



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 th February 2014	52	St Peter's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
DOMINO'S PIZZA, 144 ESSEX ROAD, LONDON, N1 8LX

1. Synopsis

- 1.1 This is an application to vary the premise licence under the Licensing Act 2003.
- 1.2 The variation application is to:
 - a) Extend the provision of late night refreshment to 23:00 – 01:00 the following day Sunday to Thursday and 23:00-02:00 the following day on Friday and Saturday.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No
Noise	Yes
Health and Safety	No
Trading Standards	No

Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes – 3
Other bodies	Yes -1 Councillor

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3 current licence
- Appendix 4: suggested conditions and map of premises location.

3.2 The premises are located within the Angel and Upper Street Cumulative Impact Policy area, adopted by the Council on 24 January 2013.

3.3 The premises is currently licenced for the sale by retail of alcohol 11:00 until 23:30 Sunday to Thursday and 11:00 until 01:30 the following day Friday and Saturday.

Late Night refreshment is currently licensed from 23:00-24:00 Sunday to Thursday and 23:00 to 02:00 the following day Friday and Saturday.

The provision of regulated entertainment for the playing of recorded music and the provision of entertainment facilities for dancing are all currently licensed from 19:00-24:00 Sunday to Thursday and 19:00-02:00 the following day Friday and Saturday.

4. Planning Implications

4.1 The Planning Service has reported the hours of operation for the premises shall not be outside the hours of 08:00-24:00 Monday to Saturday and 09:00-24:00 on Sundays and Bank Holidays

5. Recommendations

5.1 To determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.

5.2 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
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

6. Conclusion and reasons for recommendations


- 6.1 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 as appropriate 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 23/1/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

2013 32168



ISLINGTON

LN/8885

Application To Vary A Premises Licence 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 PIZZA ANGEL LTD, T/A DOMINO'S PIZZA

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN/8885-250809

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

144 ESSEX ROAD

Post town

LONDON

Post code

N1 8LX

Telephone number at premises (if any)

02073599996

Non-domestic rateable value of premises

£16750

ISLINGTON COUNCIL LICENSING			
Date	29/11/13	Fee Paid	190-00
Cash/Check/Debit Number (please circle)	CASH		
Receipt Number	0668281		
Received By	AFI		



Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

☒

If not do you want the variation to take effect from

Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

THE PROPOSED LICENSE IS FOR THE SALE OF HOT FOOD BETWEEN THE HOURS OF 23.00 TO 01.00 SUNDAY TO THURSDAY AND 23.00 TO 02.00 ON FRIDAYS AND SATURDAYS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

6

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☒

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

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	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

NA

B

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

NA

C

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

NA

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment 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 boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri						
Sat			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 (please read guidance note 5)			
Sun						

NA

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					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

NA

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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

NA

H

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

NA

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

NA

J

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

K

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

NA

L

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) THIS PREMISES CONSIST OF A HOME DELIVERY STORE, VAST MAJORITY OF PIZZAS ARE DELIVERED, THE REST ARE COLLECTED FOR CONSUMPTION OFF THE PREMISES		
Mon	23.00	01.00			
Tue	23.00	01.00			
Wed	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NOT APPLICABLE		
Thur	23.00	01.00			
Fri	23.00	02.00			
Sat	23.00	02.00	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 (please read guidance note 5) NOT APPLICABLE		
Sun	23.00	01.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon						
Tue						
Wed			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)			
Thur						
Fri						
Sat						
Sun						

N

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)

O

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) <div style="text-align: center; font-size: 2em;">NA</div>
Day	Start	Finish	
Mon	11.00	01.00	
Tue	11.00	01.00	
Wed	11.00	01.00	
Thur	11.00	01.00	
Fri	11.00	02.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) <div style="text-align: center; font-size: 2em;">NA</div>
Sat	11.00	02.00	
Sun	11.00	01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

The provision of regulated entertainment by way of live music or recorded music
 The provision of entertainment facilities for Dancing
 The sale by retail of alcohol

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The store is a franchise of the worldwide Domino's home delivery pizza chain. Domino's has been in business for more than ~~30~~ years and during that time, has developed a system of business which primarily involves a home delivery services. Whilst it is possible to collect our products from the store, the vast majority of our business is delivering pizzas and other products we sell, to people's homes. We are governed by the rigorous standards set out in the Domino's Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients right through to the manner in which the product is delivered to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The Domino's system does not allow the sale of alcohol. Where customers visit the store, our pizzas are supplied to them in closed cardboard boxes and the nature and size of the product is conducive to being taken home for consumption, rather than being eaten whilst walking along.

b) The prevention of crime and disorder

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

The venue is installed with comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable

staff.

