



Draft Statement of Licensing Policy

Licensing Act 2003



ISLINGTON



Licensing Policy Foreward



Islington Council's 'One Islington' vision aims to ensure that the many diverse and different parts of Islington's community are able to realise their full potential and co-exist happily. Ours is an exciting and vibrant borough where many residents and visitors come to relax and enjoy themselves. They rightly expect the council to ensure that the entertainment venues they visit are safe, well managed and provide appropriate facilities. Islington is also home to many thousands of residents and businesses and is one of the most densely populated areas of London. Local people expect the council to ensure that they are able to go about their daily lives and business without unreasonable interference from others enjoying themselves.

Managing the existence of entertainment venues and residential areas side by side is a key challenge for any public authority. John Stuart Mill wrote over 150 years ago "The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people." This is at the heart of the council's approach to licensing.

As population densities increase we need to offer ever more consideration for our neighbours. As the move to the 24-hour economy accelerates the council must respond by delivering the public services that are required in these changing circumstances.

This draft licensing policy, part of the Licensing Act 2003, is the next step forward in achieving this balance locally. We hope that these policies will ensure that everyone in Islington benefits from their experiences here – whatever they do. There are 25 separate policies in this document.

We are keen to work closely with those who manage licensed premises to ascertain that ours are the right policies to ensure safe, secure, crime-free and well-managed businesses and events in our community. We are currently seeking the views of our many partners, businesses and residents on this policy. We welcome your views on the draft policies and how you think they should affect the granting of a licence.

The Council wants to create a better, cleaner, greener, safer and healthier Islington for all. Give us your views on which of the 25 policies here should affect the granting of a licence.

You can comment by completing the questionnaire contained within the booklet 'Islington's Licensing Policy – Have Your Say' or on-line using the council's Areas On Line facility. Your views do matter and all comments will be given full and careful consideration. The final policy will be produced by the end of December and will be agreed by Islington's full council.

Councillor Steve Hitchens
Leader, Islington Council



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INTRODUCTION

1. The London Borough of Islington, as the Licensing Authority, will be seeking to ensure that licensed premises regenerate the borough, enhance the quality and sustainability of the local environment and are focussed on the needs of residents, businesses and visitors to the borough.
2. The council, in carrying out its functions as the Licensing Authority, may grant premises licences, personal licences, club premises certificates and temporary event notices. It may attach conditions to the granting of these licences and may take enforcement action to deal with unlicensed premises and licence or certificate holders who fail to comply with licence conditions. This statement of Licensing Policy sets out how the council will encourage licensees and applicants to adopt the highest standards of management in their licensed premises. It also addresses the requirements of the Licensing Act 2003 (the Act) and the associated Statutory Guidance issued under the Act. Detailed guidance to applicants on making applications will be available following the release by central government of the relevant regulations.
3. The purpose of this policy is:
 - to inform licence applicants of the way in which the council will make licensing decisions and how licensed premises are likely to be permitted to operate
 - to inform residents and businesses of the way in which the council will make licensing decisions and how their needs and concerns will be dealt with.
4. The scope of this policy includes all licensable activities as defined in the Licensing Act 2003. These are:
 - **The retail sale of alcohol** i.e. sales of alcohol from all premises, for consumption on or off the premises, with the exception of wholesale trade to traders for their trade or to licence holders
 - **The supply of alcohol by or on behalf of a club or to the order of a member of a club**
 - **The provision of late night refreshment** i.e. the supply of hot food or drink from premises from 23.00 to 05.00 hours
 - **The provision of regulated entertainment** in the presence of an audience and provided for purposes including entertaining that audience. This includes:
 - the performance of a play
 - the showing of a film
 - an indoor sporting event
 - a boxing or wrestling match
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - provision of facilities for dancing
 - provision of facilities for making music.



5. The policy document is arranged in four parts, and subdivided into headed sections.
 - Part 1 illustrates how licensing supports the broader role and objectives of the council.
 - Part 2 sets out the specific policies related to the standards of management that the council will expect from prospective and current licensees.
 - Part 3 covers some of the specific licensing matters highlighted in the Licensing Act and statutory guidance and sets out the policies that will help the council meet these requirements.
 - Part 4 deals with area-specific issues. It sets out our policies for ensuring that licensing will help enhance the development and vibrancy of these areas.

6. The council's statement of licensing policy aims to promote the following four licensing objectives:
 - **prevention of crime and disorder**
 - **public safety**
 - **prevention of public nuisance and**
 - **protection of children from harm.**

The council's expectations of applicants and licensees in relation to the four licensing objectives are detailed in a separate publication, ***"Promoting the Licensing Objectives in Islington"***. This publication also contains examples of conditions that may be applied to licences in relation to these objectives.

7. The policy recognises three key groups with specific roles and

duties in the implementation of the Act. **Authorised Persons** are empowered by the Act to carry out inspection and enforcement roles. (The list provided in the Act excludes the police, who are separately authorised to carry out their duties). This policy recognises the following as authorised persons:

- officers of the council's public protection division
- officers of the Health and Safety Executive (HSE)
- authorised fire authority officers
- in relation to vessels, an inspector, or a surveyor of ships appointed under the Merchant Shipping Act 1995
- other persons specifically prescribed by the Secretary of State by means of a statutory instrument.

