

London Borough of Islington
DRAFT
Licensing Sub-Committee C – 17 December 2013

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 17 December 2013 at 6.35 pm.

Present: Councillors: Jean Roger Kaseki, Gary Poole and Marian Spall.

Councillor Marian Spall in the Chair

221. 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.

222. APOLOGIES FOR ABSENCE (ITEM A2)

None.

223. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

None.

224. DECLARATIONS OF INTEREST (ITEM A4)

Councillor Poole declared a personal interest as he was the Ward Councillor for Item B1, Cabana Restaurant but had taken no part in any discussions regarding the matter.

225. ORDER OF BUSINESS (ITEM A5)

The order of business would be as the agenda.

226. MINUTES (ITEM A6)

RESOLVED

That the minutes of the meetings held on the 22 October 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**227. CABANA RESTAURANT, 56 UPPER STREET, N1
APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT
2003 (Item B1)**

The licensing officer reported that the health and safety conditions had been agreed but agreement had not been reached with the police and the noise team.

The noise officer reported that she had received no response from an email sent regarding the total numbers of patrons allowed on the premises. She was concerned about noise outbreak from the door and considered that door supervisors would be required as both a reassuring presence and to help prevent noise outbreak from people entering and leaving the premises.

It was stated by the applicant that the agreement regarding the presence of a door supervisor was the only point of disagreement with the responsible authorities. He reported that this was not a bar but a restaurant with a bar inside. He had been to the premises after midnight and it had been very quiet with only 16 patrons and a door supervisor would not have been necessary that evening. He did not consider a door supervisor was necessary at this stage but stated he would review the need for door supervisors after three or four months of operation.

Alan Thomas, solicitor, supported by the applicant Matthew Ingham, spoke for the application. He reported that there were five Cabana operations already open in London, including in Covent Garden, Westfield and Wembley. The premises had been open since 30 November

Licensing Sub-Committee C– 17 December 2013

and had no problems. He considered that families may be deterred from coming in the restaurant with the presence of door supervisors. This was a food led premises. There was no objection to the layout and the sound limiter would be recalibrated in consultation with the noise team. He considered that it was not necessary to employ a door supervisor on evenings where only 16 people were present. The police could call the licence in for review if necessary.

Members of the Sub-Committee were concerned that Upper Street was a residential area and a high crime area. This was not the same as a restaurant that operated in Westfield. Mr Thomas reported that the restaurant in Camden was in a residential area and there had been no problems over the last two years. He proposed that, regarding Annex 2 of the current licence, the numbers in condition 1 would be amended to 240, condition 5 would remain, condition 8 would be removed and no agreement had been reached regarding condition 4. Annex 3 would also be removed. The police were concerned that, should 50 customers turn up, door supervisors could not be obtained at short notice. The applicant noted that drinking would not be allowed outside the premises after 11pm in any event.

In response to questions the applicant informed the Sub-Committee that there would be no more than 40 people standing with drinks in the bar area. Previously there would have been 280 standing in the premises. It was noted that music would be more than background so would require a licence. It would be slightly above the expected restaurant level. The applicant stated that he would have agreed to remove live music and facilities for dancing from the licence if asked. There would be no football screens. There would be a reduction in capacity in a cumulative impact area and the rear of the premises would be set out as a restaurant. He informed the Sub-Committee that if a condition regarding door supervisors was imposed on the licence, this decision would be appealed.

The noise officer reported that, although the Westfield restaurant did not have door staff, there was security at the shopping centre. She had raised the issue of door security in her representation but the applicant had not responded. The applicant confirmed that vertical drinking would be restricted to 40 people. Staff would be able to prevent new customers from entering the premises at 1.30am. Door supervisors would not be needed to do this.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision. On returning, the legal adviser reported that the applicant had advised during deliberation that conditions on the paper tabled by the applicant were conditional upon the removal of door supervisors. There had been no mention of this made by the applicant during the meeting. The Chair reported that the layout had been agreed by all parties but the conditions before members were haphazard and confusing and clear conditions were required.