We do not use or supply glassware.

c) Public safety

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service, which is the primary way in which we serve our customers.

d) The prevention of public nuisance

Our doors and windows will be kept closed at night to prevent transmission of noise.

Our stores have very few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.

Music will not be played in the premises.

Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately and at all times to have in mind our neighbours (particularly residential occupiers).

We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion.

Our equipment is properly sound insulated and operated strictly in accordance with manufacturers' requirements, guide lines and tolerances.

No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800hours.

All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises.

We neither use nor supply glassware.

e) The protection of children from harm

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	27/11/13
Capacity	Operations Executive

Hemanth Bollini
 HR & Operations Executive
 Pizza Angel Ltd, T/A Domino's Pizza
 20 Whitson Street, London N1 8LX
 Tel: 02072787381 Mob: 07726721111

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)

Hemanth Bollini
 144 Essex Road

Post town

London

Post code

N1 8LX

Telephone number (if any)



If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Licensing Act 2003 - Representation from the Pollution Projects Team
Application: Domino's Pizza - Basement and Ground Floors 144 Essex Road
Islington N1

I submit a Representation on behalf of the Pollution Projects Team with respect to the above premises variation licence application for the Basement and Ground Floors 144 Essex Road Islington to permit:

- Late Night Refreshment: 23.00 – 01.00 Sundays to Thursdays, 23.00 – 02.00 Fridays to Saturdays.

The premises was formally a restaurant and is currently licenced for:

- Late night refreshment: 23.00 – 00.00 Sundays to Thursdays, 23.00 – 02.00 Fridays to Saturdays.

The grounds for the representation are:

- Public nuisance

The premises is located in the Angel and Upper Street Cumulative Impact Area so there is a presumption that the variation application should be refused and the onus is on the applicant to demonstrate that the granting of the licence will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives; including the prevention of public nuisance.

Licensing Policy Considerations for Public Nuisance

<i>Licensing Policy 1&2</i>	<i>Location, cumulative impact, hours of operation, compliance history, standards of management and suitability of the building</i>
<i>Licensing Policy 8</i>	<i>Terminal hours</i>
<i>Licensing Policy 9&10</i>	<i>Operating schedules</i>

Licensing Policy 1&2

The Angel and Upper Street Cumulative Impact Area (CIA) has received feedback from many local residents that the area has reached saturation point and the Council's Licensing Policy states that any further expansion of the night time economy should not adversely affect their quality of life; the adoption of the CIA is designed to allow the careful management of the impact on residents in the locality.

We note that in 2012, 92 calls were made to the Council's Anti-Social Behaviour Hotline within the CIA which equates to 126 calls per km²; substantially higher than the Islington average of 74 calls per km², twenty-seven per cent of the call were made between 00:00 and 04:00.

It is our view that fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises can lead to additional noise and disturbance and congestion in the area. The provision of hot fast food is attractive to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.

Licensing Policy 8

It is noted that the premises is applying for hours which are outside the closing times stated in the Licensing Policy for takeaways and fast food premises.

Licensing Policy 9&10

We note that when addressing public nuisance the applicant should initially identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

We have reviewed the conditions offered by the applicant in Part P d) of the Application; the Operating Schedule. While we can see some thought has been given to the prevention of public nuisance we do not consider the conditions offered are thorough enough in all respects and we consider that important opportunities have been missed in proposing conditions that will serve to protect local residents.

Summary and Recommendations

We have considered the Application carefully, we note once again that the premises is situated in the Angel and Upper Street Cumulative Impact area. It is our opinion that it will add to the cumulative impact and that the application should be refused unless the applicant can demonstrate that this is not going to be the case.

Further to this it is our opinion that the application does not adequately address the objective of the prevention of public nuisance and that if the variation is granted as applied for a public nuisance would be caused to residents in the vicinity.

Extending the hours for the provision of late night refreshment from the current 00:00 Sunday to Thursday to 01:00 the following day will have public nuisance implications. In conclusion, we are unable to support the application in its current form and make this Representation to the application.

Eryka Bancroft
Senior Environmental Health Officer (Noise)
eryka.bancroft@islington.gov.uk
020 7527 3846

24th December 2013

Baptiste, Anthony

Subject: FW: Premises Licence Variation: Domino's Pizza

I object to this application on the grounds of saturation of late-night premises in the area.

