



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 th October 2013	B2	St. Mary's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
RE: Highbury Fine Food & Wine, 249 Upper Street, London, N1 1RU

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) Allow the sale by retail of alcohol, off supplies only, 24 hours a day 7 days a week.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely:
 The Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.

- 2.3 To consider that this address is in the Angel and Upper Street 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 3);
 - ii. conditions recommended by responsible Authorities (see appendix 3);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 The applicant currently holds a premises licence at this address allowing:
- i) the sale by retail of alcohol, off supplies only, Mondays to Sundays from 08:00 until 00:00.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form;
- Appendix 2a: name & address details of those persons making representations;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premise location.
- 3.3 Licensing history at the premises:
- 24th November 2005, premises issued to Mr Syed Hassan Raza by way of a conversion under the Licensing Act 2003;
 - 1st November 2007, premises licence variation granted authorising the sale by retail of alcohol, off supplies only, 24 hours a day seven days a week;
 - 13th June 2011, premises licence review application submitted by Islington Council's Trading Standards team as a result of two seizures of illicit alcohol from the premises on 9th February 2011 and 22nd February 2011 respectively;
 - 4th August 2011, premises licence revoked at hearing before the Licensing Sub-Committee C;
 - 30th August 2011, appeal of Licensing Sub-Committee C's decision placed before Highbury Corner Magistrates Court;
 - 6th October 2011, new application sought by Mr Azhar Naqvi seeking a premises licence to allow the sale by retail of alcohol, off supplies only, 24 hours a day seven days a week;
 - 22nd November 2011, designated premises supervisor (DPS) variation granted to name Mr Jaswinder Singh as new DPS;
 - 6th December 2011, agreement reached with Responsible Authorities, after negotiation and agreement to additional licence conditions, for a new premises licence to be granted authorising the sale by retail of alcohol, off supplies only, Mondays to Sundays from 08:00 until 00:00;
 - 7th December 2011, revoked licence appeal withdrawn as a result of grant of new licence;

- 30th March 2012, sale of alcohol to an underage volunteer during Trading Standards test purchase exercise. During post sale inspection a number of licence condition breaches were observed by Council officers;
- 4th April 2012, during a follow-up inspection continued premises licence condition breaches were witnessed by Officers;
- 6th April 2012, sale of alcohol to an Islington Council licensing officer after permitted hours. During follow-up to this unauthorised sale of alcohol, CCTV footage was requested but not supplied (breach of licence condition);
- 24th May 2012, premises licence review application submitted by Islington Council's Trading Standards team;
- 17th July 2012, premises licence suspended for 14 days and conditions added after the review hearing heard before Licensing Sub-Committee C. The DPS, Mr Jaswinder Singh, was also removed.

3.4 The Licensing Authority has received 10 letters of representation, none of which are from people who requested that they remain anonymous.

4. **Planning Implications**

4.1 None

5. **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

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

Appendix 1

2013 11670

Islington Council

**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.

I/We Mr. Azhar Naqvi

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/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 Highbury Fine Food & Wine 249 UPPER STREET			
Post town	London	Postcode	NI 1RU
Telephone number at premises (if any)	020 7359 4258		
Non-domestic rateable value of premises	£29,750		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

IP/216561
£190.00 / ELMS
13/05/13

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- 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 complete section (B)
- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Naqvi			First names Azhar		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		163 Shakespeare Crescent London			
Post town	London		Postcode	E12 6LW	
Daytime contact telephone number					
E-mail address (optional)					

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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2013

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

DD	MM	YYYY

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

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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
Both	<input type="checkbox"/>							
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur								
Fri						<u>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</u> (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>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</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur								
Fri						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 (please read guidance note 5)		
Sat								
Sun								

