

**Report of: Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	27 <sup>th</sup> March 2013	BS	Highbury East

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION  
RE: HING YIP ORIENTAL SUPERMARKET, GROUND FLOOR, 88/90 HOLLOWAY  
ROAD, LONDON, N7 8LJ**

**1. Synopsis**

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to:
  - i) permit the premises to sell alcohol off supplies only, Sunday to Thursday from 10:00 until 22:00, and on Friday and Saturday from 10:00 until 23:00.

**2. Recommendations**

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003

- 2.3 To consider that this address is in the Holloway and Finsbury Park Saturation or “Cumulative Impact Policy” of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.
- 2.4 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 4);
  - ii. conditions recommended by responsible Authorities (see appendix 4); and
  - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

### **3. Background**

- 3.1 Papers are attached as follows:-
- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premise location.
- 3.2 The Licensing Authority has received 4 letters of representation, none of which are from people who requested that they remain anonymous. They are from a local resident, and the responsible authorities for Licensing, Health and Safety and Noise.
- 3.3 Licensing Officers visited the premises on 19 February 2013 and the premise was stocked with alcohol on two shelves and a fridge. There were notices saying that the alcohol could not be sold. Officers advised the manager that it was illegal to have alcohol on display and the alcohol was removed immediately. What officers did notice was that the alcohol on display was not specialist Chinese or alcohol of a specialist Oriental origin; it was main stream brands available in all the other off licences in the saturation area. A photo graph of this alcohol is included in the licensing representation.
- 3.4 The applicant’s solicitor has agreed to the conditions in respect of Health and Safety and Noise, but they are unwilling to agree the second suggested condition by the responsible authority for licensing in respect that the sale of alcohol on the premises shall be restricted to the sale of specialist Chinese or Oriental brands only.
- 3.5 In addition the Licensing department has invited the applicants legal representative to offer conditions in respect of the residential representation but they have declined to do so.

### **1. Planning Implications**

- 4.1 None.

### **2. Conclusion and reasons for recommendations**

- 5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

### **Background papers:**

The Council’s Statement of Licensing Policy  
Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

**Signed by**



Service Director – Public Protection

Date

18/3/2013

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

Fax: 020 7527 3430

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

## Application for a Premises Licence to be Granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) Delete as applicable.  
(2) Insert name(s) of applicant.

(1) ~~[I]~~ **[We]** (2) Hing Yip Oriental Supermarket Limited

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) [I am][we are] making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Ground Floor 88/90 Holloway Road		<b>ISLINGTON COUNCIL LICENSING</b>	
		Date <b>30/11/13</b>	Fee Paid <b>315-00</b>
		Cheque Number (please circle) <b>712971</b>	
		Receipt Number <b>066LS01</b>	
Post town	London	Postcode	N7 8LJ <b>AF 1</b>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 39,300.00	

### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- (a) an individual or individuals\*
- (b) a person other than an individual\*
  - (i) as a limited company
  - (ii) as a partnership
  - (iii) as an unincorporated association or
  - (iv) other (for example a statutory corporation)
- (c) a recognised club
- (d) a charity
- (e) the proprietor of an educational establishment
- (f) a health service body
- (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- (ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England

Please tick as appropriate

- please complete section (A)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)

COMMERCIAL LICENSING

3 JAN 2013

PUBLIC PROTECTION DIVISION

(h) the chief officer of police of a police force  
in England and Wales

please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev.)	
<b>Surname</b>					<b>First names</b>				
I am 18 years old or over								<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address									
Post town						Postcode			
<b>Daytime contact telephone number</b>									
<b>E-mail address (optional)</b>									

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other Title (for example, Rev.)	
<b>Surname</b>					<b>First names</b>				
I am 18 years old or over								<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address									
Post town						Postcode			
<b>Daytime contact telephone number</b>									
<b>E-mail address (optional)</b>									

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Hing Yip Oriental Supermarket Limited
Address	5A Columbia Road Bournemouth BH10 4DZ
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text" value="0"/> <input type="text" value="2"/>	<input type="text" value="0"/> <input type="text" value="3"/>	<input type="text" value="2"/> <input type="text" value="0"/> <input type="text" value="1"/> <input type="text" value="3"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Chinese Supermarket

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick any that apply

(a) plays (if ticking yes, fill in box A)

(b) films (if ticking yes, fill in box B)

(c) indoor sporting events (if ticking yes, fill in box C)

(d) boxing or wrestling entertainment (if ticking yes, fill in box D)

(e) live music (if ticking yes, fill in box E)

(f) recorded music (if ticking yes, fill in box F)

(g) performances of dance (if ticking yes, fill in box G)

(h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Tue				
Wed				
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			<b>Will this entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

## J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption - please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	10:00	22:00	n/a		
Tue	10:00	22:00			
Wed	10:00	22:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur	10:00	22:00			
Fri	10:00	23:00	n/a		
Sat	10:00	23:00			
Sun	10:00	22:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	Vincent Wong
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	06/09343/LIPERS
Issuing licensing authority (if known)	City of Westminster

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

n/a

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	10:00	22:00	
Tue	10:00	22:00	
Wed	10:00	22:00	
Thur	10:00	22:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	22:00	

# M

Describe the steps you intend to take to promote the four licensing objectives:

(a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

Staff will be trained to ensure that the premises will be run in a polite and courteous manner as efficiently as possible so that shoppers ingress and egress is quick and orderly and the public can move easily on the thoroughfare outside the premises.