Regards,
Cllr Martin Klute

Chair: Health Scrutiny Committee

Chair: Planning Committee B

Baptiste, Anthony

Subject: FW: 144 Essex Road, licensing application - OBJECTION

Dear Anthony

Many thanks for your clarification.

Yes, I agree that the previous license should not be transferred to a business which is for take away food only. There is no justification for alcohol sales, music, or dancing in such premises.

With regard to the night food application, as a local resident I am objecting on two grounds:

firstly it is outside what they said when they applied for planning permission only recently. It is really cheeky to come back now to extend the opening hours.

secondly, there is no reason why people should be buying take away food in this area in the early hours of Saturday or Sunday unless they have been out in the pubs or clubs. It is most unlikely to be meeting a real need (e.g for working people) at these times. You will be aware of the problems with anti-social behaviour in the Essex Road area, caused by the overspill from Upper St - if this application is approved it will further add to the problems which residents, councillors and officials have been trying to deal with. Closing at 23.00 would be perfectly reasonable in an area like this. As a maximum, midnight on Friday and Saturday might be OK.

Please keep me informed and/or let me know if you need any further information.

Licensing Act 2003 representation pro-forma

Should you wish to comment on the licence application please use this form to help you. Please feel free to attach additional sheets.

You do not have to make any comment, and comments may be made in support of as well as against the application, providing they refer to one or more of the licensing objectives (please see the guidance notes for further advice).

Premises Name and address Dominos pizza
144 Essex Road NI 9LX

Your Name: _____

Interest: Resident

(E.g. resident, business, TRA Chair, Councillor, solicitor)

Your Address: _____

Email: _____

Telephone _____

Please comment on the licensing objectives below relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed:

Public Nuisance

Disorder in the street & in front of the premises —
(mopeds parked on pavement in front of restaurant add to disorder & noise)

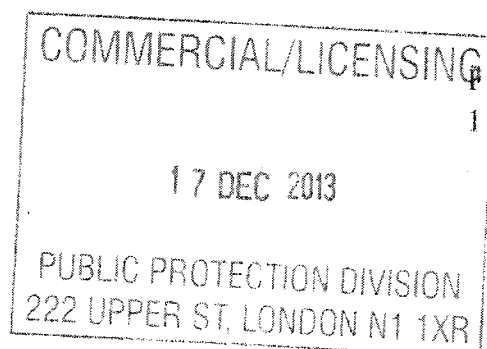
noise from people gathering — ^{pub}
The crowds from the Green Man ^{pub} already sprawl about outside the pub at all hours — I'm not looking forward having to fight my way through the crowds spreading in front of the Dominos next door.
(The pavement is narrow from the Green Man to in as it is).

Crime and Disorder

There are regular fights/shouting across the street at the kebab shop & chicken shop. Late at night after the pubs close. I think having the Dominos open later will encourage this type of disorder to cross the street.

Local businesses have a vested interest in keeping the area clean & safe. Allowing a chain to come in reduces the investment in the community & can result in more crime & disorder.

Licensing Service
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR



11 December 2013

Dear Sir,

Re: Application for extended opening hours of Domino's Pizza, 144 Essex Road

Your reference: WK/2013 32168

I would like to make an objection to the proposed modification of the Premises License for Pizza Angel Limited t/a Domino's Pizza, 144 Essex Road. The proposed modification would have the effect of increasing permitted opening hours by one hour from Sunday to Thursday. In this submission I will explain why such an extension of hours would be likely to cause and contribute to an increase in public nuisance and why it is contrary to the Council's stated intention of managing the impact of licensed premises within the Angel and Upper Street Cumulative Impact Area.

By way of background, for a number of years, the premises at 144 Upper Street traded as "Le Montmartre", a French restaurant. Within the last couple of months, Le Montmartre ceased trading and the premises was refurbished and opened last week as a branch of Domino's Pizza, selling hot food principally for take away. From casual observation, Le Montmartre was not especially successful: There are many restaurants in Islington and therefore competition is intense; however, Le Montmartre was situated away from the main restaurant area (around Upper Street) and on a road where fast food outlets are more prevalent than dine-in restaurants. Since opening, Domino's seems to have proved popular and enjoys a high footfall. Domino's is evidently meeting a consumer demand and, from this point of view, its opening should be seen as positive. However, the prevalence of fast food outlets on this stretch of the Essex Road (many of which also operate late at night) creates a focal-point for late-night revellers looking for food after their nights out, and naturally this has an adverse effect on residential amenity.