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>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</u> (please read guidance note 5)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur						
Fri			<u>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</u> (please read guidance note 5)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (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	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	06:00	06:00			
Tue	06:00	06:00			
Wed	06:00	06:00			
Thur	06:00	06:00			
Fri	06:00	06:00			
Sat	06:00	06:00			
Sun	06:00	06:00			
			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 (please read guidance note 5)		

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

Name Mr. Ali Imran	
Address	
Postcode	London
Personal licence number (if known)	
Issuing licensing authority (if known)	

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).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	06:00	
Tue	06:00	06:00	
Wed	06:00	06:00	
Thur	06:00	06:00	
Fri	06:00	06:00	
Sat	06:00	06:00	
Sun	06:00	06:00	

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)

All new Mandatory Conditions

b) The prevention of crime and disorder

Retail 24 Ltd, Mr. Hassan Raza or anyone else involved in the running of the business under the former licence numbered 127798-944 will not carry on a business which involves the use of this premises licence.

A digital CCTV system will be installed and maintained on the premises.

The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the Police or other authorised officer on request within 31 days.

A panic alarm system linked to the central Police Station shall be installed.

All staff making sales of alcohol must be a Personal Licence holder or trained and authorised, in writing, by the Designated Premises Supervisor.

c) Public safety

A minimum of two members of staff will be present from 23:00 HRS and 06:00 hrs.

No alcoholic goods will ever be purchased from sellers calling to the shop.

The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.

No spirits in re-sealed cases will be purchased.

Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.

A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.

An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.

d) The prevention of public nuisance

The licensee will display a 'We don't buy illegal alcohol' poster prominently in the shop window unless he has express permission not to, from Trading Standards;

The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age: making a challenge: acceptable proof of age: and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards. (replaced condition 16, Annex 2 of LN/13429-140812); and

Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank/Public Holidays and between the hours of 10pm and 7am other days of the week.

No deliveries on Sundays or Bank/Public Holidays and between the hours of 11pm and 7am other days of the week.

Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

e) The protection of children from harm

The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.

The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the Designated Premises Supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

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	Anthony O'Connell
Date	13.05.2013
Capacity	Duly authorised agent – A&R Consultants

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (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)

Anthony O'Connell
A&R Consultants
(Sole Trader)
193 Mungo Park Road

Post town	Rainham	Postcode	RM13 7PT
Telephone number (if any)	07947 108234		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
licace2004@yahoo.co.uk			

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 applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2.
①

Your
Our Licensing/NI
Date: 07/06/2013



**METROPOLITAN POLICE
SERVICE**

**Steven Harrington Pc 425NI
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY**

Telephone: 020 7421 0194
Facsimile: 020 7421 0138
Email:
nmailbox-.licensing@met.police.uk

Date 7th June 2013

Highbury Food & Wine
249 Upper Street
London N1 1RU

Dear Sir

Re: Highbury Food & Wine, 249 Upper Street, London N1 1RU

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the 'Angel, Upper Street Cumulative impact zone', a locality where this is traditionally high crime and disorder and there are concerns that this application will cause further policing problems in an already demanding area.

It is for these reasons that we are objecting to the application and propose that it is refused.

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, nmailbox-.licensing@met.police.uk

Yours sincerely

Steven Harrington Pc 425NI
Islington Police Licensing Officer

2



ISLINGTON

PUBLIC PROTECTION DIVISION

Pollution Projects Team
222 Upper Street
London N1 1RE

Tel: (020) 7527 3846
Fax: (020) 7527 3019
Please reply to: Eryka Bancroft
E-mail:
eryka.bancroft @islington.gov.uk

Mr A. Naqvi
163 Shakespeare Crescent
London
E12 6LW

Our Ref: WK201311675.200513.1

Your Ref:

Date: 20th May 2013

Dear Mr Naqvi,

**LICENSING ACT 2003: REVIEW
HIGHBURY FOOD AND WINE 249 UPPER STREET ISLINGTON N1**

Further to the above, I write enclosing a copy of our representation.

Noise Team objects to this Licence being granted.

