

London Borough of Islington

Licensing Sub-Committee B – 8 April 2014

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 8 April 2014 at 6.40 pm.

Present: Councillors: George Allan, Phil Kelly and Claudia Webbe.

COUNCILLOR CLAUDIA WEBBE IN THE CHAIR

208. **INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedure was on page 4 of the agenda papers.

209. **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

210. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

211. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

212. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be C1 followed by B1.

213. **MINUTES (ITEM A6)**

RESOLVED

That the minutes of the meeting held on the 4 February 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

214. **SEVEN DAYS FOOD AND WINE, 93A STROUD GREEN ROAD, N4 3PX - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)**

The Sub-Committee noted that the applicant was not in attendance but noted that he had been reminded of the meeting on a number of occasions. The licensing officer reported that there had recently been a number of applications for this premises that had been largely speculative in nature.

The trading standards officer reported that the applicant had made contact prior to the application and had received advice. An application had then been submitted that was of a very poor standard.

The police officer reported that the operating schedule was of a poor standard which was of particular concern with the previous history of the premises.

The noise officer reported that refusal was recommended and asked the Sub-Committee to note the noise representation on pages 34/35 of the report.

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RESOLVED:

That the application for a new premises licence in respect of Seven Days Food and Wine, 93A Stroud Green Road, N4 3PX be refused.

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 did not attend the meeting and did not withdraw therefore the application was heard in his absence.

The Sub-Committee heard evidence from the licensing officer that the notice of meeting had been hand delivered. The licensing team had heard nothing further from the applicant despite being chased on at least three further occasions. The licensing officer informed the Sub-Committee that a number of applications had been made for a licence for the premises which were speculative in nature.

The Sub-Committee heard from the police and the trading standards officer that despite pre-application advice being given, the application was of a very poor standard and did not contain sufficient detail for conditions to be drafted.

The Sub-Committee noted that the operating schedule failed to include sufficient information to demonstrate how the applicant would promote the licensing objectives and that the applicant had been given assistance from trading standards but had failed to implement it.

215. **URGENT NON-EXEMPT/CONFIDENTIAL ITEMS**

The following items were considered urgent as a decision was required within seven working days following the last day for objection.

216. **ISLINGTON LINK UP, 48 SEVEN SISTERS ROAD, N5 2LL - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (Item C1)**

The noise officer reported that, in addition to the noise representation detailed in the report, officers had served a section 80 noise abatement notice on the premises to ensure that no amplified music was played at the premises which would cause a nuisance to neighbouring properties.

The police officer reported that PC Paul Hoppe was not attending the meeting as he was meeting with Mr Riley, the applicant, the following day and it was not considered correct for him to attend the meeting. He reported that, at the last temporary event in March, a number of complaints had been received regarding noise nuisance and the behaviour of the applicant was not considered to be appropriate for a licensee. The event was not managed well and overran and the police wished to hold discussions with the applicant before future events were held.

In response to questions, it was noted that the Sub-Committee could not attach conditions to the notice and could only make modifications on timing.

In response to a question from the applicant, it was noted that the temporary events for May 2014, could still be held. These events had been applied for prior to the event on the 30 March 2014 so had not been objected to by the noise and police teams. The applicant was reminded

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however, that he should be mindful of the section 80 abatement notice that had been served.

The applicant reported that he had not had problems before and he hadn't done too badly. There were lots of people outside the premises as they were unable to smoke inside. The noise officer had attended and the music had been turned down. The noise officer returned a second time and told him it was unacceptable. He did not like the way that he was spoken to. He stated that if he had turned the music down lower there would be no point in the event. He had forgotten that the clocks had gone forward that morning so believed it was 4.15 and not 5.15. When the noise officer returned on the third occasion she asked him to turn the music off straight away. He did not think that he had gone over the time at this stage. The late finish was an oversight and he reported that he did not go on until 8am as some residents had reported. There had been no fighting at the event and it was a fund raising event. He considered that each time he did something the noise team was not fair to him. He considered it was bordering on racism and was unnecessary. He had never had anyone talk to him like that in front of people. He considered that the event should be allowed to go ahead and the noise team should bring a monitor next time because anyone could telephone about a noise nuisance.

In response to questions, it was noted that some events were held for birthday parties and some were for charity events. Islington Link Up was a registered charity. Funds were raised through the sale of alcohol but if it was a birthday party often people would bring drinks. Members were local people, generally from Islington. The Sub-Committee noted that the sale of retail application had not been made for this temporary event. Any alcohol sold at the event would be an illegal sale of alcohol. The applicant stated that he had not received training in the sale of alcohol as he would employ people that had been trained. The applicant stated that a premises licence had not been applied for as they may be moving premises at the end of the year. The applicant stated that the event was for a fund raising event/birthday party. A local resident was hiring the premises to raise funds. The applicant accepted that he would be responsible for the event and stated that if the events of the 30 March recurred on the evening applied for he would turn the music off straight away as he would not wish to disturb neighbours. He considered that the noise officer visited for the third time to try and catch him out regarding the finishing time of the event. He stated that the noise officer should have reminded him earlier in the evening that the clocks were going forward.

In summary, the noise officer reported that all of the visits were in response to noise complaints. This included the last visit made at 5.15. The noise officer had no confidence of the management at the premises and an abatement notice had been served following the event on the 30 March. The officer did not consider that the licensing objective of the prevention of public nuisance would be met unless the temporary event was refused.

The police officer reported that the applicant did not have the relevant knowledge regarding alcohol sales.

The applicant reported that there had been no violence at the events and that he would gain experience through managing these events. He informed the Sub-Committee that they would be making a mistake by refusing the application.

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

Following deliberation, the legal officer advised that she had asked the Sub-Committee to consider the national guidance when making their decision.

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RESOLVED:

- 1) That the application for a temporary event notice in respect of Islington Link Up, 48 Seven Sisters Road, N7 6AA be refused.
- 2) A counter notice be issued by the Licensing Authority.

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 the submissions from the noise team and the police that council officers attended on three occasions in March 2014 when the previous event took place, to discuss a noise nuisance that was caused to neighbouring properties by the playing of loud music. This had culminated in abusive and verbally aggressive behaviour directed to the noise officer, particularly from the DJ and Mr Riley.

The Sub-Committee heard evidence that there were large numbers of patrons who had gathered outside the premises. The applicant stated that this was because there were large numbers of smokers who couldn't smoke inside the premises.

The applicant also stated, in response to questions from the Sub-Committee, that he had considered that the officer's manner was inappropriate and he questioned her motivation in coming three times to the premises. He also queried where the complaints came from.

The Sub-Committee noted that no licence existed for the premises and there were therefore no conditions that could be placed on the temporary event notice. In accordance with licensing policy 28 the Sub-Committee took into account the complaints, the service of an abatement notice and conduct of the applicant on the previous occasion when a temporary event took place.

In accordance with home office guidance, paragraph 7.27, the Sub-Committee had no confidence in the ability of the applicant to manage the event properly and considered that allowing the temporary event notice would undermine the licensing objectives of crime and disorder and public nuisance.

The meeting ended at 8.20 pm

CHAIR