

London Borough of Islington

Licensing Sub-Committee 'C' – 9 June 2011

Minutes of the meeting of Licensing Sub-Committee 'C' held at the Town Hall, Upper Street, N1 2UD on 9 June 2011 at 10.10am.

Present: **Councillors:** Raphael Andrews (Items B2-4), Wally Burgess, Barry Edwards (Item B1) and Marian Spall.

COUNCILLOR MARIAN SPALL IN THE CHAIR

53 INTRODUCTIONS (ITEM A1)

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

Those present were informed that the procedure for the conduct of the meeting was detailed on page 3 of the agenda.

54 APOLOGIES FOR ABSENCE (ITEM A2)

Councillors Julie Horten and Troy Gallagher.

55 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Marian Spall substituted for Councillor Troy Gallagher and Councillor Wally Burgess substituted for Councillor Horten for the meeting. Councillor Barry Edwards substituted for Councillor Andrews for item B1.

56 DECLARATIONS OF INTEREST (ITEM A4)

None.

57 CONFIRMATION OF THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE C ON 28 APRIL 2011 (ITEM A5)

RESOLVED:

That the minutes of the meeting held on the 28 April 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

58 ORDER OF BUSINESS (ITEM A6)

The order of business would be as on the agenda.

59 SUBWAY, 4 COWCROSS STREET, EC1M 6DR

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B1)

Local resident Edward Povey, attended the meeting. He informed the Sub-Committee that he would have initially preferred the licence to have been refused. Following discussions with the applicant, he understood that Subway could remain open to sell cold food without a licence and he would therefore prefer to have a licence agreed with conditions attached to limit the impact on residents. He suggested a number of conditions for the Sub-Committee to consider.

Sandeep Singh, applicant, spoke in support of the application. He informed the Sub-Committee that in order to be financially viable, late night trading was necessary. He considered that he would not be adding to the cumulative impact as customers would already have been eating elsewhere in the Clerkenwell area. He would be taking measures to ensure that the residents in the area would not be disrupted by the premises.

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 Subway, 4 Cowcross

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Street, EC1M 6DR be granted to allow the supply of late night refreshment between 23:00 and 04:00, Fridays and Saturdays and between 23:00 and 01:00 Sundays to Thursdays.

b) That the conditions as outlined in appendix 3, as detailed on page 31 of the agenda, be applied to the licence with the following amendments and additions:-

Condition 5 to read. Store employees shall be responsible for keeping the immediate area outside the shop clean and clear of any litter when licensable activities are taking place.

Additional condition. Rubbish shall not be placed outside the shop when licensable activities are taking place.

Additional condition. There shall be no deliveries when licensable activities are taking place.

Additional condition. There shall be no public seating inside or outside the premises.

Additional condition. The awning to the premises shall not be in use when licensable activities are taking place.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, 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 had accepted the conditions put forward by the responsible authorities.

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 noted that the applicant, in consultation with the police, had reduced the hours applied for to 04:00 hours on Fridays to Sundays. The Sub-Committee considered that the impact on residents on weekdays would be controlled by further reduced hours Sundays to Thursdays.

The Sub-Committee heard representations from the interested party that the premises could remain open and serve cold food only without a licence and that he would prefer the licence to be granted and the opportunity taken to limit the impact with conditions.

The Sub-Committee were satisfied that, with the conditions detailed in appendix 3, on page 31 of the report and the additional conditions, the licensing objectives would be promoted and the licence would not add to the exiting cumulative impact in the south Clerkenwell area.

Note of the Sub-Committee

The Sub-Committee asked the licensee to confirm with the planning department that he had met all the requirements for planning.

60 YASAR PLACE, 17 GREEN LANES, N16 9BS APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B2)

There were no interested parties in attendance at the meeting.

Jun Simon, agent, supported by Yasar Avci, the applicant, spoke in support of the application. The Sub-Committee noted that the premises were currently operating with customers purchasing drink from a neighbouring off licence if they so wished. This licence was sought in order that alcohol could be provided to customers. The premises had a regular clientele and it was not expected that the sale of alcohol would greatly increase the amount of custom.

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The Sub-Committee noted that the noise team had not received any noise complaints about the premises.

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 Yasar Place, 17 Green Lanes, N16 be granted to allow the sale of alcohol for consumption on the premises from 11:00 until 23:00, Monday to Sunday.

b) That the conditions as outlined in appendix 3 as detailed on page 63 of the agenda, be applied to the licence.

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 had accepted the conditions put forward by the responsible authorities.

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. The Sub-Committee also considered Licensing policy 010 regarding the protection of the amenity of residents and businesses in the vicinity.

The Sub-Committee were satisfied that, with the conditions as detailed on page 63 of the agenda, the licensing objectives would be promoted.

61 GROUND, FIRST, SECOND, THIRD AND FOURTH FLOORS, KINGS PLACE, 90 YORK WAY, N1 APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B3)

The licensing officer clarified that the hours applied for live music and facilities for dancing were from 12:00 to 22:00 hours. The Sub-Committee noted that the noise officer had visited the premises and as the licensable use was confined to areas within a building without openable windows and the use of the front entrance exhibition area would be confined to background music, the noise team had no objections.

There were no interested parties present at the meeting. The Sub-Committee noted the representation included in the report.

David Whitehead, representing the Guardian, reported that the areas would be used for lunches, dinners and charity events with staff and would not be open to the general public. The Sub-Committee were shown plans of the licensable areas on each floor. Mr Whitehead informed the Sub-Committee that the rooms where regulated entertainment was taking place would either be sound proofed, with no openable windows or were not on an outside wall.

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 new application for a premises licence in respect of Ground, First, Second, Third and Fourth Floors, Kings Place, 90 York Way, N1 be granted to allow:-

i) The sale of alcohol for consumption on or off the premises from 08:00 until 24:00 on Mondays to Sundays.

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- ii) The provision of films, indoor sporting events, recorded music, performance of dance, anything of a similar description to live music, facilities for making music, recorded music or performance of dance 10:00 until 22:00 on Monday to Sunday.
 - iii) The provision of live music and facilities for dancing from 12:00 until 22:00 hours.
 - iv) The provision of late night refreshment on Mondays to Sundays from 23:00 until 05:00.
- b) That the conditions of the current licence and the conditions as outlined on page 94 of the agenda be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, 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 areas in which licensable activities were to take place had been carefully selected by the applicant to limit noise disturbance and light escape from the premises.

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. The Sub-Committee also considered Licensing policy 021 regarding flexibility in licensing hours.

The Sub-Committee were satisfied that, with the conditions as detailed on page 94 of the agenda, the licensing objectives would be promoted.

62 TARMOND, 270 CALEDONIAN ROAD, EC1Y 1AF
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003
(ITEM B4)

The Sub-Committee noted that this item had been withdrawn by the applicant.

The meeting ended at 12:20 pm

CHAIR