(b) The prevention of crime and disorder

Staff will be trained in the "21 year old objective" to ensure that alcohol is not sold to underage persons. CCTV is installed throughout the supermarket to enable staff to control and monitor shopping activities and prevent any disorder.

(c) Public safety

The premises are designed to prevent accidents, giving enough space for orderly shopping and constructed to comply with safety standards.

(d) The prevention of public nuisance

As the activities on the premises are far away from the public domain and do not include any loud noise there should be no issues of public nuisance.

**(e) The protection of children from harm**

Alcohol will not be sold to children and there are no activities taking place on the premises that would be harmful to them.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 - Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.

Signature			
Date	29.01.2013		
Capacity	Solicitor		
<b>For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent</b> (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.			
Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
LEE & KAN 2/F, National House 60-66 Wardour Street London 44725 Soho Square			
Post town	London	Postcode	W1F 0TA
Telephone number (if any)	020 7 287 8888		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent.)
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



## Part A

### Consent of Individual to Being Specified as Premises Supervisor

(1) Insert full name of prospective premises supervisor.

I (1) Vincent Wong

(2) Insert home address of prospective premises supervisor.



(3) Insert type of application.

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for (3) a premises licence

(4) Insert name of applicant.

by (4) Hing Yip Oriental Supermarket Limited

(5) Insert number of existing licence, if any.

relating to a premises licence (5)

(6) Insert name and address of premises to which the application relates.

for (6) Hing Yip Chinese Supermarket  
89/90 Holloway Road  
London N7 8JG

and any premises licence to be granted or varied in respect of this application made by (4) Hing Yip Chinese Supermarket Limited

concerning the supply of alcohol at (6)

Hung Yip Chinese Supermarket  
89/90 Holloway Road  
London N7 8JG

(7) Delete as applicable.

I also confirm that I (7) ~~am applying for~~ ~~[intend to apply for]~~ (7) ~~currently hold~~ a personal licence, details of which I set out below.

(8) Insert personal licence number, if any.

Personal licence number (8) 06/09343/LIPERS

(9) Insert name and address and telephone number of personal licence issuing authority, if any.

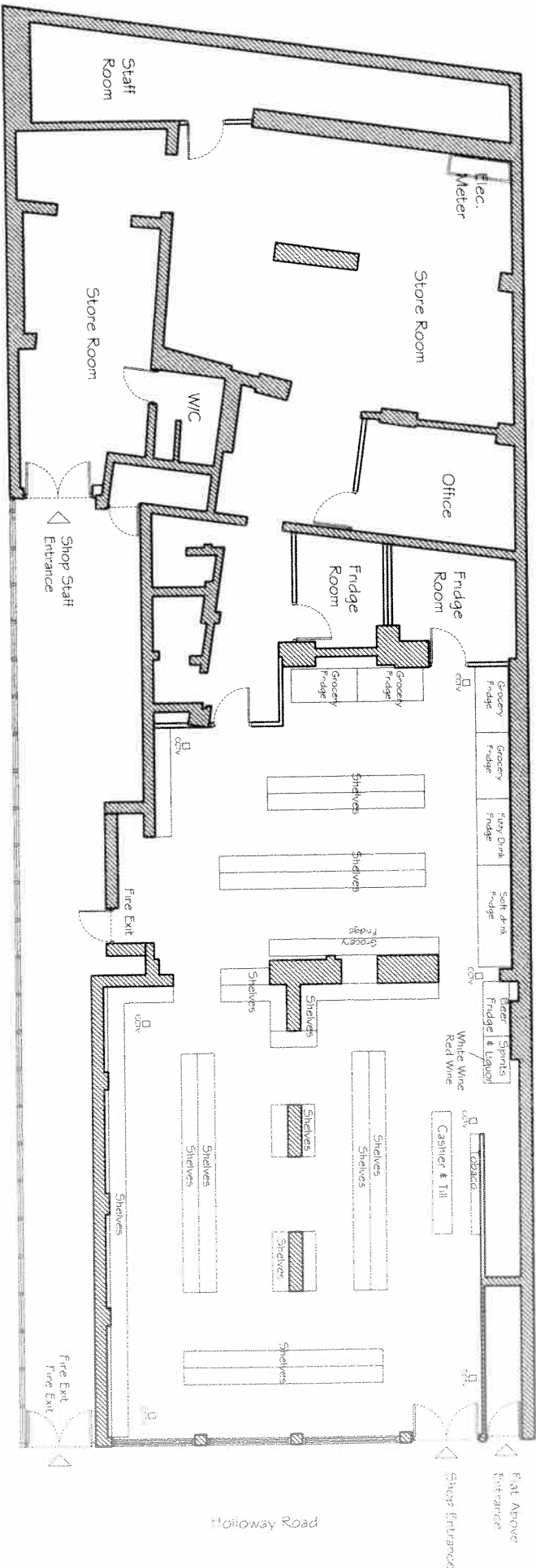
Personal licence issuing authority (9) City of Westminster

Signed

(10) Please print.

Name (10) VINCENT WONG

Dated 10 January 2013



Ground Floor Plan

TITLE:

88-90 Holloway Road,  
Islington,  
London, N7 8JG

CLIENT:

Mr Yu

DATE:

Jan 2013

DRAWING TITLE:

Floor plan

DRAWING NO:

PL100-1A

Architects + Interior Designers

**hbc studio**

HBC Studio Ltd,  
56 Maxwell Gardens  
Orpington, BR6 9QU  
Tel: 01859 810894  
Mobile: 07766 335 198  
E-mail: info@hbcstudio.co.uk

SCALE:

1:100@A3

Revision: hbc studio



**Licensing Act 2003- Representation from the Licensing Authority**  
**Application: Hing Yip Oriental Supermarket, 88/90 Holloway Road, London, N7 8LJ**

I am submitting a representation on behalf of the Licensing Authority against the new application for a Premises Licence to permit the sale of alcohol for consumption off the premises from 10:00 to 22:00 Sunday to Thursday and from 10:00 to 23:00 on Friday and Saturday from the above premises.

