

London Borough of Islington
DRAFT
Licensing Sub-Committee 'D' – 30 April 2013

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 30 April 2013 at 6.30 pm

Present: Councillors: Barry Edwards, Troy Gallagher and David Wilson.

COUNCILLOR TROY GALLAGHER IN THE CHAIR

154 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 5 of the agenda.

155 APOLOGIES FOR ABSENCE (Item A2)

Councillor Joe Caluori.

156 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

Councillor Barry Edwards substituted for Councillor Joe Caluori.

157 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

158 ORDER OF BUSINESS (Item A5)

Items B1 – Co-operative Welcome, 219-227 Caledonian Road, N1 0SL and B4 – Deniz Supermarket, 520 Holloway Road had been withdrawn from the agenda. The order of business would be B2, B3, C1 and C2.

159 MINUTES (Item A6)

That the minutes of the meetings held on 13 and 26 February 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

160 CO-OPERATIVE WELCOME, 219-227 CALEDONIAN ROAD, N1 0SL (Item B1)

This item was withdrawn from the agenda.

161 CO-OPERATIVE WELCOME, 132-134 ESSEX ROAD, N1 8LX – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)

The licensing officer reported that there were three additional objections, one from a ward councillor and two from residents' associations, which had been circulated. The licensing officer also reported that the premises were in a cumulative impact area.

Stephen Graham, solicitor, representing the store manager, Maulik Desai and the designated premises supervisor, Navaratnarajah Thayaruben, spoke in support of the business. He reported that the Co-operative was seeking to extend its hours of licensable activities to be consistent with the opening hours to improve convenience for customers. The Co-operative was also seeking to standardise its hours across the county. There was a comprehensive training regime for staff and 16 CCTV cameras monitored the internal and external areas of the premises. The CCTV images were kept for 28 days. The store had four personal licence holders in addition to the designated premises supervisor. There had been no localised problems in relation to the sale of alcohol and in seeking to extend the hours for sale of alcohol it was not anticipated that the market share would be increased.

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

Licensing Sub-Committee 'D' – 30 April 2013

RESOLVED:

That the variation in respect of Co-operative Welcome, 132-134 Essex Road, N1 8LX be refused.

REASONS FOR DECISION

The Sub-Committee took into consideration Licensing Policy 002. The premises fell under the Angel and Upper Street cumulative impact area. Licensing policy 002 created a rebuttable presumption that applications for new premises licences were likely to add to the existing cumulative impact and would accordingly normally be refused unless an applicant could demonstrate why the operation of the premises involved would not impact adversely on the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the Co-operative was seeking to standardise its opening hours across the whole country and was therefore seeking to extend licensing hours Monday to Sunday. The Co-operative submitted that the proposed additional hour in the morning and the extra half an hour on Sunday evening would not impact on the cumulative impact area. The Sub-Committee noted that the premises were well managed and there was a comprehensive training regime in place.

The Sub-Committee noted the representations made by the local councillor and from local residents' associations. The Sub-Committee were concerned that the extended licensing hours would add pressure to the cumulative impact area. The Sub-Committee noted that the Co-operative submitted that they did not expect their overall market to grow. However the Sub-Committee were of the view that the increased opportunity to purchase alcohol (particularly by people returning from a night shift or from a night out) would add to the cumulative impact. The Sub-Committee also considered Licensing Policy 4 and the adverse impact on the Licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises and that longer hours would undermine the Licensing objectives.

The Sub-Committee considered paragraph 10.13 of the Home Office guidance noting the guidance that sale of alcohol for consumption off the premises should be in line with when the retail outlet was open for shopping unless there were good reasons based on the licensing objectives for restricting those hours. For the reasons applied to the consideration of the cumulative impact policy the Sub-Committee was satisfied that in this case the increased hours would impact on the licensing objectives.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. The applicant did not rebut the presumption and did not show any exceptional circumstances as to why the Sub-Committee should grant the application. The application was accordingly refused.

162 CRISP N FRESH, 618 HOLLOWAY ROAD, N19 3PB (Item B3)

The licensing officer reported that the noise conditions had been agreed. The premises were in a cumulative impact area.

The licensing authority officer reported that the premises currently did not operate after 12am but was requesting a licence to operate until 4am. Most alcohol related issues occurred after 12am and there was little information in the operating schedule about how problems would be addressed.

Robert Jordan representing the designated premises supervisor, Senkay Hussein, put forward his view that the variation would not add to the cumulative impact in the area. There was no evidence to show that off licences were the providers of alcohol consumed before alcohol related incidents in the borough. It was not anticipated that extending the hours would increase the premises market share.

