

London Borough of Islington

Licensing Sub Committee A - 22 August 2019

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 August 2019 at 6.30 pm.

Present: **Councillors:** Paul Convery, Phil Graham and Marian Spall

Councillor Marian Spall in the Chair

67 INTRODUCTIONS AND PROCEDURE (Item A1)

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

68 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Sheila Chapman and Alice Clarke-Perry.

69 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Paul Convery substituted for Councillor Sheila Chapman and Councillor Phil Graham substituted for Councillor Clarke-Perry.

70 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

71 ORDER OF BUSINESS (Item A5)

The order of business would be Item B2, B1.

72 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 18 June 2019 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

73 THE DRAPERS ARMS, 44 BARNSBURY STREET, N1 1ER - PREMISES LICENCE VARIATION (Item B1)

The Sub-Committee noted that the applicant and the interested parties were not present at the meeting.

RESOLVED this item be deferred.

74 LA'ZA, 41 NEWINGTON GREEN ROAD, N1 4QT - NEW PREMISES LICENCE (Item B2)

The licensing officer reported that the premises was not in a cumulative impact area. There had been a licence in place until the end of 2018 but the licence had lapsed as the business had gone into administration. The times applied for were less than on the previous licence.

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The applicant stated that this was an authentic Eritrean restaurant and the application was to serve alcohol with food until 10pm during the week and until midnight at the weekends. She stated that there was a large pub nearby, The Alma, which had a lot of complaints. However, this was a traditional restaurant and very different to The Alma. She was fully trained and would uphold the licensing objectives. She had liaised with the police and the noise team and conditions were agreed. Alcohol would not be sold without food.

In response to questions it was reported that it was likely that all nationalities would be eating at the restaurant. It was noted that the hours proposed were not consistent with the planning consent but it was noted that the applicant would be applying for a certificate for established use. Planning was a separate regime to licensing and should there was a breach of planning permission, it would be a matter for the planning enforcement team. The applicant confirmed that they would be able to accept the hours of 11.30pm at the weekends, in line with their planning consent.

RESOLVED

- 1) That the application for a new premises licence, in respect of La,za, Basement and Ground Floor, 41 Newington Green Road, N1 4QT be granted to allow:-
 - a) The sale by retail of alcohol, on supplies only, Sundays to Thursdays from 12 Noon until 10 pm and Fridays and Saturdays from 12 noon until 11. 30pm.
 - b) The provision of late night refreshment, Fridays and Saturdays from 11pm until 11.30pm
 - c) The premises to be open to the public, Mondays to Thursdays from 8am until 10pm, Fridays and Saturdays from 8am until 11.30pm and Sundays from 11am until 10pm.
- 2) That conditions outlined in appendix 3 and detailed on pages 81 and 83 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.

Three local resident objections had been received. There had been no representations made by the responsible authorities. Conditions had been agreed with the police, the noise team and trading standards.

The Sub-Committee was satisfied that the premises were food led and were operating as a traditional Eritrean restaurant with alcohol only served with meals. It was not a bar or a public house and was not likely to cause nuisance to neighbours.

However, planning permission had not been granted for the hours sought and no application had been made by the restaurant owner. Home office guidance, paragraph 1.19, states that licensing authorities and licensees should be mindful of requirements under other legislative provisions and the responsibilities placed on them by other legislation.

Under Licensing Policy 1, the licensing authority expects applicants to ensure that they have planning consent for the intended use and hours of operation before making an application for a premises licence.

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The Sub-Committee decided therefore to reduce the hours from those in the application to reflect those in the planning permission.

The Sub-Committee was satisfied that granting the application with these hours and the conditions proposed, was appropriate and proportionate to the licensing objectives and in the public interest.

The meeting ended at 7.00 pm

CHAIR