

London Borough of Islington

Licensing Sub-Committee 'D' – 2 July 2012

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 2 July 2012 at 6:00 pm

Present: Councillors: Wally Burgess (Items B1 and B2), Joe Caluori, Troy Gallagher (Items B3 and B4) and Tracy Ismail.

**COUNCILLOR JOE CALUORI IN THE CHAIR (ITEMS B1/B2)
COUNCILLOR TROY GALLAGHER IN THE CHAIR (ITEMS B3/B4)**

101 INTRODUCTIONS (Item A1)

Councillor Joe Caluori welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined and those present were informed that the procedure was detailed on page 3 of the agenda.

102 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillors Gallagher for Items B1 and B2 and Wilson for the meeting.

103 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Wally Burgess substituted for Councillor Troy Gallagher and Councillor Tracy Ismail substituted for Councillor David Wilson.

104 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

105 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

106 CONFIRMATION OF THE MINUTES OF LICENSING SUB-COMMITTEE D HELD ON 1 MAY 2012 (Item A6)

RESOLVED:

That the minutes of the meeting held on the 1 May 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

107 87-91 OLD STREET, EC1V 9JJ - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)

The licensing officer reported that the applicant was seeking to amend the application to reduce the hours to 02:00 hours on Sunday to Thursday and 03:00 hours on Friday and Saturday. The applicant had agreed the condition put forward by the trading standards officer.

The licensing service manager spoke in support of the representation submitted by the Licensing Authority. She advised that all references to health in the representation be disregarded. She highlighted that the Licensing Committee should take into consideration Licensing Policy 023 regarding the type of premises and the cumulative impact on the area and the number of 24 hour off licences already operating in the area which would result in a negative cumulative impact on the licensing objectives of public nuisance and crime and disorder. She asked that the request for a 24 hour licence be refused but that a grant for a licence be considered with the hours of 08:00 to 23:00 hours on Mondays to Saturdays and from 10:00 until 22:30 hours on Sundays.

The police reported that there was a large problem in the area regarding street drinkers and confirmed that he stood by the representation as detailed in the agenda papers.

Interested parties, Frances Fuller of Wenlake Management and Mr Woollard, spoke against the application. The Sub-Committee noted that Mr Woollard, as a petitioner, could only speak to the

Licensing Sub-Committee 'D' – 2 July 2012

petition and not add any new information. The residents reported that this was a residential area which had a nightclub and a 24 hour off licence opposite. Anchor House was full of young families and it was considered that an additional licence with long hours unacceptable. Residents already suffered an unacceptable amount of noise until 02:00 or 03:00 hours in the morning. They felt that an off licence would encourage the practice of refilling bottles prior to going to the club. They were already disturbed by noise from the back entrance of the premises.

In response to questions from the Sub-Committee, the residents did not consider that they could say anything positive about licensing another off-licence in the area and just considered that it would bring more youths sitting drinking on the walls of the estate. They considered that disturbance was made by customers from shops, clubs and restaurants and one more off-licence would make things even worse.

Mr Dadds, counsel, supporting the applicant, Gursel Ceylan, highlighted the home office guidance at paragraph 9.14 and reported that it was not expected that the licensing service would raise representations where other authorities could act. He also drew attention to paragraphs 10.16 and 10.17 regarding existing statutory responsibilities and that it was not appropriate to impose conditions in this case. He reported that need was not a consideration for the Sub-Committee, there was no cumulative zone in this area and the premises currently operated for 24 hours, selling food. He had not heard any evidence from the police regarding the four local 24 hour off licences, he considered that the police representation was a general one and that this location was suitable for a late licence.

The licensing officer reported to the Sub-Committee that conditions relating to public safety had been taken from the operating schedule in the application.

In summing up, the licensing service manager reported that the new powers were taken from the Licensing Act 2003 and in her opinion the statutory guidance offered suggestions. The Licensing Policy, which had been subject to full consultation with licensees and businesses, gave a clear mandate for a flexible approach when considering cumulative impact in areas outside a cumulative impact zone. She also considered that the Sub-Committee could look at the whole ward or an even wider area when making these decisions.