RESOLVED:

1) That the premises licence variation in respect of Cabana Restaurant, 56 Upper Street, N1 be granted, in part only, to vary the layout of the premises in accordance with the new plans to include:-

- Removal of rear bar,
- Increase in size of the kitchen area,
- Installation of additional fixed seating and
- Relocation of entrance.

2) The remainder of the application would be deferred to a future meeting.

Licensing Sub-Committee C– 17 December 2013

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material.

During deliberations the Sub-Committee sought clarification on the suggested conditions as set out on page 55 of the agenda and the summary of amendments and agreed conditions presented by the applicant. The Sub-Committee noted that suggested conditions 1-4 were agreed by the applicant. The Sub-Committee returned to the meeting and legal advice was provided in open session.

The Sub-Committee decided to defer making a decision and requested that, at the next Sub-Committee, documentation should be provided to reflect any agreement reached between the applicant and the responsible authorities and setting out clear proposed conditions.

The applicant addressed the Sub-Committee regarding the variation to the layout of the premises which had already been undertaken. The Sub-Committee noted that no responsible authority had raised any objection to the new layout and the applicant had accepted suggested conditions from the Health and Safety officer and therefore decided to agree the variation, in part only, to allow for the new layout.

The Sub-Committee took the view that the necessary amendments to the licence could be dealt with at the next meeting.

228. URGENT NON-EXEMPT/CONFIDENTIAL ITEMS

The following items were considered urgent as the temporary events were to be held prior to the next ordinary meeting of the Licensing Sub-Committee.

229. THE WINCHESTER, 2 ESSEX ROAD, N1 8LN - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (Item C1)

RESOLVED:

The Sub-Committee noted the police objection to the temporary event notice and that The Winchester, 2 Essex Road, N1 had cancelled its bookings for the 23 and 24 December 2013. The Sub-Committee directed the licensing authority to issue a counter notice.

230. FIGARO NEWS, 15 STATION PLACE, N4 2DH - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (ITEM C2)

The police authority reported that the venue was in the Holloway Road and Finsbury Park Cumulative impact area. He reported that although he could not object solely on this basis he had concerns that the premises staying open for this length of time over the early hours of New Year's Day would lead to potential problems with customers congregating outside transport station entrances and drinking, hindering dispersal in this area at a time when resources would already be stretched to the limit.

Mustafa Kirac, the manager supported by Alli Tatar, the owner, spoke in support of the application. He reported that he was already open until midnight and had no problems. He stated that his customers wanted to be served after midnight. He was not looking to do this all the time and could have the licence until 2 am to 3am if preferred.

In response to questions the police officer reported that the applicant had traded before their licence transfer. He did believe that the applicant wanted to operate responsibly but did not consider that they had the experience to deal with any disorder. He would be reluctant to see the notice granted, even with reduced hours. The applicant had another store and was open

Licensing Sub-Committee C– 17 December 2013

sometimes until 1am with little trouble although it was accepted that it was not in the same location.

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

RESOLVED:

That the application for a temporary event notice be refused and the licensing authority issue a counter notice.

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.

In particular the Sub-Committee considered paragraph 9.12, of the Home Office guidance. Paragraph 9.12 provides that the police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.

The Sub-Committee noted the submission from the police that the premises was situated in the Holloway Road and Finsbury Park cumulative impact area, a locality where there was traditionally high crime and disorder. The police raised concerns that the application would cause further policing problems in an already demanding area, in particular in the early hours of New Year's Day.

The Sub-Committee considered licensing policy 28 and in particular noted that the applicant did not propose any control measures to mitigate the police objection. In addition the Sub-Committee noted that the applicant was the new owner of the premises and the police raised concern that the applicant was not experienced and had not yet had opportunity to demonstrate that he could deal with the proposed hours under the TEN.

The Sub-Committee concluded that the additional opening hours would be an additional stress to the area and was satisfied that the granting of the TENs would undermine the licensing objectives.

The meeting finished at 8:25 pm.

CHAIR