

London Borough of Islington

**Licensing Sub Committee B - 1 July 2014**

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 1 July 2014 at 6.30 pm.

**Present:**           **Councillors:**       Marian Spall (Chair), Alice Donovan (Vice-Chair) and Oisín Gantly

**Councillor Marian Spall in the Chair**

**1       INTRODUCTIONS AND PROCEDURE (Item 1)**

Councillor Marian Spall welcomed everyone to the meeting, asked members and officers to introduce themselves and outlined the procedures for the meeting.

**2       APOLOGIES FOR ABSENCE (Item 2)**

None.

**3       DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

None.

**4       DECLARATIONS OF INTEREST (Item 4)**

None.

**5       ORDER OF BUSINESS (Item 5)**

Items B7 and B8 had been deferred and therefore Item B9 was the only item to be considered.

**6       MINUTES OF PREVIOUS MEETING (Item 6)**

**RESOLVED:**

That the minutes of the meeting held on 8 April 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**7       MENELIK, 277 CALEDONIAN ROAD, N1 1EF - PREMISES LICENCE REVIEW (Item 7)**

**RESOLVED:**

That consideration of this item be deferred to a future meeting.

**8       MARATHON, 193A CALEDONIAN ROAD, N1 1EF - PREMISES LICENCE REVIEW (Item 8)**

**RESOLVED:**

That consideration of this item be deferred to a future meeting.

**9** **TIERRA, 45 STROUD GREEN ROAD, N4 3EF - NEW PREMISES LICENCE (Item 9)**

The licensing officer reported that the resident who had made representation was not in attendance.

Mr Fallahnia, the applicant, stated that he was purchasing the premises which was previously an unlicensed restaurant called Mezbaan. He wanted a premises licence to enable him to sell alcohol to customers. There would be no vertical drinking and alcohol would only be sold for consumption in the premises. He also stated that he had two Spanish restaurants in Haringey and they both closed at 11pm with doors being closed at 12am. He did not anticipate people leaving in large numbers, used a number of taxi firms and asked customers to remain in the restaurant until their taxis arrived.

The applicant had agreed that deliveries would only take place between 10am and 5pm and not on Sundays or bank holidays and confirmed that he would not be playing loud music in the restaurant. He considered that having more restaurants in the area where people would drink alcohol with a meal would reduce alcohol related crime in the area.

In response to questions from members the applicant stated that he would be selling good quality Spanish wine and that during the last 14 years operating his other Spanish restaurants, there had been no alcohol related problems nor noise issues. He would possibly have a delicatessen in part of the premises and alcohol would not be sold there as the licence would be for the consumption of alcohol on the premises only. The licensing officer confirmed that there was an error on page 109 of the agenda and the licence was not for consumption of alcohol off the premises.

**RESOLVED:**

1) That the application for a new premises licence in respect of Tierra, 45 Stroud Green Road, N4 3EF be granted to allow the sale of alcohol for consumption on the premises from 12:00 to 23:00 on Monday to Saturday and 12:00 to 10:30 on Sundays.

2) That the conditions as outlined in appendix 4 as detailed on pages 132 and 133 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 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 noted that the applicant had addressed all the points raised by the responsible authorities and that there were no responsible authority representations before the Sub-Committee. The Licensing Sub-Committee noted that there was one resident objection and that the applicant had written to the objector addressing the issues raised. The applicant confirmed that they would not be playing music until late and that the business was based on the sale of food and that the premises would not generate alcohol

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related crimes. Furthermore the applicant had addressed the impact of noise nuisance by arranging specific delivery times and through their operating schedule.

The Sub-Committee noted that under Licensing Policy 2, the Holloway and Finsbury Park cumulative impact area was created to tackle street drinking in the area and the supply of alcohol to minimise the impact of this. The Sub-Committee were satisfied that the premises would not add to the existing cumulative impact and that the licensing objectives would be promoted. The applicant demonstrated that he was an experienced licensee, that the premises would operate within the core hours set out under Licensing Policy 8 and that these were small premises with a capacity of up to 70 persons. The applicant had therefore rebutted the presumption and it was decided that the application should be granted.

The meeting ended at 7.00 pm

**CHAIR**