8. **Interested Parties** are entitled to make representations (i.e. state their views for or against) to the council on applications for the grant, variation or review of premises licences. They are also entitled to ask for reviews of premise licences. An interested party is:

- a person living in the vicinity of a premises
- a body representing persons who live in that vicinity
- a person involved in a business in that vicinity
- a body representing persons involved in such businesses.

Any of these individuals may make their representations directly or request a representative such as a friend, a legal representative, a



local ward councillor or a member of parliament to make representations on their behalf.

9. Responsible Authorities are public bodies that will be fully notified of all applications. They will be entitled to make representations to the council on applications for the grant, variation or review of premises licences. They are also entitled to seek reviews of premises licences. The following are responsible authorities within the scope of this policy:

- the council's public protection division
- the Metropolitan Police
- the London Fire and Emergency Planning Authority

- the council's planning division
- the Area Child Protection Committee / Social Services Department
- the Health and Safety Executive, where premises fall outside local authority control for health and safety at work matters
- a neighbouring licensing authority, where part of the premises is situated within the local authority's boundaries
- other persons specifically prescribed by the Secretary of State by means of statutory instruments.

Contact details for all responsible authorities are given in appendix 1 to this statement of licensing policy.





1 PART ONE

– THE WIDER PICTURE

THE VISION OF THE COUNCIL

10. The “One Islington” vision sets out the council’s ambitions to make Islington a greener place, a place where people of all backgrounds are able to realise their full potential and a borough of safe, empowered communities. The council aims to be fully accessible, electronically enabled and responsive to people’s needs. It seeks to provide high-quality modern services, and work with other public services to deliver an improved service overall.
11. The vision is underpinned by four key priorities for visible improvement:
 - **Performance Management** – delivering value for money and high-quality services that strive to continually improve.
 - **Regeneration** – working in partnership with Islington’s diverse communities and local providers.
 - **Environmental Sustainability** – making the borough a more environmentally friendly place to live and work.
 - **Customer Focus** – organising ourselves to meet the needs of our customers, and involving and empowering communities and individuals.
12. The council has set out its ambitions for the next three years specifically in ‘One Islington – Creating an A1 Borough.’ This

programme is underpinned by the longer-term goals of the overall council vision and the associated corporate priorities. Licensing relates to a number of different aspects of the ‘One Islington’ vision, as discussed in the section of this policy on ‘Integrating Strategies’. Licensing in Islington will, as far as possible, embrace this vision and act to support its achievement.

THE BOROUGH AND ITS PEOPLE

13. Islington is one of London’s most distinctive areas, offering arts, crafts, entertainment, good eating and drinking, a huge variety of specialist shops, lively street markets and a rich and fascinating history. The sense of community feel around Islington is one of the things that make this relatively small London borough unique.
14. Islington, however, is undergoing a process of rapid change and is likely to continue to change. The number of people living here is projected to grow from 178,000 in 2001 to about 189,000 in 2011. One of the reasons for this is the increase in the number of young adults who are moving into inner London, and starting families. Currently, over a third of the residents of the borough are aged between 16 and 34. Housing demand has been high and this need is being met by fast paced redevelopment of old factories and business premises for residential use.



This has turned many parts of the borough, which were previously exclusively commercial, into mixed-use hubs incorporating commercial and residential premises in very close proximity.

15. The council recognises that the entertainment and alcohol industry contributes to the borough by providing a variety of opportunities for entertainment as well as employment and career opportunities. The council is dedicated to providing support for cultural activities and live music. It wants businesses to thrive and residents and visitors to be able to enjoy the services that Islington's businesses may offer. It is however mindful of the potential tensions that such services may generate. Licensed activities may sometimes cause nuisance, safety risks and increase the incidence of crime and disorder. For this reason, the council will seek to promote high standards of management in licensed premises to ensure businesses operate reasonably and the experiences of residents and visitors are not ruined by poorly-run businesses. Problem premises will be controlled, while those that seek to operate reasonably will not be subject to unreasonable restrictions.

INTEGRATION WITH OTHER COUNCIL STRATEGIES AND PLANS

16. This section outlines how the licensing policy supports service area strategies and broader themes already agreed by the council, and those broader strategies relating to Islington as part of the wider London and national picture.

CORPORATE AND COMMUNITY PLANNING

Licensing Policy 001

The council will seek to promote the “One Islington” vision through the “A1 Borough” programme and consider any local strategies or locally agreed plans when determining licensing applications.

17. 'One Islington – Creating an A1 Borough' seeks to deliver a lasting visible benefit for the whole community, using the four corporate priorities as a basis. It will change the look and feel of Islington, transforming services and the environment, enabling people to be proud of the borough. This will give rise to new regeneration opportunities, greater customer focus and performance improvement.
18. The 'One Islington' vision relates to licensing in a number of key areas:
 - eliminating alcohol and drug related crime and antisocial behaviour
 - combating public nuisance and street crime





- improving the quality of the public environment
 - supporting existing regeneration projects
 - reducing waste and increasing recycling
 - ensuring parking arrangements complement the A1 focus
 - playing our part in improving the health of people in our community
 - re-engineering services and processes to ensure customer focus and efficiency.
19. In accordance with the council's commitment to focussing our services on our customers, the council will implement a web-based IT system to ensure easy and efficient licensing procedures and easy access for licensees, applicants, consultees and objectors. The development of an electronic system for licensing will also support our commitment to sustainable working practices by reducing the amount of paper used in licensing transactions.

