

London Borough of Islington
DRAFT
Licensing Sub-Committee 'D' – 9 January 2014

Minutes of the meeting of Licensing Sub-Committee 'D' held at the Town Hall, Upper Street, N1 2UD on 9 January 2014 at 6.35 pm.

Present: Councillors: Raphael Andrews, Troy Gallagher and David Wilson.

COUNCILLOR TROY GALLAGHER IN THE CHAIR

206 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 pages 4 of the agenda.

207 APOLOGIES FOR ABSENCE (Item A2)

None.

208 DECLARATION OF SUBSTITUTE MEMBERS (Item A3)

None.

209 DECLARATIONS OF INTEREST (Item A4)

None.

210 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

211 MINUTES (Item A6)

That the minutes of the meetings held on 14 and 18 November 2013 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

212 EXPRESS SUPERMARKET, 81 HAZELLVILLE ROAD, N19 3NB - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)

The Licensing Officer reported that this item had been adjourned from the 26 November and that all objections from the responsible authorities remained.

The noise team, the police, the licensing authority and the community safety team all reported that they had nothing further to add to their representations detailed in the agenda. The trading standards officer, who sent his apologies, was represented by the licensing authority. The licensing authority stated that the trading standards officer considered that the application should be refused and asked that the Sub-Committee ask questions regarding the improvements made in management standards, including underage sales and training and also the involvement of the applicant's father in the business.

Mr Dadds, counsel, supported by the applicant, Mehmet Aslan and Alan Aylott, from Dadds solicitors, spoke in support of the application. He reported that this was a genuine transfer of the business. Training had been put in place and there was an electronic till check at the point of sale to safeguard against underage sales. Following concerns raised in the representations about street drinking, Mr Aylott, had visited the area on two occasions. It was noted that, if there were street drinkers in the park, the premises was five minutes walk from the park, up a hill and three other licensed premises would be passed before reaching Express Supermarket. The park had been visited on the 9 January by Dadds and it was reported that there was no evidence of street drinking. Dadds had asked a park support team that was parked locally if they had any issues with the street drinkers and they told them they had no issues in the park. Local mums were spoken to and they stated it was a good park to go to. A local boxing club had said that they did not know of any crime and violence and street drinking in the area.

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The Sub-Committee was reminded that this was not a cumulative impact area. Mr Dadds had asked the police to provide CRIS reports in order that further information could be obtained regarding the police incidents listed on pages 112 and 113 of the agenda and the police had refused to provide these reports. Mr Dadds stated that police evidence needed to withstand scrutiny. Mr Aylott stated that high strength alcohol was sold in other shops in the Hornsey Road area. If there was evidence of street drinking a condition regarding alcohol strength could be applied to the licence.

In response to questions directed to the applicant it was noted that Mr Aslan was not involved in the previous problems in the premises. He always challenged customers to be on the safe side. He was born and studied in this country, spoke English fluently and could identify with young people coming into the shop. He kept himself up to date with licensing practices, trained staff frequently and had introduced a till prompt system. He challenged young people even if he considered they looked over 25.

The police reported that the premises were on the same road as Elthorne Park. In order for the information requested by the applicant to be produced, the reports would need to be redacted to such an extent that they would cause problems for the integrity of the intelligence. He was happy to show the reports to show that they were related but would need to have the reports back afterwards. There were problems with street drinkers in the park and they could purchase their alcohol from any premises. The community safety officer informed the Sub-Committee that the community safety team collect more qualitative data from residents and the type of incidents that were happening there. This data was collected all year round and she did not consider that the evidence presented by the applicant was representative.

Mr Dadds reported that there was a family connection but Mehmet would have overall responsibility for running the business. Management standards had improved and Mr Aslan had both a personal licence and an SIA licence. Mr Aslan outlined the steps he would take if he considered that a customer was underage. He had trained staff and assigned one person behind the till. Mr Dadds reported that it was usual to receive redacted CRIS reports. They provided more information regarding the incidents. If they were considered to be important they should have been provided in advance and it would be unfair to consider them at this stage.

In summary, the police raised concerns regarding the family connection and reported that there was a clear link between alcohol and crime which would not improve if the availability of alcohol increased. Mr Dadds asked the Sub-Committee to take into account the distance from the park to the premises and that it was up a hill. Street drinkers had not been an issue in the premises. There was a family connection but every individual was entitled to apply for the licence. If there was evidence of involvement of the father this could be a condition of the licence although he did not consider it necessary. The police evidence listed one crime each month which was not considered high crime and the times of these had not been provided despite a request six weeks before. The park wardens they had spoken to, who had been there for two years, stated there was no problem in the area. There had been no resident objections.

