



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 <sup>th</sup> February 2014	C 2	St. Mary's

Delete as appropriate		Non-exempt
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**Subject: TEMPORARY EVENT NOTICE APPLICATIONS**  
**RE: XOXO, 74 UPPER STREET, LONDON, N1 0NY.**

**1. Synopsis**

- 1.1 This is a hearing to determine a Temporary Event Notice (TEN) in respect of the above premises to extend the terminal hour for licensable activities from 02:00 to 03:00 on 1<sup>st</sup> & 2<sup>nd</sup> March 2014. The temporary event notice is applied for under section 100, Part 5 of the Licensing Act 2003.
- 1.2 This application was subject to a representation from the Metropolitan Police. The Police requested that the proposed TEN be subject to the current premises licence conditions. The applicant agreed to this proposal. The Police therefore withdrew their representation.
- 1.3 This application is subject to an outstanding representation from the Council's Noise in respect of public nuisance.
- 1.4 The Licensing Sub-Committee are asked to consider whether or not to authorise the TEN. The TEN, if authorised, would be subject to the current premises licence conditions.

**2. Recommendations**

- 2.1 To determine the temporary event notice under Part 5 of the Licensing Act 2003 as the Licensing Sub-Committee consider appropriate for the promotion of the Licensing Objectives.
- 2.2 The Committee can decide to:
  - i. allow the TEN for the specified event,
  - ii. allow the TEN, subject to one or more conditions of the existing premises licence;
  - iii. prohibit the TEN by way of a counter notice.

### 3. Background

3.1 The premises holds a premises licence which allows:

- The sale by retail of alcohol, the exhibition of films and the performance of live music, Sundays to Wednesdays from 10:00 until 00:00, Thursdays to Saturdays from 10:00 until 02:00 the following day;
- The playing of recorded music, 24 hours a day;
- The provision of late night refreshment, Sundays to Wednesdays from 23:00 until 00:00 and Thursdays to Saturdays from 23:00 until 02:00 the following day.

3.2 Recent licensing history at the premises:

- 5<sup>th</sup> October 2013, Licensing officers witnessed a number of premises licence breaches and had concerns in relation to customer controls and management;
- 6<sup>th</sup> November 2013, Licensee attended Licensing Panel meeting at the Council Offices to discuss recent issues. It was agreed that the licensee would make a minor variation application to add new premises licence conditions in agreement with local residents and Council officers;
- 9<sup>th</sup> November 2013, Licensing officer visit confirmed that new controls in place in relation to customer management specifically restricting number outside the venue and customer use of St. Albans Place;
- 13<sup>th</sup> February 2014, Licensee reminded that minor variation yet to be submitted. Proposed conditions supplied to Licensee for consideration.

3.3 Papers are attached as follows:

- Appendix 1: TEN application;
- Appendix 2: current premises licence;
- Appendix 3: representation from Noise Team;
- Appendix 4: map of premises location.

### 4. Conclusion and reasons for recommendations

4.1 The Council is required to consider this TEN and decide to grant or refuse the application only.

#### 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

21-2-14  
Date

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

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





Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	KOHLI		
Forenames	SANTOSH		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 22	Month 02	Year 1975
4. Your place of birth	BOMBAY, INDIA		
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers	02072266799		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	INFO@XOXOISLINGTON.COM		

COMMERCIAL/LICENSING  
13 FEB 2014  
PUBLIC PROTECTION DIVISION  
222 UPPER ST. LONDON N1 1XR

0668418

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
XOXO 74, UPPER STREET ISLINGTON	
Post town	LONDON
Postcode	NI 0NY
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
74 UPPER STREET ISLINGTON LONDON NI 0NY	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
BAR & RESTAURANT	

Please describe the nature of the event below. (Please read note 5)

