

London Borough of Islington

Licensing Sub-Committee 'D' – 14 March 2011

Minutes of the additional meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 14 March 2011 at 6:15 pm

Present: Councillors: Troy Gallagher, Phil Kelly (Item B1), Raphael Andrews (Items B2 and B3) and Wally Burgess

COUNCILLOR TROY GALLAGHER IN THE CHAIR

48 INTRODUCTIONS (Item A1)

Councillor Gallagher welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

49 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Raphael Andrews for Item B1 and Arthur Graves for the meeting.

50 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Wally Burgess substituted for Councillor Graves.
Councillor Phil Kelly substituted for Councillor Andrews for Item B1.

51 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

52 ORDER OF BUSINESS (Item A5)

The order of business would be as on the agenda.

53 CONFIRMATION OF THE MINUTES OF LICENSING SUB-COMMITTEE D HELD ON 17 JANUARY 2011 (Item B6)

RESOLVED:

That the minutes of the meeting held on the 17 January 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**54 THE ZETTER TOWNHOUSE, 49-50 ST JOHN SQUARE, EC1V 4RF
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B1)**

The licensing officer reported that this was an application for a new premises licence in the Clerkenwell Cumulative Impact Area. The Health and Safety conditions had been agreed. The noise officer confirmed that noise conditions had been deleted as regulated entertainment had been withdrawn from the application. The applicant also informed the Sub-Committee that condition 3 would be withdrawn as this related to regulated entertainment. Regulated entertainment relating to films had also been withdrawn from the application and there would be no off sales.

David Taylor, Lucy Fawcett and Martin Macro speaking on behalf of Robin Smylie, a resident who was unable to attend the meeting, spoke against the application. Concerns raised included the transference of sound through the walls, the noise escape from open windows into the courtyard area and the supervision of customers.

Anthony Edwards, solicitor, supported by Mark Staines, applicant, spoke in support of the application. He reported that this was a quality hotel that would damage its own business if it was to allow disorderly groups to use the facilities. Sound proofing works had been carried out which

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they were confident would deal with noise transference issues. There was a total of 13 rooms and the premises had a maximum capacity of 80 persons. The applicant agreed to a condition regarding the closure of windows. The Sub-Committee noted that the premises would not be available to casual users.

The legal adviser informed the Sub-Committee that licensing policy 27 created a presumption that applications for new premises would normally be refused unless the applicant could demonstrate why the operation of the premises would not add to the cumulative impact.

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 premises licence in respect of **The Zetter Townhouse, 49-50 St John Square, EC1V 4RF** be granted to allow:-

- i) The premises to sell alcohol, for consumption on the premises, from Monday to Sunday from 10:00 to 02:00 throughout the premises.
- ii) The provision of late night refreshment from Monday to Sunday from 23:00 until 02:00 in the basement, ground and first floors.

b) That the conditions as outlined in appendix 4, as detailed on pages 55-57 of the agenda, be applied to the licence, subject to the following amendments:

- Conditions 3, 10,11,12 and 13 be deleted;
- Additional condition. That the windows in the bar at the rear of the property, facing into the quadrangle, be kept closed at all times.

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 accepted the conditions put forward by the responsible authority.

In reaching their decision, the Sub-Committee firstly considered Licensing policy 027 regarding the cumulative impact in relation to the south Clerkenwell area. The applicant rebutted the presumption that applications for new premises should be refused. The applicant demonstrated that the operation of these premises would not add to the cumulative impact of the area. The Sub-Committee noted the size of the premises and the maximum capacity for the Townhouse. The applicant also withdrew the application for regulated entertainment and provided evidence of high standards of management.

The Sub Committee also took into consideration Licensing policy 023 regarding the location of the premises, character of the area and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee was satisfied that, with the conditions detailed on appendix 4 on pages 55-57 of the report, subject to the amendments, the licensing objectives would be promoted. The Sub-Committee noted the extensive acoustic works carried out by the applicant to reduce the impact of noise to residents.

Note of the Committee

The Sub-Committee noted that the applicant had been responsive to the concerns of residents to date. This commitment should continue and residents should contact the applicant and the Council's Noise Team if there were any noise issues.

55 **4 WESTBOURNE ROAD, N7 8AU**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The licensing officer reported that, following a residents meeting, the applicant had further reduced his application hours to 10:00 until 22:00. The applicant had agreed with the proposed trading standards and health and safety conditions.

Local residents Michael Jacobs, Susan Caffrey, Jane Davies, Louise Camina, Meg Howarth and John Butcher all spoke against the application. Concerns were raised which included possible breaches in planning consent, discarded litter, youths congregating around Arundel Square and the number of off licences in the area.

Turabi Ay, representing, Ibrahim Kilic, the applicant, spoke in support of the application. In response to questions from members the applicant outlined the Challenge 25 process. He reported that he had a large refuse container outside the premises and had not received noise complaints about his 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 premises licence in respect of **4 Westbourne Road, N7 8AU** be granted to permit the premises to sell alcohol, off the premises only, on Monday to Sunday from 10:00 until 22:00.

b) That the conditions as detailed on page 101 of the agenda be applied to the licence, subject to the deletion of conditions 6-8.

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. The Sub-Committee also noted that the applicant had attended a resident meeting and following this, had reduced the proposed hours of operation.

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 010 regarding the protection of the amenity of residents and businesses in the vicinity of licensed premises.

The Sub-Committee were satisfied that, with the conditions detailed on appendix 3 on page 101 of the report, subject to the amendments, the licensing objectives would be promoted.

Note of the Committee

The Sub-Committee would ask residents to keep the noise team informed if there were any noise issues.

56 **CASA SANTANA, 544 HOLLOWAY ROAD, N7 6JP**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B4)

The licensing officer reported that the health and safety works had been completed and informed the Sub-Committee that amended police conditions that had been agreed by the applicant.

A local resident, unable to attend the meeting, had raised concerns regarding the late hours.

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The Sub-Committee noted that the noise conditions relating to regulated entertainment could be withdrawn as no application had been made for it.

Manuel Rocha, the owner, supported by John Ferreria, the designated premises supervisor, offered a reduction in hours on Sundays to Thursdays.

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 premises licence in respect of **Casa Santana, 544 Holloway Road, N7 6JP** be granted to permit:-

i) The premises to supply alcohol, on the premises only, Sunday to Thursday, from 12:00 until 23:00 hours and on Fridays and Saturdays from 12:00 until 01:00.

ii) To provide late night refreshment on Fridays and Saturdays from 23:00 until 01:00.

b) That the conditions, as outlined in appendix 3 as detailed on page 134 of the agenda, be applied to the licence, subject to the following amendments:

- Conditions 10, 11 and 12 to be deleted;
- Condition 8 to read. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such a person as ancillary to his/her meal or to persons waiting to be seated in the designated waiting area.

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 amended 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 010 regarding the protection of the amenity of resident and business in the vicinity of licensed premises.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 134 of the report, subject to the amendments, the licensing objectives would be promoted.

The meeting ended at 8.40 pm

CHAIR