

London Borough of Islington

Licensing Sub Committee D - 27 September 2023

Minutes of the meeting of the Licensing Sub Committee D held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 27 September 2023 at 6.30 pm.

Present: **Councillors:** Heather Staff, Clare Jeapes and Ben Mackmurdie

Councillor Heather Staff in the Chair

55 INTRODUCTIONS AND PROCEDURE (Item A1)

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

56 APOLOGIES FOR ABSENCE (Item A2)

Apologies for absence were received from Councillors Phil Graham and Marian Spall.

57 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Heather Staff substituted for Councillor Phil Graham and Councillor Ben Mackmurdie.

58 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

59 ORDER OF BUSINESS (Item A5)

The order of business would be as the agenda.

60 CRYSTALS PIZZA AND FRIED CHICKEN, 4 YORK WAY, N1 9AA - PREMISES LICENCE VARIATION (Item B1)

The Licensing Officer reported there was no additional information since the publication of the report.

The police stated that this was an application for the extension of hours in possibly the most challenging and busiest areas in Islington which was already saturated. The area was bordered by Camden and Hackney. The application was weak for a premises that wanted to have hours beyond framework hours. The applicant was also the licensee for the next-door premises and in June 2023 the police had been called to the next-door premises, as unruly customers had made threats to staff. There was then a further incident in June when staff were threatened. CCTV was requested but it was not working. In July there was a more serious altercation where a staff member hit a customer with a metal bar. The CCTV had still not been repaired at this time. The licensee was invited to an officer panel. The police did not consider that the applicant had demonstrated that he could make improvements and he therefore did not consider that an extension to the licence should be granted.

In response to questions, it was noted that one of the major stumbling blocks to an arrest was the lack of CCTV. Neither party wished to substantiate any charges and the victim had been removed from the area. The area was saturated with venues with late hours and the

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police did not consider that this application warranted an exception. It was noted that there had been no issues relating to this premises.

The Licensing Authority reiterated that the area was an extremely busy hub. The application was for a late-night food premises with a nightclub opposite on the Camden side of the road. She expected applicants to demonstrate how they would manage the premises with regard to the licensing objectives in their operating schedule. She considered their application to be very sparse and the applicant had not demonstrated how they would operate the premises in an extremely busy area and outside framework hours.

The applicant's representative stated that this was an application to vary a premises licence. The applicant had operated the kebab shop next door for fourteen years until 5am. This premises became available, so he had taken on the premises to offer different cuisine. It was noted that the hours were beyond framework hours outlined in licensing policy 6, they had regard to the Kings Cross cumulative impact area and accepted the onus was on the applicant to rebut the presumption. He considered that the premises could be a possible exception as it was not alcohol led and it would have an experienced operator who had operated the premises next door until the early hours of the morning. There was a McDonalds along the road which operated 24 hours and a KFC opposite. He did not consider that he would be bringing trade into the area but was tapping into the trade that was already there and it was not a destination in its own right. They had operated four TENS during July until 3.30am from Thursday to Saturday which provided the applicant with the opportunity to see how the premises would be managed if operated until that time. There were no plans to operate deliveries but nevertheless would be happy to accept a condition on how they would be managed. The premise was very busy so they would not require deliveries. As it was a very noisy area, they would not disturb residents living above. With regard to the CCTV it was noted that the applicant had a licence since 2012 and these had been the only incidents. Staff were very often victims of crime and this was an unfortunate sign of the times.

In response to questions, the applicant confirmed that they were not proposing to have deliveries but if they did they would directly employ drivers rather than use third parties. The applicant stated they had problems in the next door shop when he was not in attendance. Staff and customers argued with each other and it was believed that a customer drew a knife. CCTV for this incident was not available as he thought it was working but it had not been recorded. The engineer did not come but after he had the meeting with the Panel the applicant checked it every two weeks to make sure it is recording. The two shops would not be able to be merged as there was accommodation in between. The applicant was asked if there was a plan in place that would mitigate issues for staff safety. It was noted that there would be seven members of staff working two shifts and the applicant would also be working at the premises. The applicant's representative stated that he would want hours on Thursday to Saturday to be longer and the request for 3.30am made, as this was when the clubs kicked out. He stated that the requested hours from Sunday to Wednesday could be reduced.