The grounds for the representation are:

- Public nuisance
- Crime and disorder

Hing Yip Oriental Supermarket, located in the Highbury East Ward, is within the Holloway and Finsbury Park Cumulative Impact Area which means that any further increase in the availability of alcohol needs to be carefully managed to ensure that there will be no negative impacts on crime, disorder and public nuisance.

There are 48 licensed premises licenced to sell alcohol in the Highbury East Ward, 33 are licenced to supply alcohol for consumption off the premises.

The area already has sufficient licensed premises to cater for demands of local residents and any additional outlets supplying alcohol will be detrimental to the local residents in terms of noise and disturbance and increase the potential for increasing alcohol related crime and disorder.

The Council has been working with partners and treatment centres to tackle street drinking in this area and although its intervention strategies have been largely successful in reducing the scale of the problem, it is a recurring issue compounded by the fact that the area is saturated with licensed premises.

In determining this application the Licensing Committee should be mindful of Licensing Policies 2 and 4 concerning cumulative impact and shops selling alcohol respectively.

The premises will operate as a specialist Chinese supermarket. The proposal to stop the sale of alcohol at 10pm Sundays to Thursday and 11pm on Friday and Saturday is welcome however the area is already saturated with licenced premises and another off licence will add to the cumulative impact.

In addition Licensing Officers visited the premises on 19 February 2013 and the premise was stocked with alcohol on two shelves and a fridge. There were notices saying that the alcohol could not be sold. Officers advised the manager that it was illegal to have alcohol on display and the alcohol was removed immediately. What officers did notice was that the alcohol on display was not specialist Chinese or alcohol of a specialist Oriental origin; it was main stream brands available in all the other off licences in the saturation area.

A photograph taken on this visit is enclosed with this representation.

To militate against adding to the cumulative impact the Licensing Authority recommends that any premises licence granted consideration be given to restricting the sale of alcohol to specialist Chinese or Oriental brands only.

### **Recommendation**

Although if the licence is granted the following conditions should be added to the premises licence:

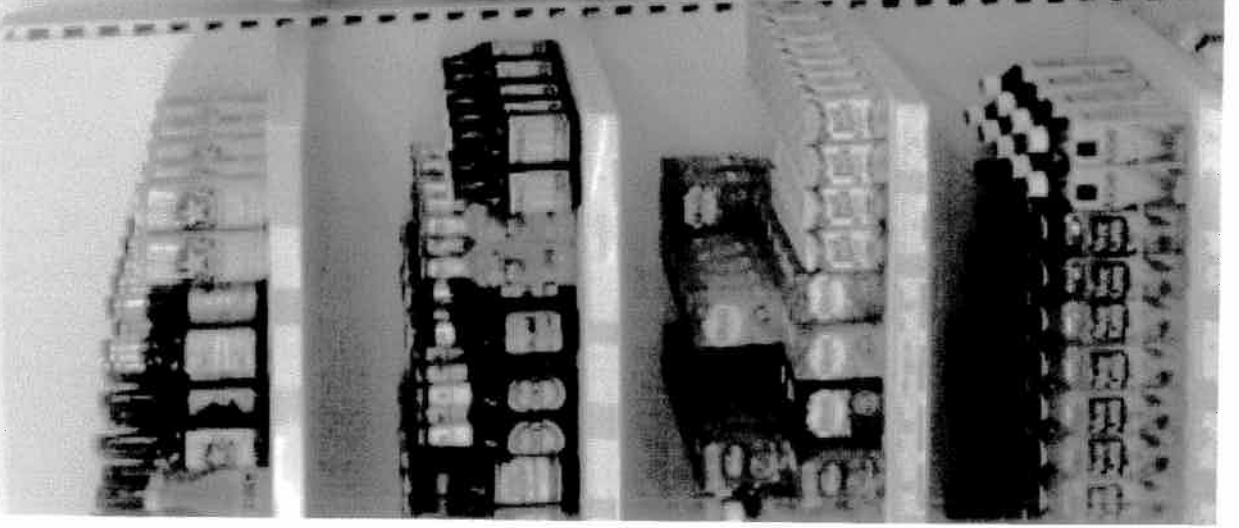
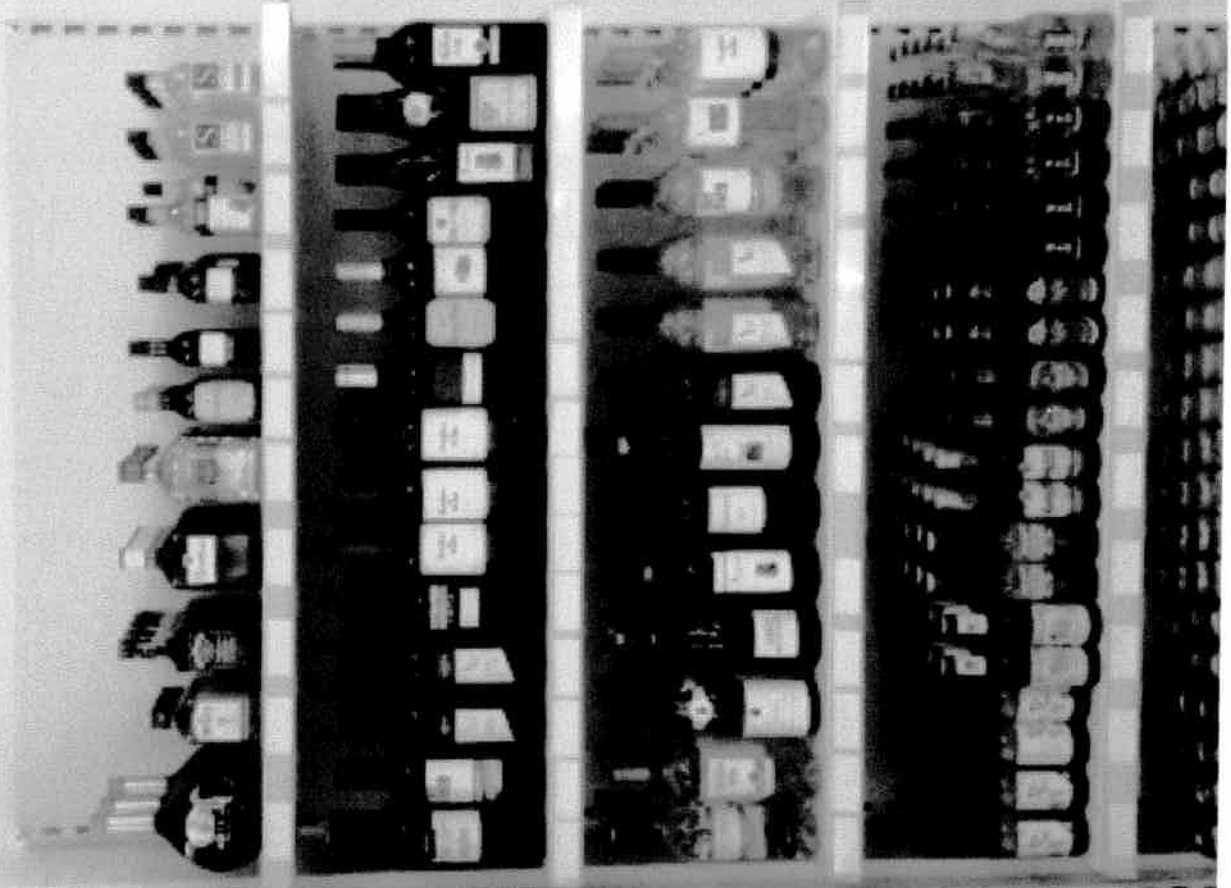
1. The sale of alcohol should be ancillary to the retail sale of Chinese food.
2. The sale of alcohol on the premises shall be restricted to the sale of specialist Chinese or Oriental brands only.