THE COMMUNITY AND NEIGHBOURHOOD RENEWAL STRATEGY

20. The council will seek to provide useful information and guidance to the business community and voluntary and community sector, with the aim of encouraging licensable activities that are primarily to the benefit of the local community.
21. As part of the Islington Strategic Partnership (which brings together representatives of the main statutory service providers in the borough with representatives of the

business, voluntary and community sectors), the council is also committed to the Community and Neighbourhood Renewal Strategy (CNRS). This is a high-level plan designed to promote the social, economic and environmental well-being of Islington.

22. The CNRS recognises the critical role that mainstream services play in the regeneration of these areas. Its objectives include addressing the local causes of crime and disorder and promoting environmental sustainability, objectives shared by licensing.
23. Through the CNRS, the Islington Strategic Partnership supports a number of high profile, area-based regeneration partnerships in the borough. These are seen as key to achieving success and include:
- the City Fringe Partnership
 - the Angel Town Centre Partnership
 - the Finsbury Park Partnership.
24. The focus of each of these partnerships is specific to the needs of the areas covered. However, key priorities include the development of an enterprise culture, enabling local people to get local jobs, and increasing the number of new businesses that are attracted to Islington. Local objectives are also supported by the national licensing objectives.
25. The role of effective enforcement of regulations in achieving some of these objectives is recognised and promoted. Effective licensing can influence the quality of the environment, reduce the incidence of crime and disorder, and promote public health. However, it is also



necessary to ensure that licensing requirements do not discourage community events that will promote the vibrancy and cultural diversity of the borough and the viability of its business community.

CRIME REDUCTION AND PREVENTION

Licensing Policy 002

The council seeks to encourage the highest standards of management in licensed premises. When issuing licences, the council will use appropriate licence conditions to support the prevention of crime and disorder in the borough, and promote the work of the Islington Crime, Drugs and Youth Partnership.

Licensing Policy 003

Membership of local pubwatch, clubwatch and shopwatch schemes will be taken into account in determining the outcome of licensing applications.

26. The Islington Crime, Drugs and Youth Partnership (ICDYP) aims to improve the quality of life for those who live, work or socialise in Islington by working to reduce crime and the opportunities for criminality. The current 3-year strategy, which covers the period 2002-2005, sets out the issues that the ICDYP will focus on. Specific initiatives that have been successfully developed include:

- the publication of an agreed protocol on information exchange between all the agencies involved in the partnership
- the establishment of the anti-social behaviour team and effective use of acceptable behaviour contracts (ABCs)

- the formation of Islington's drug and alcohol action team
- the development of the youth offending service to provide support for young people aged between 10 and 17 years as well as their parents.

27. Key areas for the ICDYP in the future are likely to be its responses to the problems of anti-social behaviour, street crime and violence, including those linked with licensed premises. During 2004, they will also be carrying out their cyclical audit, the results of which will set the crime reduction strategy for the next three years.
28. Specific crime reduction and prevention objectives are also contained within town centre strategies (development planning) and area action plans (linked with the work of the CRNS).
29. Initiatives such as Business Improvement Districts (BIDs), whereby businesses in town centres agree to pay for additional services such as extra street cleaning or provision of street crime wardens, can make the town centre cleaner, safer and more attractive to users. There is a proposal to have Angel Town Centre designated a BID.
30. Pubwatch and clubwatch schemes support the creation of a safe and secure social drinking environment. They are similar to neighbourhood watch schemes but are tailored to meet the needs of owners and staff of licensed premises. The scheme encourages the link up of security and information between premises within each scheme. This allows them to pass information about crime between themselves and the police, thereby increasing the



likelihood of arrests being made. Islington actively encourages these and is currently supporting schemes in Angel, Clerkenwell, and Upper Holloway but would like to see the development of more.

31. Conditions attached to licences can encourage applicants to promote local crime prevention objectives. We expect applicants to show consideration of local crime and disorder concerns and best practice guidance about these issues within their Operating Schedules. Some best practice guidance is provided in the publications and documents listed in appendix 2 to this statement of policy.
32. The applicant's reflection of these issues will be important in assessing applications where the imposition of a special saturation policy (see part 3 of this statement of policy) is under consideration.

33. This policy will nevertheless allow the circumstances of each application to be considered properly and on its individual merits.

THE PROMOTION OF CULTURAL DIVERSITY AND RACIAL EQUALITY

Licensing Policy 004

In all cases the council will endeavour to balance its support for community entertainment with the need to attach conditions necessary to promote the licensing objectives. It will seek to secure premises licences for its own parks and open spaces and make them available for community uses.

34. The council's desire to promote cultural diversity in the borough is reflected in the CNRS, the Unitary Development Plan, town centre development strategies, and its consideration of a new Public Arts Strategy.





35. The council is keen to promote live music, dancing and theatre for the wider cultural benefit of its communities. Well-regulated venues and licensable activities enhance cultural diversity, encourage the development of lifetime skills, support a healthy and fulfilled lifestyle, and provide a positive diversion for youngsters, away from antisocial behaviour.
36. The borough boasts a lively multicultural community and a number of internationally renowned cultural centres and enterprises such as Sadlers Wells and the Arsenal Football Club. A wide range of businesses in Islington are actively involved in cultural activities (such as performing arts, printing, design and other forms of visual arts), and in youth and community development, bringing much pleasure and benefit to local people and increasing the overall well being of residents and visitors alike.
37. In dealing with licence applications the council will need to carefully balance the potential for disturbance to local neighbourhoods with the wider benefits for the community, especially for children and families. The council is also mindful that some conditions attached to licences and temporary event certificates can result in substantial costs and ultimately deter community entertainment.
38. The council seeks to support community use of the council's own venues, open spaces and parks. Through its departments, it will ensure that they are licensed appropriately and are available for use within the new licensing system.