The Police stated that this was a very busy area. McDonalds were a large corporation with security and had robust conditions. This premises was a hub where customers would attend when already drunk and there were already issues towards staff. An additional premises would double these issues. He had not heard from the applicant about what they would do to prevent issues for staff. This application was aimed at customers leaving nightclubs who might want to go to a smaller shop. The CCTV was assumed to have been working, however, the condition required that CCTV was checked to be working. Issues raised with the CCTV had not been sorted. The applicant had been there for 14 years but now there were more crimes and he asked what measures had been put in place to ensure staff were safe. This premises would amplify the problems in the area.

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The Licensing Authority stated that the premises he had owned next door had gone to officer panel for a number of incidents. The condition outlined that CCTV still required checking. She raised concerns that often the applicants' elder brother had been left in charge. The applicant spent quite a lot of time in Turkey and he had been quite difficult to contact. She had not seen anything to show how this premises would be able to be managed.

The applicant's representative stated that there was an existing condition to maintain an incident book. There had been no incidents at the late hours. The applicant was an experienced operator who was not introducing a new activity that would negatively impact on the area. There were no plans to offer delivery. It was reported that during the school holidays the applicant went back to Turkey. He had come back from his holiday in Turkey to attend the officer panel.

RESOLVED

That the application for a new premises licence, in respect of Crystals Pizza and Fried Chicken, 4 York Way, N1 9AA 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 Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Kings Cross cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Licensing policy 3 states that the cumulative impact is concerned with a potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area. Paragraph 33 to 34 states that Kings Cross has undergone some radical changes in recent years as a result of redevelopment creating Kings Cross Central across the border in Camden and Regents Quarter in Islington.... These changes have already led to an increase in the numbers of licence applications and an associated increase in representations from residents and ward councillors citing problems with cumulative impact issues such as noise disturbance, drunken fights and crimes due to intoxicated people in the area.

No local resident objections had been received. There had been two representations made by the responsible authorities, from the police and the licensing authority.

The Sub-Committee noted that the hours sought were outside the hours specified in licensing policy 6.

The Sub-Committee heard evidence from the police. They said that this was one of the busiest and most challenging areas in Islington. They also referred to problems with the kebab restaurant next door, which was open until 5am and was operated by the applicant. Police had been called on several occasions in June and July because of disorderly customers including one incident where there appeared to have been an assault on a customer by a staff member. The applicant explained that there were drunken people coming from other venues who could be abusive. There was clearly a problem with

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cumulative impact issues relating to anti-social behaviour, crime and disorder in the immediate area of the premises.

Licensing policy 3, paragraph 13, states that applicants will be expected comprehensively to demonstrate why a varied licence will not add to the cumulative impact. Applicants are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

Licensing policy 7, paragraph 84, states that the operating schedule must include all information necessary to enable the licensing authority and responsible authorities to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will mean that applicants will need to complete their own detailed risk assessments.

The Sub-Committee heard concerns from both responsible authorities that the operating schedule did not give sufficient information to show how the licensing objectives would be promoted and cumulative impact issues of crime and anti-social behaviour avoided.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would not promote the licensing objectives and would be likely to add to the existing cumulative impact on the licensing objectives of crime, disorder and anti-social behaviour. The Sub-Committee noted that the hours sought were not within the hours specified in licensing policy 5 and 6. The Sub-Committee considered that the operating schedule failed to address any issues of mitigation and therefore the presumption against granting the variation was not rebutted.

61 **THE ROBIN, 29 CROUCH HILL, N4 4AP - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that this item had been withdrawn as there was agreement between all parties.

The meeting ended at 7.25 pm

CHAIR