

London Borough of Islington

Licensing Sub-Committee 'B' – 26 March 2012

Minutes of the additional meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 26 March 2012 at 10.15 am.

Present: Councillors: Wally Burgess, Barry Edwards and Julie Horten.

COUNCILLOR WALLY BURGESS IN THE CHAIR

99. INTRODUCTIONS AND PROCEDURE (ITEM A1)

Councillor Wally Burgess welcomed everyone to the meeting, asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedures were on page 3 of the agenda papers.

100. APOLOGIES FOR ABSENCE (ITEM A2)

Apologies for absence were received from Councillors Doolan and Ismail.

101. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Edwards substituted for Councillor Doolan and Councillor Horten substituted for Councillor Ismail.

102. DECLARATIONS OF INTEREST (ITEM A4)

None.

103. ORDER OF BUSINESS (ITEM A5)

The order of business would be as the agenda.

104. SAINSBURYS, 301 ST JOHN STREET, EC1V 4PA APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)

The noise officer requested that their proposed condition be applied to the licence.

Helena Berndl and James Heath, raised objections regarding the increased noise in the area and also the environmental concern that deliveries could be made by the supermarket, even though residents in the housing block were unable to apply for parking permits.

Sabrina Cader, solicitor, supported by Joanne Surguy, the licensing manager, spoke in support of the application. She informed the Sub-Committee that alcohol would be included in the normal delivery of goods. She did not consider that it was necessary and proportionate to impose an additional condition regarding delivery hours.

The Sub-Committee noted that a service plan condition, attached to the planning consent, which included regulation for deliveries had not yet been discharged. It was noted that the premises would not be opening until August.

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In response to questions, the noise team reported that residents often complained about delivery noise. The applicant did not know how discussions regarding the servicing plan had progressed.

In summing up, the interested parties reiterated their concerns about anti-social behaviour and deliveries. They were also concerned that the increase in the number of refrigeration units would add to the increase in noise levels. The applicant advised the Sub-Committee that there was no evidence to suggest that deliveries would impact on noise levels. Ms Caber considered that it would be operationally impossible to open with the imposition of the noise condition.

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

RESOLVED:

That, having considered all the oral and written evidence and submissions 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 **Sainsbury's, 301 St John Street, EC1V 4PA** be deferred in order for members to see the agreed servicing plan for deliveries before determining the application.

REASONS FOR DECISION

The decision to defer was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and the Council's Licensing Policy.

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

The Sub-Committee noted the noise condition proposed by the responsible authority and that this condition was not agreed by the applicant. Local residents raised concerns regarding potential noise from the premises both from customers and delivery vehicles. The Sub-Committee also noted condition 10 on the planning consent regarding the regulation of deliveries and the requirement for the applicant to submit and have approved by the local Planning Authority, a servicing plan prior to the first occupation of the premises.

The applicant submitted that alcohol would be delivered with other goods to the premises and that details regarding delivery to the store were not available. The service plan would be submitted to the planning authority and would cover times of delivery. However, the applicant did submit that, if imposed, the proposed noise condition would be operationally impossible for the applicant and the applicant did not offer any alternative proposals. The applicant submitted that the premises would not be open until August 2012.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 009 which sets out that the licensing authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a premises licence. The Sub-Committee concluded that as the requirement set out in condition 10 had not been met and that there was no information available as to how the applicant would prevent public nuisance at the premises caused by deliveries, that the decision should be deferred. A future licensing Sub-Committee would have the servicing plan before it and would be able to balance the needs of residents with the operational needs of the applicant.

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105. **PLATINUM BAR, 23-25 PAUL STREET, EC2A 4JU**
APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B2)

The Sub-Committee noted the written submissions from the interested parties.

The Sub-Committee noted the further information forwarded by the applicant that would be interleaved with the agenda papers.

The noise officer reported that sounds levels had been agreed with the noise team.

Andrew Woods, solicitor, supported by Alexandra Moore, general manager, Michael Watson, licensing consultant and Farid Obineche, owner, spoke in support of the application. He informed the Sub-Committee that the venue had been operating since 2001. There had been one complaint by a resident relating to music at the weekend in 2009 when the venue was operating as a nightclub. This had now been dealt with and the venue would no longer operate as a night club.

In response to questions, officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website and not with flyers. Groups were not allowed to enter the premises. A code of conduct was signed by all dancers. CCTV was available for 31 days and covered every area of the premises.

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 Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of Platinum Bar, 23-25 Paul Street, EC2A 4JU be granted.

b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising Standards Agency guidelines and has prior Council approval.

REASONS FOR DECISION

The Sub-Committee considered the written representations put forward by the interested parties and the written and oral submissions put forward by the applicant.

The Sub-Committee were satisfied, in accordance with the Authority's policy, that the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

The Sub-Committee noted residents concerns about noise from the premises and also the steps the applicant had taken to ensure that nightclub events would not take place at weekends and therefore residents would not be disturbed.

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In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue (except the noise complaint referred to above which had been satisfactorily dealt with) and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

Note of the Sub-Committee

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it at the meeting were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

106. **FOR YOUR EYES ONLY, 1 CITY ROAD, EC1Y 1AE**
APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B3)

The licensing officer reported that the premises had been undertaking head and shoulder massages prior to receiving a special treatment licence. This was their only venue in London and they were unaware of this requirement as special treatment licences were not required outside London.