Janice Gibbons  
Service Manager  
Islington Council  
Public Protection Division  
222 Upper St  
London N1 1XR

26 February 2013

Wines & Spirits

Wines & Spirits



Building Control Service  
Planning and Development  
222 Upper Street  
London  
N1 1XR

T 020 7527 5986  
F 020 7527 5998  
E [geoff.weaver@islington.gov.uk](mailto:geoff.weaver@islington.gov.uk)  
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Our ref : GW  
Your ref: DL/SK/9332

Date: 21 February 2013

Lee & Kan  
National House  
60 – 66 Wardour Street  
London  
W1F 0TA

Dear Sirs

**Licensing Act 2003  
Representation from Responsible Authority for Health and Public Safety  
Hing Yip Oriental Supermarket 88 – 90 Holloway Road N7 8LJ**

With reference to the recent application for a premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 20 February 2013 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for the attention of the licensee are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver  
Senior Building Surveyor (Licensing Health and Safety)



**Islington Licensing Authority  
Licensing Act 2003**

**Representation form from Responsible Authority for Health and Public Safety**

<b>Name</b>	Geoff Weaver
<b>Job title</b>	Senior Building Surveyor (Licensing Health and Safety)
<b>Postal address</b>	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
<b>email</b>	geoff.weaver@islington.gov.uk
<b>Contact telephone number</b>	020 7527 5986
<b>Name and address of the premises concerning the representation</b>	Hing Yip Oriental Supermarket 88 – 90 Holloway Road N7 8LJ
<b>Public Safety</b>	The arrangements at the premises are insufficient for health and public safety. See attached requirements schedule.
<b>Suggested conditions that could be added to the licence to remedy the public safety representation</b>	The premises shall not be used under the licence until the requirements specified in the schedule dated 21 February 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk) This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 21 February 2013 for  
Hing Yip Oriental Supermarket 88 – 90 Holloway Road N7 8LJ**

- (1) The existing non-maintained emergency lighting luminaires within the premises should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
  - (2) Additional emergency lighting in compliance with BS 5266 – 1 should be provided in the parts of the premises specified below:
    - The front trading areas of the shop so all gangways are clearly illuminated.
    - A maintained emergency lighting luminaire should be installed by the final exit gates within external passageway.
- Note:** Non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.
- (3) The fire alarm and fire detection system should be in accordance with BS 5839 – 1. Fire alarm sounders should give clear audible warning of 65 dB(A) in all areas of the premises.
  - (4) Doors and gates on escape routes from and within the premises should be free from fastenings or secured with simple fastenings that can be readily operated without having to use two hands, keys, cards, codes or similar means.
  - (5) Remove the exit sign over the door marked “staff only” in the rear trading area of the shop.
  - (6) An exit sign should be fixed over the pair of exit doors leading from the store room to the yard area.
  - (7) A clear unobstructed exit route, not less than 900mm wide, should be maintained in the yard and external passageway from all exit doors to the final exit gates.
  - (8) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.
    - Electrical installation
    - Emergency lighting
    - Fire alarm
    - Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

For fire alarms any of the above, or

A member of the Loss Prevention Council 1014 Scheme, or a member of the British Approvals for Fire Equipment SP203 Scheme.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.