When I met with you last year in Licensing Committee I was assured that you would be taking steps to abate a statutory nuisance being caused by roof mounted refrigeration equipment to the rear of your property. I can advise you that I have received further noise complaint regarding this equipment; I have visited to witness the noise disturbance and can confirm that it is a statutory nuisance and in my opinion you are breaching the section 80 notice served on you last year. I also believe that you are in non-compliance with the condition on your premises licence requiring that you do not cause noise disturbance to neighbours.

I should be grateful if you would contact me to discuss the above.

I hope the attached is self-explanatory if it should require further explanation I would be pleased to hear from you.

Yours sincerely

Eryka Bancroft
Eryka Bancroft
Senior Environmental Health Officer

Cc:ev

Mr A. Naqvi
5 A Highbury Food and Wine

**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority - Environmental Protection

Your Name	Eryka Bancroft
Job Title	Senior Environmental Health Officer
Postal and email address	Pollution Projects Team Public Protection Division 222 Upper Street London N1 1XR
Contact telephone number	020 7527 3846
Name of the premises you are making a representation about	Highbury Food and Wine
Address of the premises you are making a representation about	249 Upper Street Islington London N1 1RU

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 make this representation for the minimisation and prevention of the risk of noise pollution to neighbouring residential occupiers.

Noise Team has visited the premises and has serious reservations regarding its management from a noise perspective.

It is noted that the last Licence granted included conditions requiring:

- the posting of notices to encourage patrons to minimise noise disturbance when leaving the premises; and,
- that no noise or vibration will emanated from the premises to cause nuisance to nearby properties.

Noise Team has been unable to note the placing of notices and we note that noise and vibration emanates from the premises to cause nuisance to nearby properties.

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.

Signed: [Signature] Date: 20th May 2013

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

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- Representation from the Licensing Authority
Application: Highbury Food and Wine 249 Upper St London N1**

I am submitting a representation on behalf of the Licensing Authority with respect to the new application to permit the sale of alcohol 24 hours a day Mondays to Sundays

The grounds for the representation are:

- Public nuisance
- Crime and disorder

Licensing Policy Considerations

<i>Licensing Policy 1</i>	<i>Location, Cumulative Impact and Saturation</i>
<i>Licensing Policy 2</i>	<i>Cumulative Impact Areas</i>
<i>Licensing Policy 4</i>	<i>Shops selling alcohol</i>
<i>Licensing Policy 7 & 8</i>	<i>Licensing Hours</i>

The premises is located in the Angel and Upper Street Cumulative Impact area which means that the council has determined that the area is already saturated with licenced premises and any licence applications need to be carefully examined to ensure that the proposed activities, opening hours, style of operation and management arrangements contained in the operating schedule will not add to the cumulative impact to such an extent that the licensing objectives are undermined.

As a result of more licenced premises operating in the area and existing premises extending their hours of operation the problems associated with alcohol consumption and the late night economy in the Angel have extended northwards along Upper St towards Highbury Corner

A new 24 hour off licence in this part of Upper St will:

- increase the supply of alcohol in the area
- make it easier for people to purchase alcohol, particularly at night
- encourage more people to remain longer in the area during the early hours of the morning

The proposal for a 24 hour off licence will have a detrimental impact on residents due to alcohol related crime, disorder and antisocial behaviour, noise and litter. Residents in the area have already experienced serious antisocial behaviour associated with drunk people regularly using a nearby alleyway as a place to congregate, drink, throw litter and use as a toilet area. The council has had to put in place significant resources to deal with these problems including stepping up their cleaning schedule issue. An additional premises selling alcohol in the area will undermine this work.

Recommendation and Reasons

The Licensing Authority has considered the style and hours of operation proposed by the applicant, the management arrangements described in the operating schedule, the special considerations described in paragraphs 2, 7 & 9 of the Licensing Policy.