Licensing Policy 005

The council will consult on and assess the likely impacts of this policy on race equality, and monitor the policy for any adverse impacts on the promotion of race equality. The results of associated consultations and assessments will be published at the time the policy is reviewed.

Licensing Policy 006

It is unlawful to discriminate or to refuse service on grounds of race or to display racially discriminatory signs on licensed premises. Representations made about such activity to the council by responsible authorities and/or interested parties will therefore lead to a review of the premises licence or the club premises certificate.

39. The council has published its equalities policy, "Dignity for All", covering both staff and service users, and places great importance on both the need to eliminate unlawful discrimination as well as the need to promote equality of opportunity and good relations between persons of different racial groups. This is in line with the requirements of The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.
40. The council had prepared a race equality scheme to review all of its policies over a three-year period. Islington has now extended this across all equalities groups and it is being done in order of priority of impacts or where public concern has previously been expressed. An equalities impact assessment of the licensing policy will be undertaken and monitored for any adverse effects.



EVENING AND NIGHT-TIME TRANSPORT

Licensing Policy 007

In determining applications for new licences or variations to operational hours and/or capacity limits of licensed premises, regard will be had to the availability of and secure access to late-night public transport facilities including taxis and minicabs.

Licensing Policy 008

Conditions may be applied to licences to the effect that clear, accessible, comprehensive and up-to-date information must be provided to customers about the availability of public transport in the area, options for safe travel at night, and car parking controls and restrictions operational in the vicinity of the venue.

Licensing Policy 009

The council will actively encourage the provision of registered satellite minicab offices in the foyers (or other safe and easily accessible locations in or around the premises) of late licence venues licensed to operate after 02:00hrs and to a capacity limit of 400 people or more.

41. The council has the duty to secure the swift, convenient and safe movement of vehicular and other traffic, including pedestrian traffic, and to provide suitable and adequate parking facilities within the borough. In addition, it has a duty to assess levels of traffic and to set targets for reduction. In more specific terms, the council fulfils its obligations by designing and implementing controlled parking arrangements, bus priority

schemes, developing CCTV and other road safety schemes, and working closely with the Mayor of London through the production of a Local Implementation Plan (LIP) for transport, consistent with the Mayor's transport strategy.

42. The Mayor's strategy aims to increase safety and provision of evening and night-time transport through:
- the licensing of minicab companies, their cars and their drivers
 - improving security for users of the underground
 - increasing service levels on night-time buses by 18% and introducing new routes
 - making one day travelcards valid on night buses
 - fitting CCTV on all buses
 - establishing a 24 hour transport policing unit, tackling crime on buses, illegal taxi touts and crime around major bus routes.
43. Islington is working to tackle the issues that affect evening and night-time transport locally. The borough is very compact and is well served by an extensive network of roads and by public transport through rail, tube and bus networks. However, there are enormous pressures on these facilities especially at night, due to the borough's already thriving evening and night-time economy. This can cause increased nuisance to residents. To address these pressures and to improve the situation locally, the borough is:
- working with its partners to map the availability of evening and



- late night transport in the borough so that key pressure points can be better identified
 - taking part in a Transport for London sponsored Safer Routes at Night (STAN) pilot project which is intended to raise awareness about safe late-night travel options through enhanced travel information, improved late-night travel services and increased police involvement
 - introducing more safety measures such as improved CCTV coverage and the introduction of a pilot “Help Point” and a safe waiting area in or near the Angel Tube Station
 - providing more taxi ranks and more designated waiting areas for customers in areas of concentration of late night activity
 - reviewing controlled parking arrangements in recognised town centres and other commercial centres and in nearby residential areas, particularly in relation to large retail premises in the vicinity of residential or other sensitive premises.
44. ■ view of all of the above, applicants for new licences and those wishing to increase their operational hours or the capacity of their premises will need to demonstrate that due consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their venues. The fact that car parking facilities are limited and heavily restricted should be communicated to prospective customers at every opportunity. Emphasis should be on the promotion of the use of public transport or other modes of transport.
45. Reports will be made to the council’s area committees when key changes and reviews to traffic and transportation policies and strategies are being considered. Committees will be invited to consider the state of licensed premises provision in the area and the need to disperse people from town centres and other pressure areas swiftly and safely to avoid concentrations, which can produce disorder and disturbance.



DEVELOPMENT PLANNING

Licensing Policy 010

All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed ‘permitted development’. The council will not normally consider a new application or variation of conditions if permitting licensable activities on the premises would constitute unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission.

46. The council’s planning policies are set out in its Unitary Development Plan (UDP) and lower level guidance such as town centre strategies, area action plans, and other planning policies. The planning area action plans focus on development planning and are different from the CNRS action plans, which focus on neighbour-hood renewal and regeneration.
47. The licensing process is not a re-run of the development control

process. Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives. Objectors within the planning process who are dissatisfied with the planning outcome may still object through the licensing process but their objections will only be relevant where they relate to the four licensing objectives.

