

London Borough of Islington

Licensing Sub-Committee C – 10 October 2012

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 10 October 2012 at 10.40am.

Present: Councillors: Raphael Andrews, Wally Burgess and Marian Spall.

Councillor Marian Spall in the Chair

146. INTRODUCTIONS AND PROCEDURE (ITEM A1)

Councillor Spall welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting.

147. APOLOGIES FOR ABSENCE (ITEM A2)

Apologies were received from Councillor Webbe.

148. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor W Burgess substituted for Councillor Webbe.

149. DECLARATIONS OF INTEREST (ITEM A4)

None.

150. ORDER OF BUSINESS (ITEM A5)

The order of business would be as on the agenda.

151. MINUTES (Item A6)

RESOLVED

That the minutes of the meeting held on the 13 August 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**152. ARSENAL SUPERMARKET, 229 BLACKSTOCK ROAD, LONDON, N5 2LL
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003
(Item B1)**

The licensing officer reported that, following discussions with the police, the applicant had amended the application to finish the sale of alcohol at 01:00. An email confirming this agreement was tabled and would be interleaved with the agenda papers.

Ali Ay, the agent, supported by the licence holder, Gulazar Yavuz, spoke in support of the application. The Sub-Committee noted that this was a family business and Ms Yavuz also managed a nearby café which was open from 08:00 hours until 23:00 hours. Ms Yavuz and her two brothers, who would be helping her in the shop, were all personal licence holders.

In response to questions from members it was noted that refresher training was to be held in the middle of October and an accidents and refusals book was available in the shop. The shop was currently open to sell groceries until 12 midnight or 12:30. If the licence was granted then the shop would remain open until 01:00 hours.

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 submissions and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance

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and the Council's licensing policy, the Premises Licence in respect of **Arsenal Supermarket, 229 Blackstock Road, N5 2LL** be granted to sell alcohol on Mondays to Saturdays from 08:00 until 01:00 and Sundays and Bank Holidays from 10:00 to 01:00.

- b) That conditions as outlined in appendix 3 as detailed on pages 39 and 40 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.

The Sub-Committee noted that the applicant amended the application to request additional trading hours from 08:00 am to 01:00 am on Mondays to Saturdays and from 10:00 am to 01:00 am on Sundays and Bank Holidays. In light of the amended application the police authority withdrew their opposition to the application.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the location of the premises, the character of the area, views of the interested parties and the proposed hours of operation and also took into account the fact that the police authority had supported the amended application. The Sub-Committee considered the management criteria, the existing and proposed conditions and the additional health and safety requirements specified in the schedule dated 30 August 2012. The Sub-Committee approved the amended application subject to the conditions set out on page 39 and 40.

153. FONTHILL MINI MARKET, 60 FONTHILL ROAD, LONDON N4 3HT - APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)

The Sub-Committee noted that this item had been adjourned.

154. FOOD LAB, 56-58 ESSEX ROAD, N1 8LR - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The Sub-Committee noted that this item had been adjourned.

155. HOUSEBITES LTD, 19 BRISET STREET, EC1M 5NR - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)

The licensing officer reported that one representation had been withdrawn however, the representation on page 126 of the agenda still remained.

Mike Charville, agent, supported by Simon Proctor, the applicant, spoke in support of the application. The Sub-Committee noted that this was an application by an internet based company that allowed customers to order food prepared by a chef in their local neighbourhood. Customers could also buy alcohol with the meal which was stored at the head office and delivered, usually once a week to the chefs. There were no plans to operate from the headquarters and it was confirmed that this would not be allowed in the office lease.

RESOLVED:

a) That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's licensing policy, the Premises Licence variation in respect of **Housebites Ltd, 19 Briset Street, EC1M 5NR** be granted to allow:-

- i) The sale of alcohol for consumption off the premises, for 24 hours, 7 days a week.
- ii) The supply of late night refreshment between 23:00 and 05:00, 7 days a week.

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- b) That, conditions as outlined in appendix 3, on page 128 of the report, be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the noise team, 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 paragraphs 3.8 – 3.10 of the amended guidance issued under section 182 of the licensing Act 2003 and the licensing objectives. The Sub-Committee also had regard to Licensing Policy 023 and more specifically Licensing Policy 027 in that the premise falls under the Farringdon/Clerkenwell special interest/cumulative area. This policy creates a rebuttable presumption that applications for new premises licences are likely to add to the existing cumulative impact and would normally be refused unless the applicant can demonstrate why the operation of the premises involved would not add to the cumulative impact. The Sub-Committee was satisfied that the granting of the licence application with the imposed conditions would not impact adversely on the Clerkenwell area and would not add to the cumulative impact that exists in the area.

The meeting finished at 12:10.

CHAIR