The applicant has not presented any evidence to indicate there will be no adverse cumulative impact if this licence is granted.

It is recommended that this application is refused.

If the Licensing Committee is satisfied that the operation of the premises will not add to the existing cumulative impact the Licensing Authority recommends that the licence be granted until 11pm Mondays to Sundays.

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

2 July 2013

**ISLINGTON**

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A&R Consultants
193 Mungo Park Road
Rainham
RM13 7PT

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
W www.islington.gov.uk

Our ref : GW

Your ref:

Date: 15 May 2013

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Highbury Fine Food & Wine 249 Upper Street N1 1RU**

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.

The proposed arrangements at the premises as shown on the submitted plan are insufficient for health and public safety. Attached is a schedule of the requirements necessary for the minimum acceptable standards. The premises should be inspected and approved by the responsible authority for health and public safety before the premises can be used under the licence.

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

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Highbury Fine Food & Wine 249 Upper Street N1 1RU
Public Safety	The proposed arrangements at the premises are insufficient for health and public safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 15 May 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 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 15 May 2013 for
Highbury Fine Food & Wine 249 Upper Street N1 1RU**

(1) The mechanical extract ventilation fan in the toilet should extract direct to external air at a rate of not less than 6 litres/second and have a 15 minute overrun controlled by the light switch or occupant detecting sensor. Air inlet to the toilet should be provided, e.g. 10mm gap under the door.

(2) One carbon dioxide fire extinguisher (rating 42B) and one water fire extinguisher (rating 13A) in conformity with BS EN 3 should be located behind or adjacent to the sales counter.

Fire fighting appliances should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises. Appropriate signs should be fixed adjacent to the fire fighting appliances indicating the type of fire fighting appliance and the class of fire covered.

(3) Mains operated smoke alarms with a standby power supply such as a rechargeable or replaceable battery or capacitor in accordance with BS 5839 – 6 should be provided in the parts of the premises specified below:

- Store room
- Trading area of the shop

Smoke alarms should be sited so that no point is further than 7.5m from the nearest smoke alarm. Smoke alarms should not be mounted within 500mm of any walls or obstructions.

Smoke alarms should be interlinked so that detection of smoke by one unit operates the alarm signal in all of them. Smoke alarms should be wired in compliance with BS 7671 to a single independent circuit at the main distribution board. The circuit should be clearly labelled **Fire Alarm do not isolate**.

(4) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the parts of the premises specified below:

- Trading area of the shop so all gangways are clearly illuminated.
- Store room

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.

(5) 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
- Smoke alarm system
- Fire fighting appliances

Note: Approved competent persons for certification are specified in the attached document **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

(6) Subject to complying with the requirements specified above, the premises should be in accordance with the submitted licensing plan. On inspection of the arrangements at the premises, any additional health and public safety requirements found to be necessary should be carried out without delay.



Licensing Act 2003

Representation from Islington Public Health on behalf of health bodies providing services in Islington

Highbury Food and Wine, 249 Upper Street, London N1 1RU

I am submitting a representation against the application to vary the premises license to permit the sale of alcohol 24 hours a day from the above premises. This representation is on behalf of Islington Public Health Department, which as a health body is a responsible authority.

The impact of alcohol is particularly great in Islington with some of the greatest levels of alcohol-related problems in London, including:

- The highest rate of alcohol-specific deaths in men in London
- One of the highest rates of alcohol-related hospital admissions in London
- Significantly higher levels of alcohol-related violent crime and claimants of incapacity benefit where the main medical reason for being a claimant is alcoholism

The grounds for the representation are:

- Public safety
- Crime and disorder

The relevant policies in Islington's Licensing Policy

- Policies 1 and 2 relating to cumulative impact, in particular the Angel and Upper Street area
- Policy 4: Shops selling alcohol
- Policies 7 and 8: Licensing hours