48. In exceptional circumstances, licensing committee may consider applications where planning applications are being processed but permission has not yet been granted. The decision to refer such cases will be made by nominated senior officers.
49. Where appropriate (e.g. as part of planning policy and area strategy reviews, the licensing committee will report to the relevant area planning committee on the situation regarding licensed premises in their area, including the general impact of alcohol related crime and disorder.





2 PART TWO

– STANDARDS OF MANAGEMENT

THE OPERATING SCHEDULE

Licensing Policy 011

The council seeks to encourage the highest standards of management in licensed premises and will not accept applications unless a completed operating schedule is received.

50. A document referred to as the 'operating schedule' will be required for all new applications and variation applications but not for applications for conversion of existing licences where there is no change in the activities provided or the hours of operation. The operating schedule must be sent with each application form, and in it, applicants will be expected to outline how the premises will be operated, and arrangements for promoting the four licensing objectives. The detail of the operating schedule will be considered when deciding applications. The proposals contained within it will form the main body of conditions of operation to be applied to the premise. Other conditions may be drawn from the decisions of the licensing committee or from a pool of licensing conditions to be developed. Guidance on completing the operating schedule is provided in the guidance publication ***"Promoting the Licensing Objectives in Islington"***.

51. Applicants will need to complete their own detailed risk assessments on matters relating to the licensing objectives. The operating schedule must include all information necessary to enable the council, other responsible authorities or interested parties 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 on their businesses. Where the operating schedule does not meet the required standard, the application will be returned to the applicant.
52. Applicants must have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the council and of the other responsible authorities. Specific requirements to be met are detailed in this policy document and appendices to the statement of policy. Other specific requirements are detailed in relevant legislation and in guidance documents issued by the responsible authorities. "Best Practice" guidance notes are also a source of relevant advice and a comprehensive but by no means exhaustive list is given in appendix 2.
53. Any proposed changes to the operating schedule must be notified to the council and where significant changes are proposed the council will require the submission of an application to vary the licence.



SAFER CLUBBING AND DRUGS POLICY

Licensing Policy 012

With regards to safer clubbing, the council is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. All applications for new premises licences and for variations to existing licences from night clubs and other premises where there is concern about the potential for drug related problems will be required to submit a drugs policy as part of their operating schedules. For all premises, the council may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

54. The council has been working in partnership with the police, licensees and local communities to reduce the availability of controlled drugs in Islington for many years. It recognises that some licensed premises are often targets for the supply and use of controlled drugs, including “date rape” type drugs.

55. The council requires licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur.

56. In determining whether the premises have adequate arrangements to prevent the supply and use of controlled drugs, the council will expect the licensees to have considered best practice guidance (see appendix 2) especially those contained in publications such as:

- *Safer Clubbing Guide* - The Home Office;
- *Controlled Drugs and Weapons in Licensed Premises* - Metropolitan Police Service (MPS);
- *Safe and Sound – Helping you to manage the threat posed by Drugs and Weapons* - MPS;
- *Annexe J* of the Secretary of State’s Guidance under Section 182 of the Licensing Act 2003.

TABLES, CHAIRS AND BEER GARDENS

Licensing Policy 013

The council recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. If residential premises overlook tables and chairs on the highway or in beer gardens and representations are received, the council will be likely to adopt the standards contained in the Institute of Acoustics “Good Practice Guide on the Control of Noise from Pubs and Clubs” and not permit the use of these areas before the start of normal trading hours and after dusk or 9pm, whichever is the earlier. The placing of items such as tables and chairs on or adjacent to the highway must be licensed by the council’s traffic and transportation division.



57. The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night,

tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and passers by to loiter rather than disperse and in many cases, noise control measures are not feasible.





3 PART THREE

– SPECIFIC LICENSING POLICIES

LICENSING HOURS

Licensing Policy 014

The council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The council will however require all licensed premises to be cleared of patrons within 30 minutes after closing time or by the termination of the hours granted by their planning consent.

Licensing Policy 015

Where relevant representations are received from responsible authorities and/or interested parties, the council may seek to restrict the operational hours of premises licensed for the sale and supply of alcohol for consumption on and off the premises where they become known as a focus for nuisance or anti-social behaviour, or for succumbing to pressure to make unlawful sales of alcohol.

58. The council is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously. Restricted licensing hours can encourage binge drinking, create noise and disturbance at fast food outlets, bus stops, train and underground

stations, encourage the use of illegal taxi touts and generally produce peaks of disorder and disturbance.

59. In Islington many premises are already open for the sale of alcohol and late night refreshment and the provision of entertainment into the early hours of the morning. It is the intention of the council to permit licensing hours which enhance the development of a thriving and safe evening and night-time economy, as this is important for local investment and employment and for providing consumers with greater choice and flexibility.
60. The council recognises that in some areas longer opening hours can be adequately controlled through stricter conditions with regard to noise and disturbance but in other areas, further restrictions may be required. Stricter conditions with regard to noise control will be applied in areas which have a denser residential use, compared with mixed use and commercial areas. This policy will not limit opening hours without regard to the individual merits of each application.
61. The council will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. In exceptional circumstances, for example when the premises are acting as a focus for disorder and disturbance because youths gather there, the council will consider restricting the licensing hours.



62. In making decisions about licensing hours in general, the council will give special consideration to:

- the views of people living in the vicinity of the premises
- the views of other interested parties
- the views of the responsible authorities
- any proposals for minimising crime and disorder and public nuisance
- the proposals for minimising noise and disturbance to people living in the vicinity of the premises.

