

Licensing Sub Committee B - 13 September 2016

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 13 September 2016 at 6.30 pm.

Present: **Councillors:** Alex Diner (Chair), Aysegul Erdogan and Diarmaid Ward

Councillor Alex Diner in the Chair

129 INTRODUCTIONS AND PROCEDURE (Item A1)

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

130 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillor Khan.

131 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Ward substituted for Councillor Khan.

132 DECLARATIONS OF INTEREST (Item A4)

Councillor Aysegul stated that she was the ward councillor for Highbury East.

133 ORDER OF BUSINESS (Item A5)

The order of business was as the agenda.

134 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED

That the minutes of the meeting held on the 13 September 2016 be confirmed as a correct record and the Chair be authorised to sign them.

135 LAUGHTERAMA, Highbury Fields, N7 - APPLICATION FOR A NEW PREMISES LICENCE - THIS ITEM HAS BEEN WITHDRAWN (Item B1)

The Sub-Committee noted that this item had been withdrawn.

136 274-276 Highbury New Park, N5 2LH - NEW APPLICATION FOR PREMISES LICENCE (Item B2)

The licensing officer reported that conditions 6 and 7 should be merged to read as one condition and conditions 3 and 4 could be deleted as they had been repeated in condition 10. An additional condition regarding the display of notices should be included as a proposed condition as indicated in the operating schedule.

The interested party stated that since the shop had been closed the streets were very quiet. There had been no more problems with youths in the area. He considered that cars would

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be outside late at night and people would cause trouble. He stated that he would prefer the licence not to be granted but if it was the licence be restricted from 8am to 8pm rather than the 16 hours requested.

In response to questions he stated that when the shop was open previously there had been trouble from youths hanging around outside the shop. Since the shop had closed the area had been very quiet. He stated that, although he would rather that the licence was not granted, he considered 7am was very early when there were schools nearby.

The applicant's representative reported that this shop had been licensed for many years and planning permission had been granted for the replacement building with two shops beneath. The shop was not currently open. The hours requested were within police and this would be a local shop catering for people in the locality. The hours proposed in the morning would enable customers on the way to work to purchase alcohol and they could also buy alcohol in the evening. 11pm was a time recognised as appropriate and the representative asked that the licence be granted for this time. There was no evidence of nuisance, crime and disorder. Police had agreed a CCTV condition. The licensee had held a licence in Copenhagen Street with no difficulties. If the licence was granted the designated premises supervisor would be at the shop most of the time. There were generally two people employed in the premises. They would operate Challenge 25, they would have CCTV inside and outside which would assist if there were problems. There had been a petition of support with 70 signatures. The licensing objectives would be promoted if the licence was granted with proposed conditions.

In response to questions it was reported that the licensing consultants offered training. The shutters were electric which it was considered may be quieter than previously. The area of floor space used for storing alcohol was indicated to members of the Sub-Committee. Local people had visited and supported the shop. The applicant's representative stated that there may be some flexibility regarding the early morning taking into account resident concerns. This was a local community store and was not a nightclub or bar. The proposed hour of 7am would be useful for customers who wished to purchase alcohol on the way to work. The representative did not know of any issues in the area regarding street drinkers. Street drinkers often looked for high strength beers which would not be sold.

In summary, the local resident stated that he considered that 16 hours for the sale of alcohol were excessive. The spirits were just inside the door where customers walked in. He did not disagree with a convenience store but considered the sale of alcohol was a problem.

The applicant's representative stated that spirits were located behind the counter. There may be some flexibility regarding the start time for the sale of alcohol but he asked that the licence be granted as sought. The licensee would promote the licensing objectives but if there were problems there was the review process. This premises had been licensed for many years previously.

