

London Borough of Islington

LICENSING REGULATORY COMMITTEE – 17 NOVEMBER 2010

Minutes of the additional meeting of the Licensing Regulatory Committee held at the Town Hall, Upper Street, London N1 2UD, on 17 November 2010, at 2.30 pm.

Present: Councillors: Joan Coupland, Jean-Roger Kaseki and Marian Spall

Councillor Joan Coupland (Chair) in the Chair

007 APOLOGIES FOR ABSENCE (Item A1)

Received from Councillor Tracy Ismail.

008 DECLARATION OF SUBSTITUTE MEMBERS (Item A2)

None.

009 DECLARATIONS OF INTEREST (Item A3)

None.

010 APPLICATION FOR A STREET TRADING LICENCE IN WHITECROSS STREET: MR ALAIN CAVEDASCHI (Item A4)

Mr Alain Cavedaschi, the applicant, was present.

The Street Trading Service Manager reported the general background to this case and the reasons for bringing it to the Committee for consideration.

Mr Cavedaschi read a statement to the Committee, describing how his family had run their restaurant in the area for 19 years and paid rates to the Council over that time of approximately £100,000. Office workers in the area, who usually had only one hour for lunch, did not have time to reach his stall and he missed out on this trade. He said that his stall was difficult to see, because of its position. He wanted to be able to continue his business, by trading from a stall, and did not want to have to make staff redundant.

A representative of Whitecross Tenants and Residents Association stated that local residents were opposed to the smoke from the food cooked outside which made its way into their homes. He maintained that the food for sale should be cooked elsewhere and kept warm on the stall, rather than being cooked outside.

Ms Mohini Vyas, the Secretary of the Whitecross Street Market Association, opposed the application. She described the difficulties for the existing street traders in Whitecross Street, in the current financial climate, who relied almost entirely on lunch time trade, the steps she had taken to encourage visitors to the Market and the precedent this could set for other restaurants in Whitecross Street, if this application was agreed.

The Committee left the room to deliberate.

On return, the Chair of the Committee asked Mr Cavedaschi how he intended to keep food warm. In response to a further question, Mr Cavedaschi confirmed that he would use electric equipment to keep the food warm and not gas cylinders.

RESOLVED:

That, having carefully considered all of the representations made, Mr Cavedaschi's application for selling take away food in Whitecross Street Market be granted, subject to the standard conditions and (i) all food to be sold from the stall must be cooked in the restaurant premises at Baracca, 2c Cherrytree Walk, Whitecross Street, EC1 and (ii) no gas cylinders be used to keep the food hot on the stall.

Reason for decision

The Committee wished to see Whitecross Street Market flourishing. While the Committee appreciated the wishes of the Council to restrict any further pitches selling hot take-away foods, it noted that there were a number of vacant pitches at the Old Street end of the Market. Mr Cavedaschi had made a case, in the current financial climate, to be given the opportunity to sustain his restaurant business. The Committee imposed the additional conditions to ensure that the safety and amenity of local residents was preserved, having taken into account the evidence given by the representative from Whitecross Tenants and Residents Association and other local traders.

**011 APPLICATION FOR A VARIATION TO STREET TRADING LICENCE IN
WHITECROSS STREET: MR YUSUF CIFCI (Item A5)**

Mr Yusuf Cifci, the applicant, was present, accompanied by Mr Alperen Yalchin, his representative.

The Street Trading Manager introduced this report, describing the background to the decision of the Street Trading Panel to decline Mr Cifci's application to vary his temporary licence to trade in Whitecross Street Market to allow him to sell hot foods. Mr Cifci's temporary licence permitted him to sell only the same goods as those sold in his shop, Café Dolce, which were cold foods.

A representative of Whitecross Tenants and Residents Association stated that there had been no objections to food being sold outside, until Mr Cifci had started cooking outside, causing smoke and smell nuisance to local residents.

Mr Alperen Yalchin, representing Mr Cifci, apologised to local residents for the smoke nuisance caused. However, Mr Cifci's business had declined, as he could sell only cold food and visitors to Whitecross Street preferred hot food. He stated that Mr Cifci had been using an electric grill to cook the food, in an attempt to reduce smoke. He added that Mr Cifci would prefer to use the space outside his premises, but there was no electricity supply. If he was permitted to trade hot food from a stall, he would prefer to have a pitch across the street from his premises and would use electricity, rather than gas. Following questions, it was ascertained that the premises next to Mr Cifci's was A1 use only and there was no permission for cooking on those premises.

Ms Mohini Vyas, the Secretary of the Whitecross Street Market Association, opposed the application. She described the difficulties for the existing street traders in Whitecross Street, in the current financial climate, who relied almost entirely on lunch time trade, the steps she had taken to encourage visitors to the Market and the precedent this could set for other restaurants in Whitecross Street, if this application was agreed. She maintained that the quality of the goods sold was what attracted custom, not the location of the stall or premises.

The Committee left the room to deliberate.

RESOLVED:

That, having carefully considered all of the representations made, Mr Cifci's application be refused.

Reason for decision

Mr Cifci's temporary licence had been issued to him to enable him to sell take away foods as sold in his shop, Café Dolce, ie cold foods only. He was not permitted to prepare and sell hot food from his shop premises. Mr Cifci had breached the condition of his temporary licence on more than one occasion by preparing and selling hot foods on the stall. The Committee had made their decision to preserve the safety and amenity of local residents and taking into account the evidence given by a representative from Whitecross Tenants and Residents Association and other local traders.

The meeting closed at 5.30pm.

CHAIR