There is no doubt that Essex Road is an area with significant commercial activity – most of the buildings have shops, restaurants or other retail premises on the ground floor. However, it is also home to a large number of residents. While these residents benefit from the convenience of the large number of shops and retail outlets, the increased levels of night-time noise, anti-social behaviour and disruption which go with the presence of pubs, bars and late-night food outlets, need to be carefully managed.

To put it plainly, there is an anti-social behaviour problem on Essex Road. At night, and particularly at weekends, there are frequently loud drunken groups of people shouting or fighting in the streets. On many mornings the streets are littered with empty takeaway packets and empty drink bottles. One evening last week I stepped out of my flat and saw a man urinating against the shutters of the shop below. A few months ago, I returned home one evening to find a woman passed out drunk on the steps of the building which I live in – paramedics were called to attend.

In spite of these issues, any effort to curtail the increase in late-night food and drink venues needs to be done with sensitivity and giving due consideration to the owners and patrons of these establishments. The takeaway restaurants provide cheap, convenient food and the 24 hour off-licenses selling inexpensive alcohol provide a kind of entertainment which is clearly very much in demand. Against a background of rising living costs and falling real incomes, ensuring the continued availability of affordable entertainment is a social imperative.

However, there is little reason that I can see to allow an increase in the *concentration* of such late-night venues in a single area. The impact on residential amenity and the implications for anti-social behaviour seem to be limited in areas where such venues only exist in relatively low concentration. However, the cumulative impact caused by a high concentration of late-night food and entertainment venues can be quite significant – a fact which is recognised by Islington Council and reflected in the inclusion of “cumulative impact and saturation” criteria in its Licensing Policy.

The Council’s Licensing Policy (2013 – 2017) states

“The Licensing Authority believes that the [Angel & Upper Street] area has reached saturation and any further expansion in the night time economy should not adversely affect the quality of life for residents.”

(Paragraph 38)

There is little doubt that any further increase in the presence of or opening hours of late-night venues on Essex Road will have a cumulative adverse effect on the quality of life for residents.

I understand that the conversion of Le Montmartre into a Domino's Pizza is not a change of class of use per se and therefore does not require re-licensing. However, it is undoubtedly a significant change to the character of the licensed premises. The effect of the change has been to add another late-night takeaway to a street which is already well-served in this regard. Unfortunately, late-night food takeaways are a significant contributor to noise nuisance and disturbance to residents as they are frequently the last stop on a night of revelry.

Although Domino's Pizza is likely here to stay, I would respectfully encourage the Council to act to the full extent of its authority to minimise the increase in disruption which local residents will suffer and to reject the proposed increase in opening hours.

I am available to discuss this matter at your convenience and can be reached during the working day on

Yours faithfully,



ISLINGTON

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/8885-281113		
Postal address of premises, or if none, ordnance survey map reference or description			
DOMINO'S PIZZA 144 ESSEX ROAD			
Post town	London	Post code	N1 8LX
Telephone number	020 7359 9996		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence Ground Floor and basement only <ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The performance of live music The playing of recorded music • The provision of entertainment facilities for: Dancing • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																	
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- The provision of entertainment facilities for dancing:

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- The provision of late night refreshment:

Monday	23:00	to	00:00	
Tuesday	23:00	to	00:00	
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Friday	23:00	to	02:00	the following day
Saturday	23:00	to	02:00	the following day
Sunday	23:00	to	00:00	

- The sale by retail of alcohol:

Monday	11:00	to	23:30	
Tuesday	11:00	to	23:30	
Wednesday	11:00	to	23:30	
Thursday	11:00	to	23:30	
Friday	11:00	to	01:30	the following day
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The opening hours of the premises:

Monday	11:00	to	00:00	
Tuesday	11:00	to	00:00	
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Thursday	11:00	to	00:00	
Friday	11:00	to	02:00	the following day
Saturday	11:00	to	02:00	the following day
Sunday	11:00	to	00:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Pizza Angel Limited
190 Billet Road
Lodnon
E17 5DX
020 7359 9996

Registered number of holder, for example company number, charity number (where applicable)

04944616

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Masimo Francois Tinivelli
74 Oakley Road
London
N1 3LR
07786 086 965

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

London Borough of Islington 83787

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Manager - Commercial

23/1/14
Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

In this condition, an "irresponsible promotion" means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. When the premise is used under this licence after 23:00 on Friday and Saturday evenings SIA registered security shall be employed until 30 minutes after the last sale of alcohol.
2. An alarm system to EU 50131 (or if existing system to BS4737) must be installed at the premises.
3. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
4. Premises to adopt BII Challenge 21. The National Proof Of Age Standards Scheme.
5. The basement shall not be used under this licence until the arrangements at the premises as specified in the schedule dated 7 December 2007 are completed and have been approved in writing by the responsible authority for health and safety.
6. All amplified sound played on the premises shall be subject to the control of entertainment noise control systems ("noise limiters").