Senkay Hussein explained that her staff were trained and there had not been a problem with underage sales for a year. Refusals were always registered and street drinkers were not served. A training manual was produced. The application to extend the hours was being sought as there was more demand for alcohol later in the evening rather than earlier in the day and extending the hours

Licensing Sub-Committee 'D' – 30 April 2013

would tie in with the opening hours. Senkay Hussein explained that she would be willing to curtail the additional hours she originally sought to an extra hour in the week and to two hours at the weekend. She was also willing to have two males working in the shop after 12am and that they would apply for personal licences.

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

RESOLVED:

That the premises variation in respect of Crisp N Fresh, 618 Holloway Road, N19 3PB be refused.

REASONS FOR DECISION

The Sub-Committee took into consideration Licensing Policy 002. The premises fell under the Holloway and Finsbury Park cumulative impact area. Licensing policy 002 created a rebuttable presumption that applications for new premises licences were likely to add to the existing cumulative impact and would accordingly normally be refused unless an applicant could demonstrate why the operation of the premises involved would not impact adversely on the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the applicant's sales of alcohol were mainly in the evening and that she was looking to increase her licensing hours in order to increase sales. The Sub-Committee noted that the applicant would be willing to curtail the additional hours she originally sought to an extra hour in the week and to two hours at the weekend. The applicant produced a training manual and advised the Sub-Committee that her staff were trained and she had not experienced any difficulties for the last year.

The Licensing Authority submitted that the granting of the licence would create further stress in the cumulative impact area and that the proposed hours would cover the prime time when the borough experiences alcohol related issues.

The Sub-Committee noted that the operating schedule did not (as required by Licensing Policy 9) set out how the applicant was going to cope with the additional hours sought. The Sub-Committee were also concerned about previous management problems at the premises and that a high standard of management had not been demonstrated.

The applicant submitted that the proposed hours would not increase the overall market in the cumulative impact area and that sales would not be made to street drinkers. However the Sub-Committee concluded that the increased hours would add to the availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour and therefore having a cumulative impact on the licensing objectives. In accordance with Licensing Policy 4, the Sub-Committee was concerned about the adverse impact on the Licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises and that longer hours would undermine the licensing objectives.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough was having on the promotion of the licensing objectives. The applicant did not rebut the presumption and did not show any exceptional circumstances as to why the Sub-Committee should grant the application. The application was accordingly refused.

163 DENIZ SUPERMARKET, 520 HOLLOWAY ROAD, N7 6JD (ITEM B4)

This item was withdrawn from the agenda.

URGENT NON-EXEMPT ITEMS

164 SOHO BOOKS, 9-11 CALEDONIAN ROAD, N1 (ITEM C1)

This item was deemed urgent by the Chair of the Sub-Committee as the notifications to the interested parties and the applicant had been despatched and it was therefore necessary for the item to be heard at the next available meeting of the Sub-Committee.

The licensing officer reported that the applicant was also seeking planning permission and had confirmed he would surrender his licence if that permission was granted. The current frontage had not been given approval and negotiations had been ongoing with the licensee to return to the original frontage. In response to objections, the licensee had proposed to open up the frontage and build a form of unit that could display products in the window whilst not allowing people to see into the shop through the windows, remove the light box, remove the advertising from the window and replace the light box with a sign warning prospective customers of the type of shop they were about to enter.

The Sub-Committee noted that the applicant and objectors were not in attendance at the meeting.

RESOLVED:

- a) That the premises licence in respect of Soho Bookshop, 9-11 Caledonian Road, N1 be renewed.
- b) That conditions outlined in appendix 3 as detailed at page 16 and 17 of the report shall be applied to the licence.
- c) That the following additional conditions be applied to the licence.

- 25. That the windows should be open glazed.
- 26. That there should be display units in the windows to display products which are not sex articles.
- 27. There should be no view from the street into the shop through the windows.
- 28. That the light box be removed and replaced with a warning notice displayed inside the entrance to the premises.
- 29. The warning notice should not be visible from the street but should be visible to people entering the shop. The size, colour and position of the notice to be approved by the Council.
- 30. That there be no advertising in the window.
- 31. That the external street door be kept closed during opening times except for access and egress.

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 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the national guidance and the Council's Sex Establishment Licensing Policy.

The Sub-Committee noted representations from the local councillor and residents. The Sub-Committee noted that the applicant had responded to objections raised and had come forward with a reasonable proposal.

The Sub-Committee considered that with the standard conditions and the proposed conditions the renewal would be agreed.

165 EMIRATES STADIUM, DRAYTON PARK, LONDON, N5 (ITEM C2)

The Chair had agreed that this item be considered as an urgent item in order to allow the licensing application to be determined following the planning application.

Licensing Sub-Committee 'D' – 30 April 2013

RESOLVED:

That the Licensing Sub-Committee agreed to adjourn the licensing application under Regulation 12 of the Hearings Regulations. The Sub-Committee also took into account Licensing Policy 6 which stated that the Local Authority expected applicants to ensure that they had planning consent before an application for a premises licence could be considered.

The meeting ended at 8 pm.

CHAIR