LOCATION, CUMULATIVE IMPACT AND SATURATION

Licensing Policy 016

In considering applications for new licences or variations to existing licences where representations have been made, the council will take the following matters into account:

- the location of the premises and character of the area

- the type of premises
- the number of customers likely to attend the premises and the type of customers at the time of the application
- the proposed hours of operation
- the arrangements, as specified in the premises operating schedule, that the applicant intends to implement to promote the licensing objectives
- the views of 'interested parties' and the 'responsible authorities'
- the availability of public transport and minicabs
- the level of likely car parking demand on surrounding residential streets
- the cumulative impact of licensed premises in an area
- any history of complaints
- history of compliance with license conditions and the operating schedule if the applicant has previously held a license.





63. With regards to the location of proposed licensed premises and their impact on residents and businesses in the vicinity of these premises, each application will be dealt with on its merit. In densely occupied areas, with no clear delineation between residential and commercial premises, the council will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of flexible opening hours for the sale and supply of alcohol and late night refreshments.
64. Applications for late night premises in predominantly residential areas will be required to reflect commitment to a very high standard of management. Furthermore, the presence of a hospital facility, residential accommodation for the elderly, a disproportionately high

number of families with young children, or the presence of a school in the immediate vicinity of proposed premises or events will be practical considerations which may influence licensing judgements.

Licensing Policy 017

The council will keep potential areas of saturation (areas where we believe that no further licensed premises can be accommodated) under review. Where evidence from interested parties or responsible authorities indicates that saturation is reached, it will consider introducing a special saturation policy for the area that will create a presumption for the refusal of all new applications. The council will not use this approach to control closing hours in a particular area, nor will it apply the saturation policy to premises being subjected to licence reviews.





65. The Licensing Act 2003 allows the council to consider the cumulative impact of licensed premises where the grant of a new licence would undermine one or more of the licensing objectives.

Representations from a responsible authority or interested party that the cumulative impact of a new licence may result in the area becoming saturated, resulting in exceptional problems of nuisance and disorder which are beyond the control of individual licence holders will be considered. Such representations must be evidence-based and be related to the style and character of the proposed new premises. As with all applications the council will consider the application on its own merits.

66. At the present time the council, after consulting with the police, is not of the view that there are areas of the borough where we should seek not to grant any further licenses. We will keep this under review, and will be expecting that in key areas of the borough where there is a particular concentration of premises, licence holders exercise high standards of management, and work in collaboration with other licence holders in the vicinity.

ADULT ENTERTAINMENT

Licensing Policy 018

The council requires all premises that intend to conduct adult entertainment to include the relevant details in their premises operating schedule and include any controls they intend to put into place.

Licensing Policy 019

When considering applications for adult entertainment, the council will take into account the nature of the area, the proximity to local facilities such as schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. The council will also consider marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate any local concerns.

67. The council considers adult entertainment to include activities such as topless waitressing, striptease and table dancing or any activity performed partially clothed or naked.
68. There are no longer any specific provisions in legislation to control or prohibit adult entertainment with a sexual content in licensed premises. The activities may however be relevant when considering the promotion of the licensing objectives.
69. The council will not normally grant a licence unless:
- the premises operating schedule specifies adequate arrangements for prohibiting children under the ages of 18 from entering the premises
 - the premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance
 - the adult entertainment cannot be seen from the street
 - the adult entertainment is in a designated area of the premises with segregation from the audience



- the adult entertainment is in a position where the performers will have direct access to a dressing room without passing through or coming into close proximity to the audience
- there is no external advertising of adult entertainment either at the premises or in its immediate vicinity.

CHILDREN AND LICENSED PREMISES

Licensing Policy 020

The council will require detailed consideration of measures to protect children from harm to be reflected in the operating schedule in all cases. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

70. The council is keen to promote family-friendly licensed premises and to encourage premises where families are welcomed and where suitable entertainment is provided. It supports the provision of entertainment specifically for children, and wishes to encourage both occasional events for children and licensees making their premises available for hire to organisations for this purpose.
71. The council also recognises that children are one of the most vulnerable groups in our society

and that some activities associated with licensed premises are not appropriate for children. The council will be looking for management arrangements to be in place to address this. It will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to underage children.

72. The following circumstances are considered to present a risk to children, and therefore may be subject to additional controls:
- where the current management have been associated with convictions for serving alcohol to underage children or have a reputation for allowing under-age drinking
 - where there are concerns about drug taking or drug dealing on the premises
 - premises where there is gambling
 - premises where or events in which entertainment of an adult or sexual nature is provided
 - premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.
73. Requirements may include:
- limitations on the hours when children, or children under certain age limits, may be present
 - limitations on the parts of premises that children will be allowed to access



- limitations or exclusions when certain activities are taking place
- full exclusion of people under 18 from the premises when any licensable activities (as defined in paragraph 4 of this policy) are taking place
- requirements for accompanying adults at all or various times
- the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.

74. When considering applications from premises intending to offer public entertainment, where it will be lawful and not contrary to this policy for children to be admitted without an accompanying responsible adult, the licensee will be required to provide adequate numbers of adult staff to ensure the safety and well-being of the admitted children during an emergency. Details of the licensee’s arrangements must be included in the operating schedule.
75. The council has identified the **Area Child Protection Committee (ACPC) / Social Services Department** as the responsible authority for assessing child protection issues arising from licensing matters. The ACPC will make its determinations after obtaining and sharing information on personal licence applicants, designated premises supervisors and the structural and management arrangements proposed in the operating schedule.
76. Where appropriate, operating schedules must detail steps to be taken to limit unobserved contact between employees and children

and to limit or prevent access to inappropriate websites where an internet facility is offered.