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

RESOLVED:

- 1) That the premises licence in respect of Express Supermarket, 81 Hazelville Road, N19 3NB be granted to:-
 - a) permit the premises to sell alcohol for consumption off the premises from 08:00 to 23:00 Monday to Sunday.
 - b) agree the opening hours of the premises from 07:00 to 23:00 hours.
- 2) That the following conditions be added to the licence:-

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Conditions as outlined in appendix 3 as detailed on page 130 of the agenda with the following additions.

- That Mr Zeki Erdogan shall not have any involvement in the operation of the business, this to include sales, purchases and general management policies.

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.

The Sub-Committee noted that the applicant had agreed the conditions proposed by the noise team.

The Sub-Committee heard evidence that the applicant had taken the business over from his father and that his father would have nothing to do with the running of the business. The applicant explained how he would run the business differently and more efficiently than the previous licensee. The applicant informed the Sub-Committee that he kept up to date with licensing matters, that he would be responsible for training staff, that he would operate Challenge 25 and that there was a till prompt in relation to age restricted products.

The Sub-Committee heard about crime and street drinking in the area, particularly Elthorne Park. The applicant informed the Sub-Committee that the premises are at the top of a steep hill, that Elthorne Park is at the bottom and that it was unlikely that street drinkers would come to his premises. The applicant informed the Sub-Committee that whilst his father had run the business there had never been a problem with street drinkers in the premises and that there are premises nearer the park that sell strong alcohol.

The Sub-Committee noted that the hours sought by the applicant were within the framework hours set out in Licensing policy 8.

The Sub-Committee also took into consideration Licensing policies 9 and 10 regarding standards of management.

The Sub-Committee were concerned regarding the history of the previous licensee and were satisfied that, with an additional condition preventing his involvement, the licensing objectives would be promoted.

213 710 HOLLOWAY ROAD, N19 3NH – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B2)

The licensing officer reported that the application was in the Holloway and Finsbury Park cumulative impact area. Conditions agreed between the police and the applicant were tabled and would be interleaved with the agenda papers. It was noted that a number of these were duplicated with those in the operating schedule. The off sales element of the application had been removed and drawings of the premises had not yet been received.

The noise officer made amendments to conditions 14, 15 and 19 on page 171 of the agenda.

Coral Williams, solicitor, supported by Valbona Sadiku, the owner, and Kate Calvert of the Better Archway Forum spoke in support of the application. She reported that the sale of alcohol would be ancillary to food. This was a coffee house/bistro. There would be no off sales of alcohol and no vertical drinking. The premises were very small and the owner was a responsible operator who owned Bread and Bean on Junction Road. This was a public house but was now to be a coffee house/bistro. Hours were to be drawn back to 22:00 hours on Sundays and there was no outside seating.

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In response to questions, it was noted that the applicant was thinking of ensuring that the exit would be restricted to Holloway Road after 9pm. It was not a young venue as it was a coffee shop. There was one toilet, accessible for the disabled, as there was limited space. Plans would be submitted in the next week.

In summary, it was reported that this was a food led venue which would not add to the cumulative impact. The application was supported by the Better Archway Forum and the other premises, Bread and Bean had a positive effect in the Archway area.

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

RESOLVED:

- 1) That the new premises licence in respect of the 710 Holloway Road, N19 granted as amended:-
 - i) To supply alcohol for consumption on the premises only, 12:00 to 23:00 Monday to Thursday and from 12:00 to 00:00 Friday and Saturday and from 12:00 to 22:00 on Sunday.
 - ii) To allow late night refreshment from 23:00 to 00:00 Friday to Saturday.
 - iii) To agree the opening hours from 08:00 to 23:00 Monday to Thursday and from 12:00 to 00:00 Friday and Saturday and from 12:00 to 22:00 on Sunday.
- 2) Conditions as outlined in appendix 3 as detailed on page 171 of the agenda with the following amendments shall be applied to the licence.

Condition 14. Bottling out shall not take place on Sundays or Bank Holidays. Bottling out shall only take place between the hours of 07:00 and 21:00 on other days.

Condition 15. Refuse disposal shall only take place between 07:00 and 21:00.

Condition 19. A suitable container shall be provided for smoking litter on the buildings on the Holloway Road façade.

The additions as agreed by the applicant and the police as tabled at the meeting subject to the deletions of 1, 3 and 5 due to duplication.

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.

