Sub-Committee considered that the crime prevention objective had been undermined because the premises had been used for the sale of smuggled alcohol.

The Sub-Committee noted that the licensee was unable to produce valid receipts for a large quantity of alcohol, namely 227 bottles of wine and 32.2 litres of various spirits, seized from the licensed premises, within the 30 days given to him by the responsible authority. The Sub-Committee also noted that the licence had been suspended in November 2010 for an underage sale of alcohol and that the licensee had not complied with a condition imposed on the licence in November relating to health and safety matters.

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The Sub-Committee also noted that although the licensee intended to step down as premises licence holder due to personal circumstances, the business would remain a family concern.

In reaching their decision, they took into particular consideration licensing policy 039 regarding the sale of smuggled goods on licensed premises. Given these considerations, the Sub-Committee decided that the revocation of the licence was a proportionate response to this review.

62. **THE PARK THEATRE, 11-13 CLIFTON TERRACE, N4 3JP**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B2)

The police tabled additional information on alcohol related crime statistics in the Finsbury Park Ward. This paper would be interleaved with the agenda papers. The detective superintendent reported on the direct link between the number of persons who had consumed alcohol and the number of violent assaults. He reported that police resources were being squeezed and the consequence of granting late licences would be an increase in the number of victims of violence.

The Sub-Committee noted the 66 letters of support from local businesses and residents that were included in the report.

The applicant Jez Bond, supported by David Hughes, architect, outlined plans for the theatre. He informed the Sub-Committee that the enterprise would be a valuable resource for the local community. The ability to generate income from the café bar element of the building would be key to the financial future of the project. The Sub-Committee noted that the ground floor bar would contain the bar/café and that there was a further bar on the first floor. The applicant agreed to a condition regarding admittance after 11pm and listed a number of conditions that he would be happy to agree with the police.

RESOLVED:

- a) That, having considered all 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 in respect of **The Park Theatre, 11-13 Clifton Terrace, N4 3JP** be granted to allow:-
- i) The premises to sell alcohol, on the premises: from 12.30 until 23.59 Sunday to Thursday and from 12.30 to 01.59 Fridays and Saturdays.
 - ii) The provision of plays 19:00 until 23:00 on Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - iii) The provision of films 19:00 until 23:00 Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - iv) The provision of live music, 18:00 until 23:00 Monday to Friday and 13:00 until 23:00 Friday and Saturday.
 - v) The provision of recorded music, 07:00 until 23.59 Monday to Thursday, 07:00 until 01.59 Friday, 08:00 until 01.59 Saturday and 08:00 until 23.59 on Sunday.
 - vi) The provision for the performance of dance, 19:00 until 23:00 Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - vii) The provision of facilities for making music and for dancing 10:00 until 18:00 Monday to Sunday.

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- viii) The provision of late night refreshment, 23:00 until 23:59 Sunday to Thursday and 23:00 until 01:59 Friday and Saturday.
- b) That conditions as outlined in appendix 3 as detailed on page 142/3 of the agenda be applied to the licence with the following amendments.
- Conditions 7, 19 and 20 be deleted.
 - Condition 4 to read. The bars shall implement a Challenge 25 proof of age policy with regards the sale of alcohol.
 - Condition 8 to read. The theatre shall establish and maintain a good relationship with the police.
 - Condition 9 to read. An incident log book of any crime (including theft, attempted theft and suspicious characters) shall be kept.
 - Condition 13 to read. The main house and studio theatres shall be two independent acoustically sealed boxes within the building enabling noise to be safely contained.
 - Condition 16 to read. Design of the façade shall ensure that those entering/leaving/smoking outside are pulled away from the existing residential areas.
 - Additional condition to read. There shall be no admissions or readmissions after 23:00 hours.
 - Additional condition to read. A management plan be produced in consultation with licensing and the police.

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 003 regarding balancing support for community entertainment with the need to provide safe venues which do not have an adverse impact in terms of crime, disorder and public nuisance. The Sub-Committee also took into consideration licensing policy 023 regarding the location of the premises, character of the area, views of the interested parties supporting the application and the proposed hours of operation. The Sub-Committee also noted that the commercial viability of the theatre project would rely on bar sales and the proposed hours of operation.