**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority - Environmental Protection

<b>Your Name</b>	Eryka Bancroft
<b>Job Title</b>	Senior Environmental Health Officer
<b>Postal and email address</b>	Noise Team Public Protection Division 222 Upper Street London N1 1XR
<b>Contact telephone number</b>	020 7527 3846

<b>Name of the premises you are making a representation about</b>	Hing Yip Oriental Supermarket
<b>Address of the premises you are making a representation about</b>	89 – 90 Holloway Road Islington N7

***Please detail the evidence supporting your representation. Or the reason for your representation.  
Please use separate sheets if necessary***

**To prevent public nuisance**  
We are making our representation for the minimisation and prevention of the risk of noise pollution to neighbouring residential occupiers.  
  
Noise Team has visited the premises and while we have no serious objections to the granting of the Licence as applied for, we do object to its granting without conditions.  
  
Our objection will be withdrawn if the applicant agrees to the conditions set out below.

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary.</b>	<p>A. Deliveries</p> <p>1. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.</p> <p>B. Rubbish Clearance</p> <p>1. No rubbish will be moved, removed or placed in outside the premises on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.</p> <p>C. Notices</p> <p>Prominent, clear and legible notices must be displayed at the public exit to the premises requesting the public to respect the needs of local residents and to leave the area quietly.</p> <p>D. Noise and Vibration</p> <p>Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.</p>
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Signed: \_\_\_\_\_ Date: 20<sup>th</sup> February 2012

Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 159 Upper Street London N1 1RE or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031**

[REDACTED]

To  
Mr. Niall Forde  
Licensing Officer  
Licensing Service  
London Borough of Islington  
3rd Floor  
222 Upper Street  
London N1 1XR

[REDACTED]

26th February 2013

**Objection to 'Licensing Act 2003 - Premises Licence Application: New;  
Address: Hing Yip Oriental Supermarket, Ground Floor 88/90 Holloway  
Road, London N7 8LJ'; LBI ref WK/301302588.**

Dear Mr. Forde,

My partner and I are residents [REDACTED] We have lived here for more than thirty years. Our property backs onto the premises No. 88/90 Holloway Road for which the Premises Licence is sought. As you can see in Photo 1, there are three residential properties abutting the rear of No. 88/90 Holloway Road; [REDACTED]

[REDACTED] Our house is a single dwelling house. As you can see, the distance from the rear of our house to the back of 88/90 Holloway Road is short, measuring only 4.35 m.

We object to the Premises Licence Application because of the increase in nuisance that we can expect were the Licence to be granted, which would be detrimental to the enjoyment of our property and to that of our neighbours.

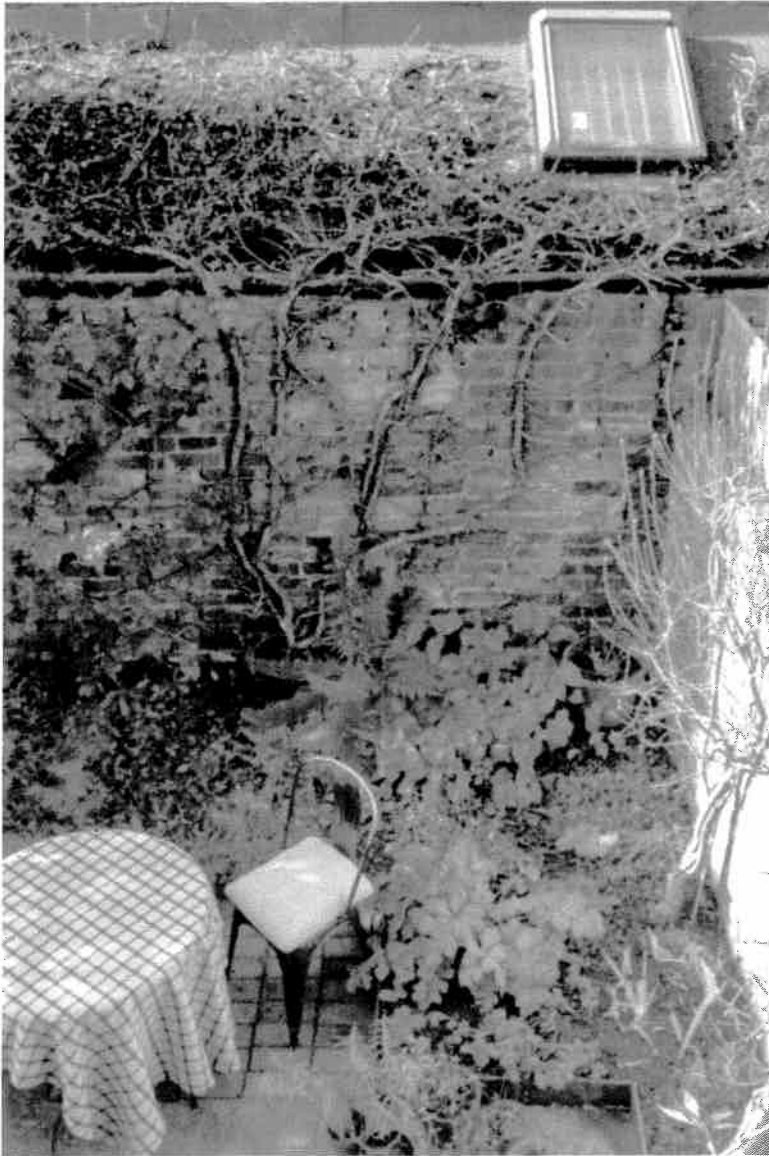
The nuisance we expect is partly based on noise and partly on smells that we expect to come from the premises.