Julia Palmer, solicitor, supported by Mr Nicie, company director, Tony Osborne, manager and Terry Malham, deputy manager, spoke in support of the application. She informed the Sub-Committee that the venue had been operating since 2008 and no complaints had been made. There was a code of conduct for dancers.

In response to questions, officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website. The Sub-Committee noted that the premises were in a busy thoroughfare, there was no advertising on the front of the premises that would indicate the type of entertainment provided and the area was well lit at night.

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 Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of For Your Eyes Only, 1 City Road, EC1 be granted.

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b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising Standards Agency guidelines and has prior Council approval.

REASONS FOR DECISION

The Sub-Committee considered the written and oral submissions put forward by the applicant.

The Sub-Committee were satisfied, in accordance with the Authority's policy, that the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

Note of the Sub-Committee

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it at the meeting were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

107. **THE HORNS, 262-264 OLD STREET, EC1V 9DD** **APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B4)**

The Sub-Committee noted the additional information received, following circulation of the agenda, from Prettys solicitors and from the applicant which would be interleaved with the agenda papers.

Mr Seely, Prettys solicitors, acting on behalf of an interested party, considered that there had been a breach of the licensing condition 2, annex 2 of the licensing conditions. The Sub-Committee noted the explanation from the licensing officer that this condition had not been breached and that the times for regulated entertainment were as detailed in the licence

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which took priority over condition 2. Mr Seely also raised objections regarding the length of time the business had been open, the location of the business, the close proximity to a school, the rubbish which accumulated outside the premises and concerns regarding a link on the website.

Michael Jones, the applicant, spoke in support of the application. He reported that the business was transferred in March 2011. He had traded from this date at the premises although there was a period in 2011 when the premises were closed for refurbishment. The rubbish was cleared every morning at 10:00am and any rubbish which remained was from the next door premises, which was a nightclub. He had been unaware of the link on the website named 'punterlink', but once known had asked for it to be removed.

In response to questions, officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website. The Sub-Committee noted that the premises were in a busy street and there was no advertising on the front of the premises that would indicate the type of entertainment provided. No groups of men were allowed to enter the premises.

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 Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of The Horns, 262-264 Old Street, EC1V 9DD be granted.

b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising Standards Agency guidelines and has prior Council approval.

REASONS FOR DECISION

The Sub-Committee considered the representations put forward by the interested parties and put forward by the applicant.

The interested party submitted that the applicant was not an on-going business and therefore should not be treated as an exception within the Authority's policy to limit the number of sexual entertainment venues in the borough to nil. The Sub-Committee were satisfied from the evidence before them that the premises were trading with express permission at the relevant date and this application was therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee were satisfied, in accordance with the Authority's policy, that the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

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The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations. In addition, the Sub-Committee noted that residents had put in a letter supporting the applicant and the improved management of the premises since it had opened as The Horns.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition. The Sub-Committee took particular note of the submissions of the interested party regarding fliers found in the area and the use of the web for advertising.

Note of the Sub-Committee

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it at the meeting were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

108. **THE FLYING SCOTSMAN, 2-4 CALEDONIAN ROAD, N1 9DT
APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B5)**

The licensing officer tabled a management policy to members. This would be interleaved with the agenda papers. It was noted that there had been a visit to the premises by licensing officers in February 2012 and issues had been raised regarding the means of escape due to building works at the premises. This had now been resolved.

Councillor Paul Convery spoke against the application. He informed the Sub-Committee that he had received a number of calls from residents who had concerns regarding the premises and he considered that there were grounds for refusal of this licence. He advised the Sub-Committee that the owner was engaged in a long term development plan for the site and he expected an assurance from the applicant that the premises would be a different type of venue in the next two years. He would not wish to see the premises boarded up and, with this reassurance, would withdraw his objection.

Kingsley Hoddinott, agent, supported by the designated premises supervisor, Peter Alexander, spoke in support of the application. He advised the Sub-Committee that the premises had been licensed for music and dancing since at least March 2001. The licence had never been called in for a review and there was a long term plan for the whole site to be redeveloped. It was expected that the licence for the premises would be surrendered in two or perhaps three years time but in the meantime there was a need to retain the facility.

In response to questions, officers confirmed that there had been no complaints about the venue.

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 Local Government (Miscellaneous Provisions) Act 1982, as amended,

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the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of The Flying Scotsman, 2-4 Caledonian Road, N1 9DT be granted.

b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising Standards Agency guidelines and has prior Council approval.

REASONS FOR DECISION

The Sub-Committee considered the written and oral submissions put forward by the interested party and the applicant.

The interested party submitted that although constituents had contacted him with concerns regarding the premises, he had recently become aware of the applicant's long-term business plan for the premises. The applicant had indicated a redevelopment of the premises and adjoining site and a plan to cease operation as a sexual entertainment venue in the next two years. Leading up to the redevelopment, the interested party did not want to see the premises closed and boarded up and with the assurances regarding the future, withdrew his objection.

The Sub-Committee were satisfied, in accordance with the Authority's policy, that the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

Note of the Sub-Committee

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it at the meeting, were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

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109 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded during consideration of the following item as the presence of members of the public and press would result in the disclosure of exempt information within the terms of Schedule 12A of the Local Government Act 1972, for the reasons indicated:

B5 The Flying Scotsman

Category 1 – Information
relating to any individual

110 : FLYING SCOTSMAN, 2-4 CALEDONIAN ROAD, N1 9DT APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B5)

RESOLVED:

That the exempt information in relation to agenda item B5 be noted.
(See minute 108 for decision).

The meeting ended at 4.10 pm

CHAIR