The Sub-Committee noted that the applicant was willing to put forward a management plan to include hosting regular meetings with residents, liaison with SNTs and police, operate challenge 25, door supervision and dedicated taxi firms for late night dispersal. The applicant also indicated that he was willing to accept a condition that restricted admissions and readmissions after 11pm.

The Sub-Committee were satisfied that, with the conditions detailed on appendix 3 on page 142/3 of the report and subject to the amendments, the licensing objectives would be promoted.

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63. **LADBROKES, 75-77 GREEN LANES, N16 9BU**
APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005 (Item B3)

The Sub-Committee noted the additional papers circulated from Ladbrokes in support of their application. These papers would be interleaved with the agenda papers.

Interested parties, Nicky Southin, Councillor Wendy Mitchell from the London Borough of Hackney, Hilary King, Barbara Hewson and John Adams spoke against the application. They raised issues which included concerns regarding the vulnerable residents at Bridge House, the number of betting shops in the area and also the extent of illegal gambling establishments along Green Lanes.

Gavin Dalzell, National Licensing Manager and Julia Palmer, solicitor, spoke in support of the application. The Sub-Committee were given details about the layout of the premises and were informed of how the management would deal with any vulnerable persons. The Sub-Committee noted that no representation had been made by the management of Bridge House and no representation had been made by the police.

RESOLVED:

a) That, having considered all the oral and written evidence and having given consideration to the Gambling Act 2005 and its regulations, the national guidance and the Council's gambling policy, the new premises licence in respect of **Ladbrokes, 75-77 Green Lanes, N16 9BBU** be granted to permit the premises to operate as a betting shop.

b) That mandatory and default conditions as detailed on pages 181/2 of the agenda be applied to the licence.

REASONS FOR DECISION

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

The Sub-Committee was satisfied that the licensing objectives would be met by the applicant.

The Sub-Committee noted the witness statement of Gavin Dalzell including the proposed layout of the premises, staff training and that their procedures and services for their customers comply with the best practice guidance attached to the Council's policy.

The Sub-Committee took particular note of the proximity of Bridge House to the premises. This provides 12 units of accommodation for vulnerable adults with different needs. The interested parties gave evidence of information provided by Bridge House but no formal representation was made by them. The applicant addressed concerns regarding vulnerable customers and their procedures for self exclusion. The Sub-Committee accepted that the applicant would ensure that vulnerable people would not be harmed or exploited by gambling at the premises.

The Sub-Committee noted the concerns of the interested parties about illegal gambling in the area, however, the Sub-Committee was satisfied that the applicant would prevent gambling at their premises from being associated with crime or disorder or being used to support crime.

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The Sub-Committee were satisfied that granting the application was in line with the Council's Gambling Policy. The Sub-Committee noted that under the policy, the authority intends to carry out further investigation to see whether it is necessary to introduce a saturation policy. However, at present this is not in place. The Sub-Committee took into consideration Part 2, paragraphs 42 – 52 of the Gambling policy regarding location of the premises, crime and disorder and protecting children and vulnerable persons.

Note of the Committee

The Sub-Committee shared the concerns of residents regarding the impact of illegal gambling in the area but considered that this decision had to be made in relation to the application, the Gambling Act, the guidance and the Council's own policy.

64. **THE PLEASANCE THEATRE, CARPENTERS MEWS, NORTH ROAD, N7 9EF** **APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT** **2003 (Item B4)**

The licensing officer tabled a letter from the applicant to the interested party and their response. These would be interleaved with the agenda papers.

The applicant, Dan O'Neill, spoke in support of the application. The Sub-Committee heard that the variation was to change the layout of the premises in order to facilitate a future planned performance at the theatre. The performance was to run from the 21 October until the end of January at the latest.

RESOLVED:

a) That, having considered all 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 premises licence in respect of **The Pleasance Theatre, Carpenters Mews, North Road, N7 8HG** be granted to add new layout plans, reference PL105 (a) and (b) to the premises licence so as to facilitate a future planned performance at the theatre.

b) That conditions outlined in appendix 3 as detailed on page 230 of the agenda be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the interested party 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 party and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and businesses in the vicinity of licensed premises. The Sub-Committee also considered licensing policy 021 regarding flexibility in licensing hours.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 230 of the report, the licensing objectives would be promoted.