*Photo 1. Ground floor extension at the rear of No. 88/90 Holloway Roa*

The main sources for noise and smell to escape from No. 88/90 Holloway Road to the back are:

1. The three, openable roof windows on their ground floor extension. You can see one of the roof windows and its close proximity to our property on Photo 2; the distance from that roof window to our property is just over half a metre.



*Photo 2. Proximity of our property with the roof windows at 88-90 Holloway Road.*

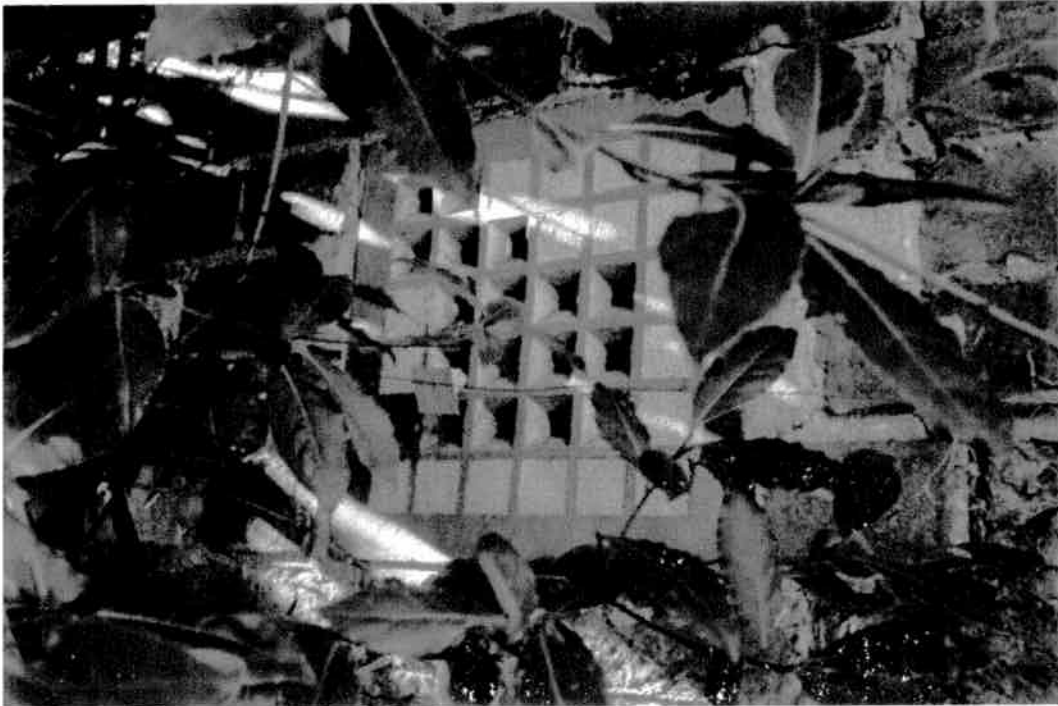
In Photo 3 you can see two of the roof windows, the third one is hidden by the bay tree on the right;



*Photo 3. Two of the three roof windows on the rear extension of 88-90 Holloway Road.*

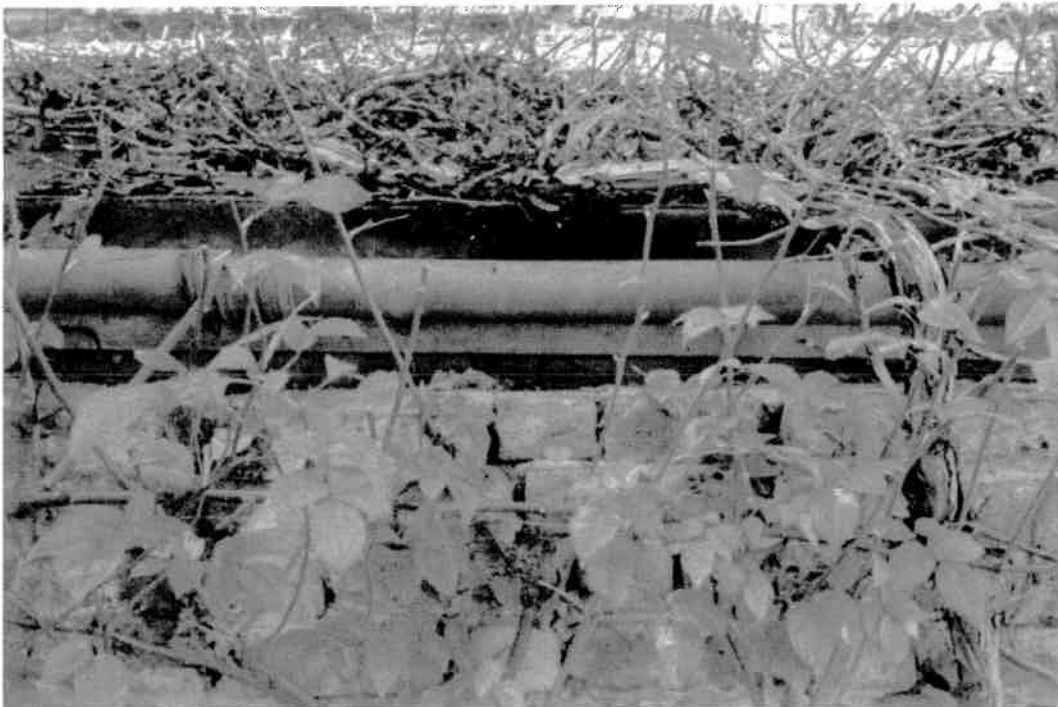
2. Other openings for noise and smell to escape from No. 88/90 Holloway Road are the air-bricks in the extension/boundary wall between No. 88/90 Holloway Road and the neighbouring properties in Horsell Road, including ours: I know of at least two air-bricks: one is venting into our garden (see Photo 4), one is venting into our neighbours' property [REDACTED]