7. The entertainment noise control systems shall be calibrated and maintained so that amplified sound levels measured adjacent to the central pillar in the middle of the ground and first floors of the premises do not exceed the following sound levels:
- Ground Floor:
- ☐ 100 dB Leq (1 min)
 - ☐ 96 dB LAeq (1 min)
- First Floor:
- ☐ 101 dB L_{eq} (1 min)
 - ☐ 98 dB LA_{eq} (1 min)
8. The entertainment noise control system controls are to be kept in a secure, lockable cupboard or similar location. The entertainment noise control system is to be completely independent of control by persons other than the licensee. Access to the entertainment noise control system control is to be restricted to the Licensee or designated manager.
9. The entertainment noise control system settings are not to be varied so that the music noise levels described above are exceeded without the written approval of the Council.
10. At least 28 days prior to the opening, the licensee shall provide a certificate from an acoustic consultant registered with the Institute of Acoustics confirming:
11. That the entertainment noise control system is operating correctly so that the music noise levels outlined above are not being exceeded.
12. Detailing the components and make up of the sound system under the control of entertainment noise control system.
13. The entertainment noise control system shall be calibrated so that the music noise levels given above are not exceeded if there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, before the sound system is used for providing music for public entertainment.
14. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
15. Improve sound resistance of the front window to the Ground Floor, which is next to the main door into the premises.
16. Adopt a policy where the door supervisors ensure that the inner door is shut before the outer one is opened. This means that main doors are kept closed (not held open by doormen) to avoid outbreak when inner doors opened to dance floor areas.
17. Patrons of the premises shall be encouraged, by signs within the premises visible at all exits point, to disperse from the area of the premises quietly and quickly. Staff shall also supervise persons leaving the premises after entertainment has taken place and where necessary, request that persons leaving the premises do so in an orderly manner as quickly as possible.
18. The licensee, upon receipt of any complaint from the Council or nearby residents with regard to noise or any other disturbance will take immediate action to prevent any reoccurrence of the cause for complaint.
19. After 22:30 customers will not be permitted to take any drinks outside.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. With the exception of private pre – booked functions, there be no children on the premises under 16 years of age after 22:00 hours.

Annex 4 – Plans

Reference Number: ISL 129095

Licence



Premises Licence Summary

Licensing Act 2003

Premises licence number LN/8885-281113

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

DOMINO'S PIZZA

144 ESSEX ROAD

Post town London

Post code N1 8LX

Telephone number 020 7359 9996

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Ground Floor and basement only

- The provision of regulated entertainment by way of:
The performance of live music
The playing of recorded music
- The provision of entertainment facilities for:
Dancing
- The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The provision of regulated entertainment for the performance of live music:
Friday 19:00 to 02:00 the following day
Saturday 19:00 to 02:00 the following day
- The provision of regulated entertainment for the playing of recorded music:
Monday 19:00 to 00:00
Tuesday 19:00 to 00:00
Wednesday 19:00 to 00:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

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Name, (registered) address of holder of premises licence

Pizza Angel Limited
190 Billet Road
Lodnon
E17 5DX

Registered number of holder, for example company number, charity number (where applicable)

04944616

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Masimo Francois Tinivelli

State whether access to the premises by children is restricted or prohibited

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over.

With the exception of private pre – booked functions, there be no children on the premises under 16 years of age after 22:00 hours.

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

1. The usage or supply of illegal drugs will not be tolerated. Staff will contact the police immediately if any such suspected activity takes place in or in the vicinity of the store
2. No beverages will be served in glassware.
3. Doors and windows will be kept shut after evening time.
4. Customers will be asked to leave the premises quietly and to consider the neighbours.
5. Customers who have been asked to leave quietly and refuse to do so will be banned from the premises.
6. Music will not be played on the premises.
7. Delivery drivers related to the premises will be instructed to enter and leave their vehicles quietly, not to leave the engines running and to park considerably at all times.
8. No rubbish including bottles will be moved, removed or placed outside areas between 23:00 and 08:00.

Title : 144 Essex Road

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
24-01-2014