Highbury Food and Wine is located in St Mary's ward. This is an area which already has relatively high density of premises licensed to sell alcohol. Currently within St Mary's ward there are:

- 192 premises licensed to sell alcohol, equivalent to one premises for every 49 residents aged 18 and over. This is the highest rate in Islington and is equivalent to one per 131 residents aged 18 and over.
- 49 premises are licensed for off-sales of alcohol only (i.e. excluding on-licences that also sell alcohol for consumption off the premises), one for every 191 residents aged 18 and over in the ward, and highest rate in Islington (the average is one per 374 in Islington)
- The nearest off-license licensed to sell alcohol for consumption 24 hours a day off the premises is less than 500m away. There are a further two 24-hour off-licences within 600m of Highbury Food and Wine.

I am concerned that if this application is granted it will increase the availability of alcohol for consumption off premises. This could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those buying and consuming the alcohol but also the health of others who come in contact with them.

The area already has sufficient premises to meet demand of local residents and additional outlets supplying alcohol after 11pm will be detrimental to the local residents in terms of noise and disturbance from this time throughout the early hours of the morning.

Alcohol and health

Alcohol misuse imposes a major preventable burden to health and the effect of this in Islington is felt across all health services. Recent analysis has estimated that in Islington the cost of hospital admissions where alcohol is an attributable factor was £7429.9k, (£39.4 per Islington resident during the financial year 2008/09).

There is a growing body of evidence that an increased number of alcohol outlets results in significant increases in both alcohol consumption and alcohol-related harm, including injury, violence and medical harm. Evidence from a number of countries indicates reducing alcohol outlet density can have an impact on reducing violence and problem drinking. There is also strong and reasonably consistent evidence that changes in hours or days of trading can have a significant impact on volume of alcohol consumed and rates of alcohol related problems^{2,3,4,5,6}.

Impact of alcohol on health in Islington

The impact of alcohol on health in Islington is particularly severe. Alcohol-specific hospital admissions are those which are wholly related to alcohol (e.g. alcoholic liver disease or alcohol overdose). Islington has the second highest rate in London for hospital admissions where alcohol is the specific cause of admission. For men the rate is also significantly worse than England, with the 24th highest rate across 326 English local authorities (2009/10).

Currently Islington has one of the highest rates of alcohol-related hospital admissions (all hospital admissions in which alcohol is likely to have played a part, for example injuries/falls or high blood pressure) in London. The rate for both men and women is significantly worse than the England average. Increases in alcohol related admissions have been much higher in Islington than in England as a whole. For instance, in Islington, the increase in alcohol-related admissions in men was 39% and 44% for women between 2003/4 and 2009/10, compared to increases of 25% for both men and women in England.

St Mary's Ward

Ambulance callouts

The data on alcohol-related ambulance callouts reflects where the ambulance attended, not where the individual lives, and therefore includes people who live outside the borough but who come into Islington to work, socialise, etc. In 2012/13, there were 185 alcohol-related ambulance callouts in St Mary's ward, compared to an average of 148 per ward. Local analysis indicates that there is a general trend of ambulance callouts increasing as the number of licensed premises increases. In St Mary's ward, 38% (71) of the 185 alcohol-related ambulance callouts in 2012/13 were between 11:00pm and 05:00am, compared to 30% across Islington.

At the smaller geographical Lower Super Output Area (equal to an area of around 1,500 residents), there were 66 alcohol-related ambulance call-outs in the LSOA in which the Highbury Food and Wine is located, compared to an average of 20 across all Islington LSOAs. 45% (30) were between 17:00hrs and 22:59hr, and 24% (15) between 23:00HRS and 04:59hrs. The largest proportion occurred on Saturdays (26; 39%), although overall the majority of alcohol-related ambulance callouts (56, 85%) occurred towards the end of the week (Thursday, Friday or Saturday)

Across Islington, 68% of alcohol-related callouts resulted in conveying a person to hospital, and 8% resulted in assistance being given at the scene or conveyed to an NHS walk-in centre – this results in a substantial use of health service resource.

