

London Borough of Islington

Licensing Sub-Committee C – 6 February 2013

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 6 February 2013 at 6.30 pm.

Present: Councillors: Raphael Andrews, Troy Gallagher and Marian Spall.

Councillor Marian Spall in the Chair

170. 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.

171. APOLOGIES FOR ABSENCE (ITEM A2)

Apologies were received from Councillor Webbe.

172. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Troy Gallagher substituted for Councillor Webbe.

173. DECLARATIONS OF INTEREST (ITEM A4)

None.

174. ORDER OF BUSINESS (ITEM A5)

The order of business would be as on the agenda.

175. MINUTES (Item A6)

RESOLVED

That the minutes of the meeting held on the 29 November 2012 and 14 January 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**176. RATTLESNAKE, 56 UPPER STREET, LONDON, N1 0NY
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B1)**

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

**177. ZARA CAFÉ, 163 HORNSEY ROAD, N7 6DU
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003
(Item B2)**

The licensing officer reported that the licence for this premises had been surrendered in January 2012. Mr Afework had been trading without a licence and since applying for a licence in November 2012 had been using a number of temporary event notices (TENs). There had also been a number of occasions that the premises had been trading without TENs since November, or where they had carried on trading after the permitted time allowed by the TENs. A paper was tabled with details of visits made by the noise team which would be interleaved with the agenda papers.

The noise officer reported that conditions had been accepted by the applicant although the applicant had some concern regarding the expense of employing an acoustic consultant and had stated that he would not have regulated entertainment at this stage. The noise officer reported that an additional condition could be placed on the licence which stated that the noise conditions relating to regulated entertainment would only come into effect where the licence was being used for regulated entertainment.

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The applicant Mr Afework, reported that he would not be having regulated entertainment as it was expensive.

In response to questions, he stated that people stayed after the hours permitted and when he had asked them to leave they did not go. He was unable to answer a question about the licensing objectives. He informed the Sub-Committee that staff had been given workplace and customer service training.

RESOLVED:

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 in respect of **Zara Café, 163 Hornsey Road, N7 6DU** be refused.

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 accepted the conditions put forward by the responsible authorities.

The Sub-Committee noted that in the applicant's application form he did not state how he intended to promote the four licensing objectives. When asked about this, the applicant did not know what the licensing objectives were. When asked what measures he had in place to ensure that his customers would leave quickly and quietly the applicant could not say that any measures were in place. The Sub-Committee asked the applicant what training was given to his staff and he stated that they were given health and safety and customer service training. The Sub-Committee was not satisfied that the applicant would give adequate training to his staff in relation to their responsibilities in relation to licensing law and the licensing objectives.

The Sub-Committee heard evidence from the licensing officer that the premises had operated under a number of TENs in the past few months but that since November 2012 they had been found on a number of occasions to have been trading either without a TEN in place or outside the hours permitted by a TEN. When asked about this the applicant's only explanation was that he had asked people to leave and they didn't go.

In light of the evidence the Sub-Committee was not convinced that the premises would be managed to the high standards expected and the Sub-Committee was not persuaded that the licensing objectives would be promoted.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 009 concerning the highest standards of management.

Taking the above evidence and factors into account, the Sub-Committee found that it would be proportionate, necessary and appropriate with regard to the promotion of the licensing objectives to refuse the licence.

178. TAP ROOM, 163 UPPER STREET, N1 1RE - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

Bob Dear, representing the applicant, informed the Sub-Committee that seven TENs had been used over the last two months with no complaints. The premises would be run by experienced operators, the designated premises supervisor had seven years of experience in running late bars

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and it was expected that the premises would be closed just after midnight. The music would only be background music. The noise conditions were agreed and a meeting with residents to address their concerns had been requested.

In response to questions it was noted that all bar staff were qualified and trained regularly. A door supervisor would be used if necessary. The applicant had not been aware of the cumulative impact zone before the meeting but reported that the terminal hour was not late and that the designated premises supervisor was experienced in running late bars and dispersing customers in a responsible manner.

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 in respect of **Tap Room, 163 Upper Street, N1 1RE** be granted to permit the sale by retail of alcohol, on and off supplies, Monday to Saturdays from 11:00 until 23:00 and on Sundays and Bank Holidays from 11:00 to 22:30.

b) That the application for non-standard timings be refused.

c) That conditions as outlined in appendix 3 as detailed on page 131 of the agenda shall be applied to the licence.

d) That it be noted that a licence was not required for amplified live music between 08:00 and 23:00 hours for audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises.

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 accepted the conditions put forward by the responsible authorities.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 006 which expects applicants to ensure that they have planning consent for the intended use and hours of operation.

The Sub-Committee noted that the premises had planning consent for opening hours of 7am until 11pm Monday to Saturday and 9am to 10:30 pm on Sundays and Bank Holidays. The Sub-Committee granted hours of operation in line with this consent.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 131 of the report the licensing objectives would be promoted.

179. 100 OLD STREET, EC1V 9AY - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)

The Sub-Committee noted that this item had been withdrawn as the conditions proposed by the police had been agreed by the applicant.

180. DAYLESFORD ORGANIC, 133 UPPER STREET, N1 1QP

The licensing officer reported that proposed conditions 5-7 be deleted following the submission of an amended plan to the officer for health and public safety.

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Jeremy Bark, representing the applicant, Richard Morris, spoke in support of the application. He reported that the representation received would not apply to this type of premises. He considered that the premises would not add to the cumulative impact due to the hours, the pricing and the style of operation. The premises were small with approximately 120 covers and would be well managed. He outlined a range of training measures that would be in place and the Sub-Committee noted that a split in sales of 70% food and 30% drink was anticipated.

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 **Daylesford Organic, 133 Upper Street, N1 1QP** be granted to allow the sale by retail of alcohol, on and off supplies, Mondays to Saturdays from 08:00 until 23:00 and Sundays from 10:00 until 22:30.

b) That the grant of the licence was subject to a revised plan of the premises submitted by the applicant following discussions with the health and public safety officer.

c) That, conditions as outlined in appendix 3, on page 203 of the report, be applied to the licence subject to the deletions of 5-7.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authority and the interested party.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee asked the applicant to make submissions regarding why the operation of the premises will not add to the cumulative impact on the licensing objectives in the area. He said the hours, pricing, staffing levels, style of operation and the number of covers indicated that the cumulative impact would not be adversely affected. The applicant commented that they anticipated a split in sales of 70% food and only 30% drink.

The Sub-Committee considered licensing policy 002 regarding cumulative impact and also licensing policy 008 regarding the hours of operation. The Sub-Committee were persuaded that the premises would not adversely affect the cumulative impact particularly in light of their proposed operating hours. The Sub-Committee also considered licensing policy 009 in relation to high standards of management.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 203 of the report subject to the amendments, the licensing objectives would be promoted.

The meeting finished at 8:15pm.

CHAIR