

London Borough of Islington
DRAFT
Licensing Sub-Committee 'B' – 17 January 2012

Minutes of the additional meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 17 January 2012 at 6 pm.

Present: Councillors: Gary Doolan, Mouna Hamitouche and Tracy Ismail.

COUNCILLOR GARY DOOLAN IN THE CHAIR

91. **INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Gary Doolan welcomed everyone to the meeting, asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and reported that they were on page 3 of the agenda papers.

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

Apologies for absence were received from Wally Burgess.

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

Councillor Mouna Hamitouche substituted for Councillor Wally Burgess.

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

None.

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

The order of business would be as the agenda.

96. **UNIT 2, OLIVERS YARD, 55 CITY ROAD, EC1Y 1HQ**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B1)

The licensing officer reported that the licence held for the previous licence holder for the premises had lapsed as the company had gone into liquidation.

Yvonne MacAlpine, Lexington Apartments, speaking on behalf of other residents from Lexington, raised concerns regarding diners eating outside the premises and informed the Sub-Committee that neighbouring premises were closed by 8pm. She acknowledged that the Lantana Café based in Camden and run by the applicant, was a quality establishment and considered that the opening hours of the premises in City Road should be the same as those for the Lantana Café, which closed at 6pm.

Shelagh Ryan, the applicant, supported by business partner, Michael Homan, spoke in support of the application. The Sub-Committee noted that the business was a food/coffee led business. The concerns of residents regarding the previous occupiers Piya Piya, were understood but it was reported that this establishment was primarily a restaurant and a very different type of premises. The applicant withdrew the application for recorded music as music would only be background. The applicant informed the Sub-Committee that the Lantana Café was often open until 10:30 in the summer months.

Licensing Sub-Committee 'B' – 17 January 2012

In response to questions, the applicant informed the Sub-Committee that there was to be no outside seating on City Road. The applicant was informed that, as an application had not been made for off sales, alcohol could not be served to customers seated at the tables in the internal courtyard.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

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 **Unit 2, 1 Olivers Yard, EC1Y 1HQ** be granted to allow:-

- i) the supply of late night refreshment between 23:00 and 23:50 Mondays to Sundays.
 - ii) The sale of alcohol, for consumption on the premises, from 09:00 to 23:30 Mondays to Sundays.
- b) That conditions as outlined in appendix 3 as detailed on page 45 of the agenda be applied to the licence, with the following amendments.
- Condition 22 to read. In the event of a noise complaint received and substantiated by the council's noise service caused by the mechanical extract system, an acoustic survey shall be carried out by an acoustic consultant registered with either the Institute of Acoustics or the Association of Noise Consultants on the fixed plant and machinery.
 - Condition 27 be deleted.
 - Condition 29 to read. All tables and chairs to be made unusable after 11pm.

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.

The Sub-Committee considered the applicants previous history in the management of Lantana and their intentions for these premises. The Sub-Committee accepted the representations from the residents regarding their difficulties with the previous business Piya Piya, however they considered this application was for a different type of activity, serving a different type of clientele and with appropriate management. The Sub-Committee noted that the application for recorded music was withdrawn due to the applicant misunderstanding the licensing requirements for ambient music.

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, the proposed hours of operation and a commitment to a high standard of management and Licensing Policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

Licensing Sub-Committee 'B' – 17 January 2012

The Sub-Committee considered that with the conditions detailed on appendix 3 on pages 45 and 46 of the report subject to the amendments, the licensing objectives would be promoted.

97. **DAILY NEWSAGENTS, 61 NEWINGTON GREEN ROAD, N1 4QU**
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)

The police objected to the application for late hours and referred to Licensing Policy 025 regarding saturation. He informed the Sub-Committee that the area was already saturated with late night licences and there were no additional police resources to deal with the extra demands.

Local resident Cayetana Brown, speaking on behalf of Witold Ficinski, spoke against the application. She raised concerns regarding a possible increase in anti-social behaviour and considered that the increased hours would increase noise and nuisance.

Marc Maitland, counsel, supported by the applicant Jolanta Kancleriene and business partner, Mr Fehmi, gave a background to the previous history of the premises. Mr Fehmi amended the application from 03:00 hours to 01:00 hours and stated that the additional hours requested were needed in order for the business to survive. The Sub-Committee noted that the shop was very small and it was impractical for alcohol to be shut away from the rest of the stock. Mr Maitland also considered that the CCTV provided at the premises would be a deterrent for anti-social behaviour.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

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 variation in respect of **Daily Newsagents, 61 Newington Green Road, N1 4QU** be granted to allow the extension of the premises licence to sell alcohol from 23:00 hours to 01:00 hours Monday to Sunday, off sales only, for consumption on and off the premises: from 09:00 to 01:30 on Monday to Sunday.

b) That the current conditions of the licence as detailed on page 79 of the report be applied to the licence with the following amendments.

- Condition 4 to read. Clear and prominent notices shall be displayed requesting customers not to congregate outside the premises.
- Condition 5 to read. At least two members of staff will be on the shop floor between 23:00 and 01:00 hours.
- Condition 12 to read. Clear and legible notices shall be prominently displayed reminding customers to leave quietly and have regard to neighbours.

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.

Licensing Sub-Committee 'B' – 17 January 2012

The Sub-Committee noted the representations put forward by the police and the interested party and had particular regard to Licensing Policy 025. The Sub-Committee noted the impact on the local community in terms of noise, disturbance and anti-social behaviour and considered that the past compliance history of the applicant and current statement of intent upheld the licensing objectives.

In reaching their decision, 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 and the proposed hours of operation.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 75 of the report subject to the amendments, the licensing objectives would be promoted.

98. **CRYSTAL KEBAB, 2B YORK WAY, N1 9AA**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B3)

RESOLVED:

That this item be withdrawn as agreement had been reached between the applicant and the responsible authorities.

The meeting ended at 7.45 pm

CHAIR