Hospital admissions

St Mary's ward had the lowest rate of alcohol-specific hospital admissions among Islington wards in 2011/12, with a rate of 384 per 100,000 people – equivalent to 39 admissions to hospital. Alcohol-specific admissions record the number of residents admitted to hospital, in contrast to ambulance callouts which record the location of the incident, irrespective of the person's area of residence. This indicates the acute health impacts of alcohol on this area of the borough related to those who come to the area to socialise and drink alcohol as opposed to those who actually live in this area of Islington.

Conclusion

Islington experiences some of the highest levels of alcohol-related harm in London and the cumulative availability of alcohol is one area that is likely to be impacting on this. There is already good availability of alcohol in St Mary's ward, the highest density as measured by the number licences per residents aged 18 and over.

There is evidence that increased availability of alcohol, both in terms of the time period in which alcohol is available (hours of sale) and number of premises from which alcohol is available results in an increase in alcohol related harm. The LSOA in which Highbury Food and Wine is located has a much greater density of licensed premises than average for the borough and also has a much higher levels of alcohol-related ambulance callouts (more than three-times the average). The levels of ambulance related ambulance callouts reflects the increased pressure and costs to the NHS as a result of alcohol in Islington. These impacts are also felt across a range of groups including the council, policing and the community as a whole.

Recommendation

Islington Public Health Department recommends that:

1. The application for a 24 hour licence to supply alcohol is refused
2. The premises licence should allow for the sale of alcohol no later than 11.00pm

References

1. Baker, A., Lodge, H., Jacobson, B., Hamm, J. and Murage, P. (2012) Closing Time: Counting the cost of alcohol-attributable hospital admissions in London. London: London Health Observatory
2. Popova, S., Giesbrecht, N., Bekmuradov, D. And Patra, J. Hours and days of sale and density of alcohol outlets: impact on alcohol consumption and damage: a systematic review. *Alcohol and alcoholism* 2009;44(5): 500-516
3. Newton, A., Sarker, S.J., Pahal, G.S., van den Burgh, E. and Young, C. Impact of the new licensing law on emergency hospital attendances: a cohort study. *Emergency Medicine Journal* 2007;24:532-534
4. Highes K, Jones L, Bolla M. Reducing harm in drinking environments factsheet. European Union 2009.
5. Livingston M, et al. Changing the density of alcohol outlets to reduce alcohol related harm. *Drug and Alcohol Review* 2007; 26: 557-566
6. Bryden A et al. A systematic review of the influence on alcohol use of community level availability and marketing of alcohol. *Health and Place* 2012; 16(2):349-357

6

Sender, Yesim

From: [REDACTED]
Sent: 07 June 2013 16:13
To: Licensing
Subject: Islington Food and Wine at 249 Upper St

Dear Sir

We manage the Library pub on Upper Street Islington and would like to object in the strongest terms to the application to see alcohol for 24 hours at Islington Food & Wine for 24 hours. This is not suitable for this location.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(7)

Sender, Yesim

From: [REDACTED]
Sent: 07 June 2013 15:23
To: Licensing
Subject: Licence application 249 Upper Street

Dear Sir / Madam

We act for the owners of the following properties :

[REDACTED]

We would like to object against the proposed license variation for 249 Upper Street <x-apple-data-detectors://23> on the basis that it will have a detrimental impact on residents in this part of Upper Street and Swan Yard by causing public nuisance due to additional noise and litter.

We already experience nuisance and anti social behaviour on a regular basis in this location with having drunk people. The extended hours are likely to add to this problem and would be detrimental to the quality of life of residents living here.

Yours faithfully

[REDACTED]

Whitton, Daniel

From: [Redacted]
Sent: 19 May 2013 11:26
To: Licensing
Cc: [Redacted]
Subject: [Redacted]

I have received notice of the above application to permit 24-hour liquor sales at 249 Upper St.

