

## London Borough of Islington

### Licensing Sub-Committee 'D' – 30 August 2012

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 30 August 2012 at 6:00 pm

Present: Councillors: Wally Burgess, Troy Gallagher and David Wilson.

#### COUNCILLOR TROY GALLAGHER IN THE CHAIR

**111 INTRODUCTIONS (Item A1)**

Councillor Troy Gallagher 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.

**112 APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillor Joe Caluori.

**113 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Wally Burgess substituted for Councillor Joe Caluori.

**114 DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**115 ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**116 CONFIRMATION OF THE MINUTES OF LICENSING SUB-COMMITTEE D HELD ON 2 JULY 2012 (Item A6)**

**RESOLVED:**

That the minutes of the meeting held on the 2 July 2012 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**117 B AND S FOOD AND WINE, 109-111 JUNCTION ROAD, N19 5PX - APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B1)**

The licensing manager outlined the representation detailed in the agenda and highlighted the number of off licences in the area and the concern that saturation point had already been reached in the ward.

The licensing authority fully supported the representation from the health authority.

The noise officer reported that their conditions had been accepted by the applicant.

The public health representative reported that they considered that there were already sufficient premises in the area and an increase in numbers would be detrimental to public health. She also reported that the hours should not be increased.

In response to a question from the Sub-Committee regarding cumulative impact the health authority reported that there were already problems in terms of ambulance pickups and they would like to see fewer licensed premises in the area.

Abdullah Aslan, the applicant, supported by a family friend, Mine Turgut, informed the Sub-Committee that he had a 24 hour licence at 105 Junction Road which had no problems. He wished to surrender the licence for No. 105 and have a 24 hour licence for 109-111 Junction Road. He required a licence for 24 hours to ensure the business was profitable. He would surrender the licence at 105 Junction Road if this application was successful.

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The Sub-Committee noted that the application contained no information regarding the steps that the applicant would take to prevent crime and disorder. The Sub-Committee asked the applicant to outline measures that he would take but he was unable to expand on this at the meeting. He had considered surrendering the licence for the premises at 105 Junction Road prior to this application, but had not done so.

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

### **RESOLVED:**

That the premises licence in respect of B and S Food and Wine, 109-111 Junction Road, N19 5PX be refused.

### **REASONS FOR DECISION**

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 023 regarding the type of premises, their cumulative impact upon the area and the mix of premises in the area, location of the premises, the character of the area and the proposed hours of operation. The Sub-Committee noted that there were 47 premises in Junction ward licensed for off sales of alcohol, seven 24 hour off licences in the area and 10 off licences along Junction Road. The licensing authority submitted that there were sufficient licensed premises for the demands of local residents and any additional outlets supplying alcohol 24 hours a day would be detrimental to local residents. The Sub-Committee also noted the evidence presented of the impact of alcohol on health in Islington and in particular, Junction ward.

The Health Authority submitted that there were already sufficient premises to meet demand in Junction ward and that current levels were detrimental to public health as there were already problem levels of ambulance pickups and hospital admissions from within the ward.

The Sub-Committee also considered Licensing Policy 025 regarding the licensing authority's concern about the increasing number of shops selling alcohol for consumption off the premises and its intention to explore the possibility of adopting a cumulative impact policy. The licensing authority gave evidence that there was particular concern about the number of licensed premises in the area of Junction ward and the authority was currently collating evidence to support a saturation zone for the ward. The Sub-Committee particularly considered paragraph 109 of the licensing policy and decided that it was appropriate to restrict the licensing hours of the premises because of the nature of the area and the density of licensed premises in proximity to the premises.

The Sub-Committee noted that the applicant was seeking a 24 hour licence to make the business profitable. The applicant currently held a 24 hour licence for premises at 105 Junction Road. The Sub-Committee noted that the applicant had considered ending his lease at 105 and surrendering the licence for those premises. However, this proposal had not been put into effect and therefore the Sub-Committee made their decision based on current circumstances.

### **118 KENTUCKY FRIED CHICKEN, 241 UPPER STREET, N1 1RU – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)**

The noise officer reported that the noise conditions had been accepted by the applicant.

Robert Tensen, local resident, raised concerns regarding noise from the extractor equipment, noise from customers congregating outside the premises and the rubbish that was placed outside at closing time.

Shehzad Chaudhry, the applicant, supported by Remesh Chadha, informed the Sub-Committee that the extractor equipment could be turned off at 11pm to prevent noise disturbance. Rubbish

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was no longer left outside but kept in an area waiting for pick up at close.

In summing up, the interested party, welcomed the offer that the extractors could be turned off at 23:00 hours but had concerns regarding the noise from customers congregating in and outside the shop. The applicant informed the Sub-Committee that there was a night club across the street and a McDonalds nearby which both operated late hours.

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

### **RESOLVED:**

That the premises licence in respect of Kentucky Fried Chicken, 241 Upper Street, N1 1RU be refused.

### **REASONS FOR DECISION**

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant.

In reaching their decision, the Sub-Committee took into particular consideration Licensing policy 009 which states that the licensing authority expects applicants to ensure that they have planning consent for the intended hours of operation before making an application for a premises licence. The licensing authority will only grant licences for premises without planning permission in exceptional circumstances. The Sub-Committee noted that the current planning conditions in place authorise use of the premises only between the hours of 07:00 and 23:00.

The Sub-Committee noted the representations from residents and in particular the impact of extended hours on crime and disorder and public nuisance within the vicinity of the premises. The Sub-Committee were not satisfied that the applicant had considered the impact of longer opening hours on neighbours and what management steps would be required to ensure that the licensing objectives would be met. The Licensing Sub-Committee considered Licensing Policy 023 regarding the location of the premises, the type of premises and their cumulative impact on the area, the character of the area and the proposed hours of operation. The Sub-Committee balanced the conflicting needs of residents, patrons and businesses in making their decision and considered that the cumulative impact of the extension of hours would create a public nuisance and or result in additional crime, disorder and antisocial behaviour in the area.

The Sub-Committee noted that the applicant accepted the conditions proposed by the noise team and that management would be able to turn off the air filter at 11pm. However these proposals did not meet the Sub-Committee's concern regarding addressing public nuisance and crime and disorder.

The meeting ended at 7.30pm

**CHAIR**