The Sub-Committee noted that the applicant was seeking a terminal hour of 22:00 hours on Sunday. The Sub-Committee further noted that the police conditions were agreed and that the police representation had therefore been withdrawn.

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

The Sub-Committee considered that whilst the premises are in the Holloway and Finsbury Park cumulative impact area, there was a premises licence already in existence for the premises, albeit not in the name of this applicant. The Sub-Committee noted that the hours sought by the current applicant were much less than the existing licence. The Sub-Committee were satisfied that this

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decrease in hours would mean that the premises would not add to the cumulative impact.

The Sub-Committee was concerned that the applicant had not submitted a plan to the licensing authority in relation to the concerns of the responsible authority for health and public safety. The Sub-Committee heard from the applicant that a plan was available and would be submitted. The Sub-Committee were satisfied that the conditions suggested by the health and safety officer would promote the licensing objectives.

214 **THE CALLY, 427 CALEDONIAN ROAD, N7 9BC - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (ITEM B3)**

The licensing officer reported that the noise and health and safety conditions had been agreed by the applicant and the premises were not in a cumulative impact zone.

A local resident informed the Sub-Committee that there had been an increase in student accommodation and students would be frequenting the premises. There were already problems with drunks and drug users frequenting the estate. Residents were concerned about disturbance when clientele left the premises. He asked that there be a condition where alcohol could only be served with food.

Graham Hopkins, agent, supported by the applicant Edmond Toska, spoke in support of the application. He reported that this was a food led pub/restaurant and was not a cheap pub. The applicant wished to open at 6am in order to serve breakfast to hotel residents. There were 200 flats in the estate but only four representations had been received. Only 6 smokers would be allowed outside and a member of staff would attend the door at closing time to remind customers to leave quietly and help prevent disturbance. It was a condition of the lease that no live or recorded music was allowed. The premises provided good food at a reasonable price. It was not a pub where people would get drunk and the prices charged reflected this. The agent would be providing training for the applicant. This was not a sports pub or a night club. The premises were not in the cumulative impact zone and held between 40-60 people.

In response to questions it was noted that they would not wish a condition to serve alcohol only with a meal as the premises was a pub and not a restaurant. Alcohol was not available until 11am. There were no off sales and Mr Hopkins advised that condition 20 be amended to restrict smokers to 6.

In summary, the resident informed the Sub-Committee that the pub was nearest to the student accommodation and he did not consider that the prices would deter students. Although there would be staff on the door, once they were outside and away from the premises, patrons would not be in their control.

RESOLVED:

- 1) That the new premises licence in respect of The Cally, 427 Caledonian Road, N7 be granted to:-
 - a) Allow the sale of alcohol for consumption on the premises 11:00 to 23:00 Sunday to Thursday and 11:00 to 00:00 Friday and Saturday.
 - b) Agree the opening hours from 06:00 to 23:00 Sunday to Thursday and from 06:00 to midnight Friday and Saturday.
 - c) Agree additional hours for Christmas Eve and New Year's Eve from 23:00 hours until 11:00 hours the next day.
- 2) Conditions as outlined in appendix 3 as detailed on page 212/213 of the agenda shall be applied to the licence with the following amendment.

Condition 20 to read. Smoking shall be restricted to the Brewery Road and kept to a maximum of 6 patrons at all times.

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.

The Sub-Committee noted that the applicant had agreed the proposed conditions from the noise team and the health and safety officer.

The Sub-Committee heard evidence from a local resident who lived opposite the premises. The Sub-Committee heard that the area has historic issues with alcohol consumption and that the resident was concerned about potential noise from students visiting the premises from nearby student accommodation.

The Sub-Committee heard evidence from the applicant that the premises would be a food led family orientated pub/restaurant. It was not intended to be a student venue. The applicant is opening early for breakfast trade but does not wish to serve alcohol at breakfast. The applicant offered an amended condition in relation to smokers to try to minimise noise and emphasised that there would be no drinking outside and no off sales. It is a condition of the lease that there be no music in the pub. The Sub-Committee heard evidence in relation to training, CCTV and Challenge 25. The applicant confirmed that he will stop serving 15 minutes before the terminal hour to allow for drinking up time. The applicant stated that he will display the hours clearly on the door and at the bar and that there would be a staff member on the door at the terminal hour.

The Sub-Committee were satisfied that with the agreed conditions the grant of the licence would promote the licensing objectives.

The Sub-Committee considered licensing policy 7 and 8 in relation to hours and 9 and 10 in relation to standards of management.

The meeting ended at 9.20 pm

CHAIR