[REDACTED] In most of the Photos you can't see the air-brick onto our property, as we have let our bay tree grow across it. The Applicants have recently opened part of that air-brick which had been blocked for years.



*Photo 4. Recently un-blocked air-brick venting 88/90 Holloway Road onto our property.*

3. A further source for noise and smell to escape from No. 88/90 Holloway Road is the poorly insulated junction between the wall and the roof of their ground floor extension which runs along the entire width of the plot of No. 88/90 Holloway Road (see Photos 1 & 5).



*Photo 5. Ground floor extension 88/90 Holloway Road: Junction of wall and roof.*

4. A further possible source for noise to escape from No. 88/90 Holloway Road might be poor sound proofing of the entire roof of the extension at No. 88/90 Holloway Road; I believe the roof is not sound proofed but consists solely of boards upon which roofing felt has been fixed.

Our previous experience of nuisance from No. 88/90 Holloway Road.

In the past, we have experienced nuisance on a regular basis, both in terms of smell and noise, through these various openings or badly insulated building parts from the ground floor of No. 88/90 Holloway Road and have been able to establish a fragile compromise with each of the previous occupiers of the factory, which meant:

- a. That we were allowed to block the air-brick that vents directly onto our property;
- b. That the occupiers of the ground floor at No. 88/90 Holloway Road did not open any of their roof windows;
- c. That they did not play any radio or music on their premises.

These measures did not prevent all noise or smell from escaping from the ground floor factory at No. 88/90 Holloway Road onto our property, but they mitigated against the worst of the impact.

We object to the Licence being granted in the main for the following reasons:

1. The Applicants wish to sell alcohol which means that there will have to be deliveries of cans and bottles, shelving of glass bottles for storage and for replenishing store shelves with bottles and cans from the storage area. These movements, especially of noisy glass bottles might happen at any time during the supermarket's opening hours and will, during those periods, significantly increase the levels of noise by comparison with what we were exposed to by previous occupants.

2. The vastly extended hours of operation on the ground floor at No. 88/90 Holloway Road are a grave cause for concern:

Previous factory occupants worked normal weekday hours from about 9 am to 5 pm, Monday to Friday. The Applicants wish to operate their business from Sunday to Thursday from 10 am to 10 pm and from Friday to Saturday from 10 am to 11 pm. This means that whilst previous occupants have used the premises roughly 40 hours a week, the Applicant intends to use the premises for 86 hours a week. Any potential nuisance will extend over more than twice the previously experienced period of time.



The work periods of previous occupants meant that during leisure times, in the evenings and at the weekends, we could be sure to be able to use and enjoy our outdoor spaces, our garden or our first floor balcony-type structure, without any disturbance or nuisance from the ground floor at No. 88/90 Holloway Road. But those periods will in future be fully within the operational hours of the new business on the ground floor at No. 88/90 Holloway Road. In future there will be no periods left during which we would want to enjoy our garden or balcony, without the ground floor at No. 88/90 being used at the same time.

These extended hours will not only infringe on our use of the outdoor spaces but also on the use of the house itself. Photo 6 shows how close the Applicant's premises are to our indoor spaces. Any smell and noise nuisance will affect us inside our property whether our windows will be opened or closed. This is particularly bad for us as the layout of the neighbouring sites somehow creates air currents such that sound and smell are driven towards the rear of our house.

With the opening hours the Applicants apply for, any noise or smell nuisance can be expected to occur at any time practically throughout our waking hours. We will not have any predicable times during which we can be sure to be able to enjoy our property as a family or with friends safe from nuisance coming from No. 88/90 Holloway Road.



*Photo 6. View from first floor of our house onto rear of 88/90 Holloway Road.*

The Applicants have recently knocked out some of the plaster which had for years blocked smell and noise escaping via the air-brick from No. 88/90 Holloway

Road. You can see this in Photo 4. This means we are now more exposed to nuisance from their premises than we were over many years.

3. Since the new occupants of No. 88/90 Holloway Road run a supermarket it is likely, or at least possible, that they will play background music in their space and that consequently, we will be exposed to that music via the various openings or badly insulated building parts of No. 88/90 Holloway Road, potentially for 86 hours a week.

4. We are also concerned about the cooking that is going to happen at No. 88/90 Holloway Road, the smells and noise of which will escape via the same routes as noise does from bottle movements etc. Since opening the supermarket only about a week ago, the occupants have been cooking on the premises and the smell and noise have escaped through the air-brick onto our property.

Further, the supermarket advertises that some hot food will be sold, for instance spring rolls, and we are concerned whether the preparation of those foods will take place in the back area of No. 88/90 Holloway Road, in other words whether we can expect cooking and indeed some deep frying activity immediately next to our property without proper provision for smell extraction and sound proofing. We are concerned that the roof windows and the air-bricks might be used as the 'extraction provision', so that our property will become the air exchange location for a variety of cooking activities coming from No. 88/90 Holloway Road. This concern is exacerbated by the very extensive opening hours, that reach well into the night and cover all weekend, bank holidays etc.