The police considered that the number of 24 hour off licences in the area could be taken into account and reported that, in his opinion, alcohol purchased at 02:00 hours would be drunk in the area rather than taken home.

The interested parties reported that in all the rules that had been outlined by the applicant's counsel, the human factor had been omitted. The residents were already suffering noise and they believed that an additional off-licence would encourage more people onto the estate.

Mr Dadds, informed the Sub-Committee that the police had submitted no evidence regarding the four 24 hour off-licences and how they had undermined the licensing objectives. He quoted paragraph 1.16 of the guidance which stated that each application must be considered on its merits and where there was a departure from the guidance there would need to be good reason. Police resource issues were not grounds for the refusal of a licence.

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

RESOLVED:

a) That the premises licence in respect of 87-91 Old Street, EC1V 9JJ be granted to allow the sale of alcohol from Monday to Saturday, between 8am and 11pm and 10:00 am to 22:30 on Sunday.

b) That the conditions as outlined in appendix three as detailed on page 47/48 of the agenda be applied to the licence with the following deletions, conditions 5, 8, 10, 24 to 27.

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.

Licensing Sub-Committee 'D' – 2 July 2012

The Sub-Committee considered paragraph 9.14 of the guidance and took the view on this occasion that notwithstanding representations received from the police and interested parties, the representation made by the licensing authority was reasonable. The Sub-Committee noted paragraphs 10.16 and 10.17 of the guidance and considered it reasonable to impose the condition recommended by the health and public safety officer to ensure that the licensing objective in relation to public safety was promoted.

The Sub-Committee in determining the hours of operation gave serious consideration to the views of the residents. They also noted the police evidence stated that alcohol related crime peaked between 11pm and 4am and street drinking was a problem in the area.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 013 which expects the operating schedule to describe how standards can be achieved in relation to promoting the licensing objectives, Licensing Policy 021 regarding the flexibility in licensing hours, Licensing Policy 022 which seeks to restrict the operational hours of premises where it is necessary to promote the licensing objectives, Licensing Policy 023 regarding the location of the premises and its cumulative impact upon the area and Licensing Policy 025 regarding the increasing number of shops selling alcohol for consumption of the premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 47/48 of the report subject to the amendments, the licensing objectives would be promoted.

108 CITY SUPERMARKET, 190 GOSWELL ROAD, EC1V 7DT– APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The Trading Standards Officer informed the Sub-Committee that a premises licence was currently held by Atay Kasapoglu but was subject to appeal. Given the previous history regarding these premises he considered that the Sub-Committee have an opportunity to assess the proposed management of the business. He had not had any contact with the applicant.

The police advised that they had concerns that Salman Capti Senior may be the controlling influence in the business. The applicant was his son, Salman Capti Junior.

Rachel Kapila, counsel, with Salman Capti Junior, the applicant, Salman Capti Senior and Mahir Kilic, agent, spoke in support of the application. The Sub-Committee heard evidence regarding the improvements in the management of the business. The Sub-Committee noted that, although an appeal was upheld at court, the magistrate advised that there had been some progress in the management of the business and that there may be a time that it would be appropriate for a licence to be granted.

The applicant responded to questions regarding the stock control system and the licensing objectives. The Sub-Committee noted that longer hours had been applied for, as they may be required in the future. The applicant did not wish to use shutters if they were to stay open until a later hour, however the Sub-Committee noted that the premises currently closed at 11pm.

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

RESOLVED:

a) That the premises licence in respect of City Supermarket, 190 Goswell Road, EC1V 7DT be granted to permit the premises to supply alcohol Monday to Saturday from 08:00 until 23:00 and 10:00 until 22:30 on Sundays.

b) That the conditions as outlined in appendix 3 on page 81/82 of the agenda subject to the deletion of conditions 16 and 18 and the following condition to replace condition 2, be applied to the licence.

- Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is

Licensing Sub-Committee 'D' – 2 July 2012

to be secured behind locked grills, locked screens of locked cabinet doors so as to prevent access to the alcohol by customers or staff.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities 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.

The Sub-Committee noted the previous history relating to the premises and that it was a family business. In making their decision they noted the evidence given by the applicant in regard to the future management of the premises and further noted that the licensing authority had not made recent visits to check on compliance of licence conditions as an appeal was pending. In determining the hours of operation the Sub-Committee considered that the current operating hours were sufficient.

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, the views of the interested parties and the proposed hours of operation and Licensing Policy 022 which sought to restrict the operational hours of premises to promote the licensing objectives. The Sub-Committee also considered Licensing Policy 021 regarding flexibility in licensing hours and Licensing policies 32 and 39 in relation to age related products and counterfeit goods.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 81/82 of the report subject to the amendments, the licensing objectives would be promoted.

109 THE OLD FIRE STATION, 84 MAYTON STREET, N7 6QT – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)

The licensing officer reported that there was an additional representation not included in the papers from an objector who stated he would agree with hours of 10:00 and 16:00. There was a further representation not included which had been circulated to the Sub-Committee and would be interleaved with the agenda papers.

Andrew McKnight, the applicant reported that he had amended the application to allow the provision of plays and films only. He informed the Sub-Committee that he would use temporary event notices when required.

Local residents, Morag Gillie, Mary Andrews and Kevin Jordan, informed the Sub-Committee that they suffered noise disturbance from events that were held at the premises, from car doors slamming and from customers leaving the premises.

The applicant informed the Sub-Committee that the events at the premises would be small scale and private hire for parties would not be allowed. If he was made aware of problems with hirers he would be able to take this up with them. Fire exits should remain closed and he would ensure that hirers be reminded of this.

RESOLVED:

a) That the premises licence in respect of The Old Fire Station, 84 Mayton Street, N7 6QT be granted to allow the provision of plays and films from 09:00 until 22:00 Monday to Sunday.

That the conditions as outlined in appendix three as detailed on page 121 of the agenda be applied to the licence with the following deletions – conditions 6,8,10 and 12 to 20.

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 welcomed the amendment to the application in relation to the licensable activities noting that the amendment was directly related to the concerns raised by interested parties.

The Sub-Committee noted that the applicant accepted the condition put forward by the noise team which was already in place.

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, the views of the interested parties 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 considered that with the conditions detailed on appendix 3 on page 121 of the report subject to the amendments, the licensing objectives would be promoted.

110 SWEET CAFÉ, 181 CALEDONIAN ROAD, N1 0SL – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)

The Sub-Committee noted that the applicant had accepted the proposed conditions. The application was for the sale of alcohol on the premises and not off as stated in the report.

The police agreed with the hours proposed.

The applicant, Semrat Mahare Rusom, informed the Sub-Committee that there was space for tables and chairs outside. This as within the curtilage of the premises. He noted that alcohol could not be taken outside the premises.

RESOLVED:

- a) That the premises licence in respect of Sweet Cafe, 181 Caledonian Road, N1 0SL be granted to allow:-
 - i) the sale of alcohol for consumption on the premises from 10:00 until 23:00 Monday to Thursday and from 10:00 to 01:00 on Friday to Sunday,
 - ii) late night refreshment from 23:00 to 01:00 Friday to Sunday.
 - iii) recorded music from 10:00 until 23:00 Monday to Thursday and from 10:00 to 01:00 Friday to Sunday.
- b) That the conditions as outlined in appendix three as detailed on page 154/155 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 applicant 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, the character of the area, the views of the interested parties and the proposed hours of operation and Licensing Policies 032 and 039 in relation to age related products and counterfeit goods.

Licensing Sub-Committee 'D' – 2 July 2012

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 197 of the report subject to the amendments, the licensing objectives would be promoted.

The meeting ended at 9.20pm

CHAIR