RESOLVED

- 1) That the application for a new premises licence in respect of 274-276 Highbury New Park, N5 2LH be granted to allow:-
 - a) The premises to sell alcohol, off supplies, from Monday to Sunday from 8am until 11pm.
 - b) Opening hours from 7am until 11pm.
- 2) Conditions on page 112 of the agenda shall be applied to the licence with the following amendments:-

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- Deletion of conditions 3 and 4 (to be replaced by condition 10).
- Conditions 6 and 7 to be merged as one condition.
- The addition of the following condition. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

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 applicant stated that this was an application for a local convenience store to serve the local community.

The Sub-Committee noted the suggested conditions of approval consistent with the operating schedule and the conditions agreed with the police.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8. The Sub-Committee noted that the representations regarding the hours of operation made by the resident who attended the meeting and noted that the applicant's willingness to be flexible with regard to the hours sought for the sale of alcohol in the morning.

The Sub-Committee concluded that the granting of the new licence, with the conditions and the later start time for the sale of alcohol, would promote the licensing objectives.

The Sub-Committee considered licensing policy 4 regarding shops selling alcohol, licensing policies 7 and 8 regarding hours and licensing policy 25 regarding the sale of alcohol to children.

137

YENI ADANA, 25-27 GREEN LANES, N16 9BS - APPLICATION FOR A NEW PREMISES LICENCE (Item B3)

The licensing officer reported that conditions 13 and 26 had been duplicated.

The licensing authority stated that the premises were not in a cumulative impact area. The authority would not wish the premises to be used as a bar. Customers would be eating food with alcohol. They had no objection to the hours as these had been the same hours as previous licence. There would be no eating or drinking outside the premises. They held no complaints regarding noise nuisance. The take away hours were until 5am although these had not been used fully previously due to noise restrictions.

The applicant's representative stated that this was a restaurant serving Turkish cuisine that had seating available for 50 people. There had been a previous licence but this had not been transferred when the company had been dissolved in June 2016. The licensee was currently still paying staff for covering the night shift but closing at 11pm. The applicant was not asking for more hours than the previous licence holder and 30 conditions were proposed for the licence, 15 of which had been agreed by the noise team. It was stated that the four interested parties were referring to the previous owner in their representations. Full refurbishment of the premises had been carried out including new soundproofing. A planning application was to be submitted although it was noted that planning and licensing

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were separate regimes. There were 12 staff employed by the premises but 7 staff would lose their jobs if the licence was not granted.

In response to questions it was noted that staff would ensure that alcohol was not taken off the premises. It was noted that the applicant had spoken to the interested parties and they all thought that this application had been submitted by the previous owner.

RESOLVED

- 1) That the application for a new premises licence, in respect of Yeni Adana, 25-27 Green Lanes, N16 9BS, be granted to allow:-
 - a) The supply of alcohol, for consumption on the premises from Sunday to Thursdays from 11am until 1am hours and Friday and Saturday from 11 am until 2 am Friday and Saturday.
 - b) The provision of late night refreshment, Mondays to Sundays from 11pm until 5am.
 - c) The premises to be open from 8am until 5am Monday to Sunday.
- 2) That the conditions outlined in appendix 4 and detailed on pages 142 and 143 of the agenda be applied to the licence.

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 four local residents had made representations which were included in the report. A representation had been submitted by the Licensing Authority.

The Sub-Committee noted that the premises were not in a cumulative impact area. The Sub-Committee also noted that there had been a previous licence at the premises for the same hours applied for but this had lapsed in June 2016. The premises had since been refurbished which included new soundproofing works. The Sub-Committee noted that the applicant had spoken with the residents who had made representations.

The Sub-Committee noted that the conditions proposed by the licensing authority, namely, that alcohol sales would be ancillary to food and customers were not permitted to eat and drink outside, were agreed.

The Sub-Committee concluded that with the additional conditions, including conditions proposed by the noise team, the licensing objectives would be promoted.

The Sub-Committee took into consideration Licensing Policy 18 regarding noise, 7 and 8 regarding licensing hours, licensing policy 19 regarding deliveries and collection and 20 regarding smoking, drinking and eating outside.

The meeting ended at 7.30 pm

CHAIR