

London Borough of Islington
DRAFT
Licensing Sub-Committee B – 4 February 2014

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 4 February 2014 at 6.35 pm.

Present: Councillors: George Allan, Phil Kelly and Claudia Webbe.

COUNCILLOR CLAUDIA WEBBE IN THE CHAIR

200. INTRODUCTIONS AND PROCEDURE (ITEM A1)

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedure was on page 4 of the agenda papers.

201. APOLOGIES FOR ABSENCE (ITEM A2)

None.

202. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

None.

203. DECLARATIONS OF INTEREST (ITEM A4)

None.

204. ORDER OF BUSINESS (ITEM A5)

The order of business would be as the agenda.

205. MINUTES (ITEM A6)

RESOLVED

That the minutes of the meetings held on the 11 November 2013 and 3 December 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

206. J SMITH NEWSAGENTS, 191 BLACKSTOCK ROAD, N5 2LL - APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B1)

The licensing officer reported that the representations received from residents were submitted on identical forms, with 12 names and addresses. No responses were received from the notice of hearing. Licensing officers witnessed the premises selling alcohol outside permitted hours on the 27 July 2013. The applicant was in charge of the business on this date.

The noise officer reported that the operating schedule was not of a high standard and recommended refusal.

Licensing Sub-Committee B – 4 February 2014

The licensing authority reported that the operating schedule lacked detail and high management standards were expected, particularly where hours of operation were late night. She recommended refusal of the application.

The police supported the objections of the noise team and licensing authority and raised concerns about the after-hours sale and supported refusal of the application.

The trading standards officer confirmed that no contact had been made from the applicant when the application was submitted and no contact had been heard since the representation had been made.

In clarification, it was noted that the breach of hours was on the 27 July. It was reported that the transfer of the licence took immediate effect from application. The application was date stamped 1st July.

The applicant, Emre Duzgunce, reported that the resident representations had been organised by a local business. He had carried out all the health and safety works requested and had passed a Challenge 25 test three weeks previously which he considered was the contact with the trading standards officer required. The Sub-Committee noted that this contact was not to discuss the application or procedures of management. The applicant stated he was 24 years of age and was willing to work the extra hours.

In response to questions the applicant stated that he wished the additional hours as there was to be a nearby Tesco and he needed to have extra money to pay staff and bills. The applicant was advised that he had not sought advice from officers and he would need to demonstrate an understanding of the licensing policy, the licensing objectives and the impact of the business on local residents.

In summary, the police raised concerns that the applicant had not looked at the licensing policy, did not understand the licensing objectives and therefore could not meet the standards that were required. The applicant reported that he was young and may have made mistakes.

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

RESOLVED:

1) That the application for a premises licence variation in respect of J Smith Newsagents, 191 Blackstock Road, N5 be refused.

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 noted that an application had been made to transfer the licence which had been date stamped on the 1 July 2013. The applicant had ticked the box in the application that stated that the transfer would take immediate effect. The Sub-Committee noted that officers had witnessed alcohol being sold outside permitted hours on the 27 July 2013, following the transfer of the licence.

Licensing Sub-Committee B – 4 February 2014

The Sub-Committee heard evidence from the trading standards officer that the applicant had not contacted him for any advice before the application was submitted nor after the representations had been made.

The Sub-Committee noted that the applicant had applied for later hours in order to compete with other licensed premises and to pay staff and bills.

The Sub-Committee considered that the applicant did not have an understanding of the Council's licensing policy and nor was he able to elaborate on how the licensing objectives would be promoted, noting that the application provided insufficient detail.

When making their decision the Sub-Committee took into consideration Licensing Policies 4 regarding shops selling alcohol, 7 & 8 regarding licensing hours and 9 & 10 regarding standards of management.

207. **DOMINO'S PIZZA, 144 ESSEX ROAD, N5 2LL - APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B3)**

The licensing officer reported that the premises were previously a restaurant which had hours for the sale of alcohol, live music and provision of facilities for dancing. A layout plan was tabled which would be interleaved with the agenda papers. These activities would be removed from the licence. Planning permission was granted in July 2013 for hours until midnight. The applicant had not applied to remove conditions that were no longer relevant to the application.