5. We are concerned that the sale of alcohol on the premises will require refrigeration systems to offer cool drinks to customers. Those refrigerators might create considerable heat especially during the summer months. We are worried that there is currently no proper heat extraction provision on the site and that the air-bricks and roof windows on the back extension will be used to service this need. If there is a need for the supermarket to vent its refrigeration systems, at least in part, by opening the roof windows in the back extension, we would then be exposed to all other noises and smells that the supermarket generates.

As you invite suggestions about how our concerns could be addressed, I would like to make the following suggestions:

1. If all three roof windows were fixed in such a way that they cannot be opened that would be a major help. Once opened, such large openings at such close proximity to ours and our neighbours' properties allow any and all noise and smell to escape from No. 88/90 Holloway Road and to douse our property completely uninhibited; this is particularly so because these windows are hinged along the top edge and when opened form a kind of roof that directs noise and smell against our property.

From our experience with all previous occupants, they all agreed that opening any of these roof windows would create such an unacceptable level of imposition on our ability to use our property that they voluntarily agreed not to open their windows. With the extended opening hours and the increased noise levels from the bottles etc. of alcohol, it would be important to formalise this as a condition and to physically fix the windows shut so that there will be no potential danger of anyone opening them by mistake.

2. It would also be good if all the air-bricks in the walls could be blocked by the occupant. There might be only the two air-bricks I mentioned earlier or there might be more, I am not sure as I have not seen the premises from the inside. The air-bricks constitute permanent openings at head height onto our property and our neighbours' property, the latter being only a few centimetres away from our property. Hence any noise and smell escaping through either of them will reach us very swiftly. The air-brick on our wall allows the Applicants even to look into our garden, allowing for an uncomfortable level of intimacy which disturbs us somewhat when we want to enjoy the privacy of our own home.

3. Whether it is necessary to insulate the junction between the wall and the roof of the extension of No. 88/90 Holloway Road from the inside so that neither noise nor smell escapes through air-gaps or thin bits of plaster etc, is something that would be worth investigating. We have not been inside the premises of No. 88/90 Holloway Road and therefore cannot be certain how severe the threat of potential nuisance through that junction is and hence what mitigating measures would be appropriate to protect us from unacceptable levels of nuisance.

4. The same applies to the question of extra insulation to the roof of the extension. If the roof is only made of wooden boards with roofing felt fixed on, which is what I expect to be the case, adding a layer of sound proofing material or similar on the inside of the extension might be appropriate.

5. Finally, there is a question over whether additional proper ventilation should be installed by the Applicants so that cooking and other smells are being extracted, as well as heat from the refrigeration units, and to provide proper air flow into and out of their premises, without this causing an undue nuisance to the neighbouring properties, including our own. The nearby launderette at Ronald's Road, for instance, was required by the Council to bring the exhaust of their laundry activities above eaves level so as to mitigate the smell impact on us neighbours.

By way of general background, it might be useful to mention the historic development of the back extension at No.88/90 Holloway Road. When we first moved in here it was an open yard used for storage which was later covered in a

makeshift manner with some transparent plastic corrugated material. Nobody used this space other than for storage, it was not part of the workshop. Then quite a few years ago occupancy changed, the factory was done up and the current roof structure including the roof windows put in place. The first occupants of the new set-up still only used the back extension as a storage space. Subsequent occupants gradually extended their workshop into this area without making any changes to the structure that would mitigate against the increased impact on neighbouring properties. Informally, we were able to find a solution with the different occupants who all saw the level of negative impact that they were exposing us to and were kind and understanding enough to mitigate against such negative effects in the various ways I have outlined earlier. It would be good if this informal kind of arrangement could be somewhat formalised since the former 'back yard' on the No. 88/90 Holloway Road premises is now fully integrated as part of the ground floor business. There is now no distinction any more between the 'back yard' and the rest of the ground floor usage.

If you have any questions or would like to arrange a site visit to assess the potential impact of the new use of No. 88/90 Holloway Road on our property, please feel free to contact me.

Yours sincerely,

~~Bertie Fowler~~

**Suggested conditions of approval consistent with the operating schedule**

1. Staff will be trained in the challenge 21 to ensure that alcohol is not sold to persons under age.
2. CCTV shall be installed throughout the premises to enable staff to control and monitor shopping activities and prevent any disorder.

**Suggested conditions of approval consistent with the representations from the Council's Noise Team. (Agreed)**

3. No deliveries will take place on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
4. No rubbish will be moved, removed or placed in outside the premises on Sundays or Bank Holidays and between the hours of 23:00 and 07:00 hours other days of the week.
5. Prominent, clear and legible notices must be displayed at the public exit to the premises requesting the public to respect the needs of local residents and to leave the area quietly.
6. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

**Suggested conditions of approval consistent with the representations from the Council's Health and Safety Team.**

7. The premises shall not be used under the licence until the requirements specified in the schedule dated 21 February 2013 have been completed and approved in writing by the responsible authority for health and public safety.

**Suggested conditions of approval consistent with the representations from the Council's Licensing Authority.**

8. The sale of alcohol should be ancillary to the retail sale of Chinese food. (Agreed)
9. The sale of alcohol on the premises shall be restricted to the sale of specialist Chinese or Oriental brands only.

**Suggested conditions approval consistent with the representations by local resident.**

No conditions suggested by applicant