ENFORCEMENT

Licensing Policy 021

The council will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications.

77. The council expects licensed premises to operate in ways consistent with community interests as expressed earlier in this statement of licensing policy and not to undermine the licensing objectives. In exchange for allowing greater freedoms for businesses to sell and supply alcohol, provide entertainment or supply hot food and drink after 11pm, the council expects businesses to comply with legal requirements, licence conditions and the premises operating schedule.
78. Enforcement action will be taken in accordance with the principles of the **Cabinet Office’s Enforcement Concordat** and the **Enforcement Policy for Public Protection – Licensing**. The council has established enforcement protocols with the police and the fire authority to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements. The council will work closely with these and other agencies to ensure that these powers are effectively used where necessary for the promotion of the licensing objectives.



PROVISIONAL STATEMENTS

Licensing Policy 022

In considering an application for a provisional statement the council will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence. Where a provisional statement is issued, the statement will be valid for 3 years from the date of issue.

79. The council recognises that provisional statements (which provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed), may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the particulars of the premises (including plans), describe the works to be done and the licensable activities planned.
80. Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

REVIEW OF LICENCES

Licensing Policy 023

The council will apply the full range of powers available to it when a review of a premises licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.

81. The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.
82. Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. It is the council's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.
83. Representations must be made in writing and must be relevant, and not vexatious, repetitious or frivolous.



4 PART FOUR

– AREA SPECIFIC ISSUES

Licensing Policy 024

The council recognises that there are several areas within the borough, which already support a large number of entertainment premises. These include:

- the Arsenal (the existing stadium and the new stadium under construction)
- the Angel Town Centre
- the Farringdon / Clerkenwell / Charterhouse Area
- Kings Cross

Premises located or intending to locate in these areas will attract special consideration. In relation to the Arsenal Football Club area, special controls on the sale and supply of alcohol on match days will be put in place through conditions.

84. The council's policy in respect of the cumulative impact of a concentration of licensed premises in an area and its approach towards dealing with areas that have reached saturation is detailed in part 3 of this statement of licensing policy. There are however, parts of the borough which warrant special consideration at this stage because:

- the medium-term to long-term impacts of large-scale land use changes that have already received planning approval are unclear, with respect to the evening and night-time economies of these areas

- they form part of a designated borough town centre, under the Unitary Development Plan, where the strategic policy is to enhance the roles of these areas as the focus of retail, business, leisure and community life, implying a presumption towards leisure and evening/night-time economy uses
- they form part of an established evening and night-time entertainment quarter with the potential for further expansion
- the type of use and special considerations appropriate to the customers of particular premises in an area necessitates the consideration of special measures which may need to be retained or reviewed for the future.

85. Within the validity of this policy statement, identification of concerns about the promotion of the four licensing objectives in any of the areas specified may lead to a review of this policy, and the introduction of a special policy on the consideration of future applications for new licences and variations to existing licences. The introduction of a special policy will follow consultations with those stated in the Act, and will be in accordance with Part 3 of this policy. Where concerns do not arise, applications will continue to be considered in accordance with this policy statement and the areas will continue to be kept under review.



THE ARSENAL

Licensing Policy 025

Where relevant representations are made by the police over an application from the Arsenal area for a new licence or a variation to an existing licence, the council will consider imposing conditions requiring the service of alcohol exclusively in plastic bottles and cups, for two hours before the start, and two hours after the end of home matches.

86. The Arsenal Stadium is one of the cultural flagships of the borough. It provides a sporting focus for the local and wider community. It also provides the focus for supporting entertainment activity, a demand that is currently being met by a number of licensed premises both within and outside the borough boundaries. The Metropolitan Police have identified a number of premises as preferred venues used by football fans. These premises are currently subject to a number of special measures especially on match days, in view of the potential

for disorder. Most of these licensed premises fall within the area of the borough but two premises are in neighbouring boroughs.

THE ANGEL TOWN CENTRE

87. Recent developments in this area such as the increase in the numbers of restaurants and bars within the town centre and along Upper Street as well as the building of the N1 centre have led to an expansion of the evening and night-time economy in the area. Established venues such as the Islington Academy, Sadlers Wells, Almeida, the Screen-on-the-Green, and smaller theatres such as the King's Head make important contributions to the cultural vitality of the area.

88. The development strategy for the area has identified scope for the growth of established night-time economy areas and the opening up of new areas linked to the provision of non-sensitive residential accommodation. There are however, concerns about the level of night-time transport provision in the area.

89. In order to reduce the potential negative impacts on the licensing objectives of increasing development, applications must demonstrate detailed consideration of the need to promote these objectives in their operating schedules. Specifically, there must be evidence of consideration of:

- sustainable travel arrangements for staff and clients and the potential increase in the pressures on existing facilities
- plans to reduce and/or control on-street parking attributable to the applicant's customers





- steps required to prevent crime and disorder emanating from the premises and escalating in the area.