The Sub-Committee noted that planning permission was granted in the knowledge that the premises would be a take away.

The noise officer reported that the premises were in a cumulative impact area and the congregation of people around the premises could cause disturbance. A fast food delivery premises had a different noise character than a restaurant. She considered that the application had not demonstrated that the grant of this licence would not add to the cumulative impact.

A local resident, Jules Hurry, on behalf of the Angel Association residents group, spoke against the application. She reported that this area was predominantly residential. She considered that there would be more noise disturbance from the comings and goings from patrons buying from a delivery/take away service. The planning application did not allow midnight. The website already showed that you can order from the Essex Road branch after midnight. She considered that the application should be refused.

The applicant, Amir Zarinabad, supported by the operations manager, Hemanth Bollini, reported that take away food would be delivered from the White Lion Street premises after midnight. The licence was not to sell alcohol and it was mainly a delivery service. There were a number of 24 hour premises in the area and the White Lion Street branch was open until 1 or 2am. The premises had CCTV and had notices to ask patrons to leave the premises quietly. The applicant needed later hours to meet public demand. If the application was granted they would submit an application to planning. He reported that his staff were trained to a high standard and operated stores with no incidents at White Lion Street.

In response to questions, it was noted that following discussions with Council officers the mopeds were parked in Greenman Street. There was a concern regarding the disturbance from

Licensing Sub-Committee B – 4 February 2014

the mopeds. The applicant stated that Essex Road was a very busy road. It was noted that the application did not comply with licensing policy 6 and the hours proposed did not comply with the hours detailed in licensing policy 8. The applicant stated that there would be minimal noise and there would only a small number of people collecting hot food as the majority of food sold was delivered. The noise officer reported that there had been a noise complaint regarding the extractor which was currently under investigation and considered that the applicant had not offered suitable conditions to minimise noise disturbance.

In summary, the local resident reported that the website appeared to indicate that a pizza could be collected from Essex Road after midnight and the investment the applicant had made in the premises should be made on the licensing policy and not on a presumption that the hours would be granted. There were a large number of licensed premises in the area, which was why further grants should be limited. The applicant's existing record elsewhere was not a reason for granting the licence as it was the residents in this area that would have disturbance.

The applicant stated that he could consider using bicycles or battery mopeds after midnight. The majority of the customers go home after their evening out and use the delivery service. They had taken on board suggestions from the responsible authorities and did not take the application for granted.

RESOLVED:

1) That the application for a premises licence variation in respect of Domino's Pizza, 144 Essex Road, N1 be granted for the provision of late night refreshment from 23:00 to midnight Mondays to Sundays.

2) That the following activities will be deleted from the licence:-

The provision of regulated entertainment by way of live music or recorded music.

The provision of entertainment facilities for dancing.

The sale of alcohol by retail.

2) That conditions as outlined in appendix 3 as detailed on page 87 of the agenda shall be applied to the licence.

NOTE OF THE COMMITTEE

The Sub-Committee noted that, as a result of the decision to grant the application in part, a number of the conditions on the current licence would not be relevant and the applicant was invited to make a variation application to remove these conditions.

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 Policy 002. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for premises licence variations that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

Licensing Sub-Committee B – 4 February 2014

The Sub-Committee noted that the premises was, prior to the transfer in July 2013, licensed as a restaurant with hours for the sale by retail of alcohol until 23:30 on Sunday to Thursdays and 01:30 on Friday and Saturday.

The Sub-Committee heard evidence from a local resident that the area was predominantly residential and there would be disturbance from patrons using the take away service and also from the mopeds delivering late at night. The Sub-Committee heard evidence from the applicant that, although the premises served hot food, the business operated primarily as a delivery service and as a result there would not be any significant footfall to add to the cumulative impact.

The Sub-Committee took into particular consideration licensing policies 6, 7 and 8, noting the location of the premises and the character of the area and the possibility of disturbance to residents late at night and in the early hours of the morning and was satisfied that the grant of the variation application for the provision of late night refreshment from 23:00 hours until midnight, would not add to the existing cumulative impact.

The meeting ended at 8.30 pm

CHAIR