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65. **SAMS CHICKEN, 328 HOLLOWAY ROAD, N7 6NJ**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B5)

The licensing officer reported that the health and safety work had now been completed.

Local residents Ali Chaudhary, Liz Koegal, Samran Phimkheeree, Ozour Serin, Anna Drabek and Tommy Fung spoke against the application. They raised concerns which included the late hours applied for, the amount of litter in the area, the noise of the extractor fan at the premises and the number of young persons congregating outside the premises.

The applicant, R Balasingham, spoke in support of the application. He informed the Sub-Committee that the extraction system had been cleaned out and there were other late night licences in the area. He did not believe that hours had been applied for when the planning application had been made. The Sub-Committee noted that planning permission use had been granted up until midnight only.

RESOLVED:

a) That, having considered all 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 premises licence in respect of **Sams Chicken, 328 Holloway Road, N7 6NJ** be granted to permit late night refreshment from 23:00 hours until midnight, Monday to Sunday.

b) That, conditions as outlined in appendix 3 on page 278 of the agenda be applied to the licence with the following additional condition.

- There shall be at least two members of staff on the premises after 23:00 hours.

REASONS FOR DECISION

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

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authority.

In reaching their decision the Sub-Committee took into particular consideration licensing policy 009 which states that the licensing authority will only grant licenses for premises without planning consent in exceptional circumstances. The applicant indicated that he was going to seek further planning permission if the licence application was successful. The Sub-Committee were not satisfied that this met the test of exception circumstances in licensing policy 009. Therefore the Sub-Committee were only willing to consider granting the late night refreshment licence to midnight in line with their planning approval.

In reaching their decision, the Sub-Committee also considered 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 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee noted evidence from interested parties regarding the large number of teenage customers and that the applicant had proposed a restriction of 15 customers at one

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time. In order to ensure the safe management of the premise the Sub-Committee imposed a condition requiring a minimum of two members of staff to be present after 23:00 hours.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 278 of the report subject to the amendment, the licensing objectives would be promoted.

66. **LITTLE GEORGIA, 14 BARNSBURY ROAD, N1 0HB**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B6)

The licensing officer tabled an email from the applicant to the objector and their response. This would be interleaved with the agenda papers.

The applicant Tinatin Tuskadze and co-owner, Clive Crottie, spoke in support of the application. The Sub-Committee noted that, following police advice, the application had been amended to have an end time of midnight. Tinatin informed the Sub-Committee that there was no intention to use the garden area as an eating or drinking area and the garden would not be used at all after 9pm.

RESOLVED:

a) That, having considered all 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 in respect of **Little Georgia, 14 Barnsbury Road, N1 0HB** be granted to allow:-

- i) the supply of alcohol on and off sales, Sundays to Thursdays from 12:00 until 23:00 and Fridays and Saturdays from 12:00 until midnight.
- ii) the provision of late night refreshment, Fridays and Saturdays from 23:00 until midnight.

b) That the conditions outlined in appendix 3 on page 278 of the agenda be applied to the licence subject to the following amendments.

- Conditions 1, 2, 3, 6 be deleted.
- Additional condition to read. The garden area shall not be used after 9pm.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authority, the interested party 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 authority.

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 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee noted that the premises will be run as a restaurant and therefore conditions were amended in line with this.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 311 of the report subject to the amendments, the licensing objectives would be promoted.

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67. **FARM DIRECT, 11 RONALD ROAD, N5 1XJ**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B6)

There were no interested parties present at the meeting. The Sub-Committee noted the objection letters in the agenda.

Robert Barker, the applicant, spoke in support of the application. He informed the Sub-Committee that this business was a home delivery service which sold farm foods and that he would wish to sell English wines and beers, ancillary to the main business.

RESOLVED:

a) That, having considered all 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 in respect of **Farm Direct, 11 Ronald Road, N5 1XJ** be granted to allow:-

i) the supply of alcohol off the premises only on Friday from 16:00 until 19:00, Saturday 09:00 until 16:00 and Sunday from 10:00 until 13:00.

b) That the conditions outlined in appendix 3 on page 341 of the agenda be applied to the licence subject to the following amendment.

- Condition 5 to read. The premises shall not be used to store flammable alcohol products.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the 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 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 341 of the report subject to the amendments, the licensing objectives would be promoted.

The meeting ended at 10.00 pm

CHAIR