90. Applicants for new licences or certificates will be encouraged to join the local pubwatch or shopwatch schemes.

THE FARRINGDON/CLERKENWELL/CHARTERHOUSE AREA

91. This area of the borough, bordered by Farringdon Road, Charterhouse Street, Clerkenwell Road and Goswell Road/Aldersgate Street is a unique part of the entertainment map of the borough. Some of the roads above form the borough's borders with the London Borough of Camden and the City of London.

92. The last five years have seen an increase in the intensity of the night-time economy in this area. This has been characterised by an increasing concentration of licensed premises. Although closing hours in the area have been staggered, this area constitutes the only twenty-four hour entertainment area in the borough. The council's Unitary Development Plan (UDP) recognises this area as a place with special character and has developed special policies to preserve and enhance this character and encourage opportunities for a mixture and balance of uses without an over-proliferation of particular uses such as restaurants.

93. Regeneration activity in the nearby Kings Cross area has led to the displacement of many of the crime and disorder issues formerly associated with the night-time

economy in the Kings Cross area to the Farringdon/Charterhouse area. This has led to an increase in the incidence of crime and disorder and heightened the fear of crime amongst local residents and businesses.

94. In spite of all of these issues, the larger licensed premises here represent some of the best examples of good practice among licensed premises available in the borough. The local pubwatch /clubwatch group is very well subscribed, active and effective in pooling the resources of licensed premises together with the police and council officers to enhance the area and combat crime and disorder, and environmental problems. In the light of this, premises intending to open in this area or intending to vary their hours of operation must satisfy the council of their ability to enhance the area. In particular, their operating schedules must specify:

- how they will work with the police to control the use and supply of illegal drugs on their premises and to prevent their premises becoming a focus for people dealing in illegal drugs
- the steps they intend to take to educate their customers and prevent public nuisance arising from illegally dumped waste and litter, and prevent the use of alleyways, street corners, and open pavements as urinals
- proposals to tackle unlicensed street traders selling fast food from unregulated temporary structures within the grounds of their premises



- how they intend, through the provision of licensed door staff, to control illegal minicab touting which is associated with the serious crimes of abduction, rape and other sexual assaults and is becoming an issue of growing concern for the police
- the sustainable travel arrangements and supporting information they intend to put in place for customers and staff so as not to add to the already high demand on available public transport, especially at closing times in the early hours of the morning
- their intention to be part of the pubwatch, clubwatch or shopwatch schemes operating in this area.

THE KING'S CROSS AREA

95. The King's Cross area has seen significant regeneration activity over the past eight years. This regeneration is ongoing and is aimed at redeveloping the area to improve the built and natural environment, and to improve community safety. The work has been overseen by the King's Cross Partnership, involving both Islington and Camden councils. Work is now progressing in both boroughs to oversee the proposals for redevelopment.
96. Many of the premises proposing to provide public entertainment in this area will be new although the area retains a substantial number of existing licensed premises. The nature of new development may encourage existing premises to apply for variations to the terms of their existing permissions.





GLOSSARY OF TERMS

These definitions are provided to aid understanding of the draft policy and the associated guidance documents for residents and applicants. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

Alcohol includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Club Premises or Qualifying Clubs can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.

Designated Premises Supervisor is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the Premises Licence holder or another person.

Grandfather Rights is a system of rights for the transfer of existing licences to premises licences and personal licences by the licence holders under the terms of their existing licence. The police can object to this transfer in certain circumstances.

Licensing Committee is a committee of 10 to 15 councillors, appointed by the council.

Licensing Sub-Committee is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act. The usual practice has been to have area based sub-committees dealing with matters in different areas of the borough.

Personal Licence – permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.

Regulated Entertainment is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain. See list in paragraph 4 of the draft policy.

Representations are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).

Temporary Events - relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.



Vicinity – usually taken to mean the area immediately around the licensed premises but where there is reasonable evidence to suggest that problems are directly linked to licensed activity or customers of a particular premises, can be extended. Although the licensing authority will have to consider whether a resident or business would be directly affected by the carrying on of licensable activities on licensed premises the issue of whether premises are in the vicinity of licensed premises will ultimately be decided in the courts.

Variation – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the designated premises supervisor.

INFORMATION SOURCES

1. Information on licensing in Islington can be obtained from:

The Licensing Team

Public Protection Division

London Borough of Islington

159 Upper Street London N1 1RE

Telephone: **020 7527 3816 / 3819**

Fax: **020 7527 3057**

Email: **commercial.envh@islington.gov.uk**

Web: **www.islington.gov.uk**

2. Further information about the Licensing Act 2003 and the Secretary of State's Guidance under section 182 of the Act can be obtained from the Department of Culture, Media, and Sport's (DCMS) at:

The Department of Culture, Media, and Sport

2-4 Cockspur Street London SW1Y 5DH

General Enquiries: **020 7211 6200**

Email: **enquiries@culture.gov.uk**

Web: **www.culture.gov.uk**

Alcohol & Entertainment Licensing Enquiries:

Email: **alcohol.entertainment@culture.gov.uk**

3. **Islington Borough Police**

Islington Police Station

2 Tolpuddle Street London N1 0YY

Telephone: **020 7704 1212**

Fax: **020 7833 3990**

Minicom: **020 7421 0397**

Web: **http://www.met.police.uk/islington/index.htm**

4. **London Fire and Civil Defence Authority**

Islington Borough Fire Safety

Unit 5-6 City Forum City Road London EC1V 2FB

Telephone: **020 7587 4512**

Fax: **020 7587 4503**

Web: **http://www.london-fire.gov.uk/**