This is becoming an all-too-frequent affair in our neighbourhood. In recent weeks:

- * KFC wanted extended hours (denied)
- * Subway wants extended hours
- * McDonald's wants 24 hours (after being granted an extension until 2am just last year... which I regret not opposing)

And now this. Surely those of you in positions of power in Islington are seeing the trend. It is a clear push to make our section of Upper St a 24-hour hangout. We have already seen an increase rowdiness, loitering, littering, urinating. In Swan Yard, the lane behind these premises we see more and more groups hanging out late at night. At times it can be intimidating to head to my home. As I have noted in previous correspondence, I respect that I live in a mixed-use urban area, but all of this pressure is pushing the balance away from the residents.

Yet again I want to strenuously register my opposition to this application. The official plan clearly states that Islington does not want to encourage additional late night sales of this nature in our area.

Please do not allow this application to be approved.

Given the constant pressure we are facing, is there any way to stop these requests once and for all? Can Islington enact a freeze of late night hours in our area?

Thank you.

[Redacted]

9

Sender, Yesim

From: [REDACTED]
Sent: 06 June 2013 16:18
To: Licensing
Subject: ISLINGTON FOOD AND WINE 249 UPPER STREET

Dear Sir / Madam

I would like to object against the proposed license variation for 249 Upper Street on the basis that it will have a detrimental impact on residents in this part of Upper Street and Swan Yard by causing public nuisance due to additional noise and litter.

We already experience nuisance and anti social behaviour on a regular basis with having drunk people. The extended hours are likely to add to this problem and would be detrimental to the quality of life of residents living here.

Yours faithfully

[REDACTED]

[REDACTED]

10

Sender, Yesim

From: [REDACTED]
Sent: 07 June 2013 14:06
To: Licensing
Subject: License 249 Upper Street

Date: 7 June 2013 1:04 BST
To: licensing@islington.gov.uk
Subject: ISLINGTON FOOD AND WINE 249 UPPER STREET

Dear Sir / Madam

I would like to object against the proposed license variation for 249 Upper Street on the basis that it will have a detrimental impact on residents in this part of Upper Street and Swan Yard by causing public nuisance due to additional noise and litter.

We already experience nuisance and anti social behaviour on a regular basis with having drunk people. The extended hours are likely to add to this problem and would be detrimental to the quality of life of residents living here.

Yours faithfully

[REDACTED]

[REDACTED]

Suggested conditions of approval consistent with the operating schedule

1. Retail 24 Ltd, Mr Hassan Raza or anyone else involved in the running of the business under the former licence numbered 127798-944 will not carry on a business which involves the use of this premises licence.
2. A digital CCTV system will be installed and maintained on the premises.
3. The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the Police or other authorised officer on request within 31 days.
4. A panic alarm system linked to the central Police station will be installed.
5. All staff making sales of alcohol must be a Personal Licence holder or trained and authorised, in writing, by the Designated Premises Supervisor.
6. A minimum of two members of staff will be present between 23:00 and 00:00.
7. No alcoholic goods will ever be purchased from sellers calling to the shop.
8. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
9. No spirits in re-sealed cases will be purchased.
10. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
11. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
12. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
13. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
14. The licensee will display a 'We don't buy illegal alcohol' poster prominently in the shop window unless he has express permission not to, from Trading Standards.
15. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age: making a challenge: acceptable proof of age: and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.
16. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
17. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
18. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank/Public Holidays and between the hours of 10pm and 7am other days of the week.
19. No deliveries on Sundays or Bank/Public Holidays and between the hours of 11pm and 7am other days of the week.
20. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
21. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

Suggested conditions of approval recommended by Health and Safety Officer

22. The premises shall not be used under the licence until the requirements specified in the schedule dated 15 May 2013 have been completed and approved in writing by the responsible authority for health and public safety.