PRIVATE PARTY

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

1<sup>st</sup> + 2<sup>nd</sup> MARCH 2014

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

1<sup>st</sup> MARCH '14 - 02:00 hrs to 03:00 hrs  
2<sup>nd</sup> MARCH '14 - 02:00 hrs to 03:00 hrs

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

**4. Personal licence holders (Please read note 12)**

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	CITY OF WESTMINSTER
Licence number	13/08665/LIPERS
Date of issue	29/11/2013
Date of expiry	29/11/2023
Any further relevant details	

<b>5. Previous temporary event notices you have given (Please read note 13)</b>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>


<b>6. Associates and business colleagues (Please read note 14)</b>		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		



Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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<b>7. Checklist (Please read note 15)</b>	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

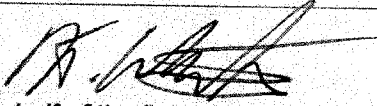
<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	12/2/14
Name of Person signing	SANTOSHI KOHLI

For completion by the licensing authority

**10. Acknowledgement (Please read note 18)**

I acknowledge receipt of this temporary event notice.

Signature

  
On behalf of the licensing authority

Date

13 FEB 2014

Name of  
Officer  
signing

D. WHITTON



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/3715-051213		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
XOXO 74 UPPER STREET			
<b>Post town</b>	London	<b>Post code</b>	N1 0NY
<b>Telephone number</b>	020 7359 8772		

<b>Where the licence is time limited the dates</b>
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<p><b>Licensable activities authorised by the licence</b></p> <p><b>Ground Floor</b></p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: The exhibition of films The performance of live music The playing of recorded music</li> <li>• The provision of entertainment facilities for: Making music Dancing</li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>
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<p><b>The times the licence authorises the carrying out of licensable activities</b></p> <p>Delete any that do not apply</p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment for the exhibition of films: <table border="0"> <tr><td>Monday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Tuesday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Wednesday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Thursday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Friday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> </table> </li> <li>• The provision of regulated entertainment for the performance of live music: <table border="0"> <tr><td>Monday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Tuesday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Wednesday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> <tr><td>Thursday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Friday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>10.00</td><td>to</td><td>02.00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>10.00</td><td>to</td><td>00.00</td><td></td></tr> </table> </li> </ul>	Monday	10.00	to	00.00		Tuesday	10.00	to	00.00		Wednesday	10.00	to	00.00		Thursday	10.00	to	02.00	the following day	Friday	10.00	to	02.00	the following day	Saturday	10.00	to	02.00	the following day	Sunday	10.00	to	00.00		Monday	10.00	to	00.00		Tuesday	10.00	to	00.00		Wednesday	10.00	to	00.00		Thursday	10.00	to	02.00	the following day	Friday	10.00	to	02.00	the following day	Saturday	10.00	to	02.00	the following day	Sunday	10.00	to	00.00	
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Sunday	10.00	to	00.00																																																																			

- The provision of regulated entertainment for the playing of recorded music:

Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
Wednesday	00.00	to	24.00	the following day
Thursday	00.00	to	24.00	the following day
Friday	00.00	to	24.00	the following day
Saturday	00.00	to	24.00	the following day
Sunday	00.00	to	24.00	the following day

- The provision of entertainment facilities for making music:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of entertainment facilities for dancing:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of late night refreshment:

Monday	23.00	to	00.00	
Tuesday	23.00	to	00.00	
Wednesday	23.00	to	00.00	
Thursday	23.00	to	02.00	the following day
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	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

Except on:

New Year's Eve until the time authorised on the following day.

Non standard timings:

To allow regulated entertainment, late night refreshment and sale of alcohol until 02.00 on: New Years Day, Valentine's Day, 19 April, every Sunday before a Bank Holiday, 12 November, Christmas Eve, Christmas Day and Boxing Day.

**The opening hours of the premises:**

Monday	10.00	to	00.30	the following day
Tuesday	10.00	to	00.30	the following day
Wednesday	10.00	to	00.30	the following day
Thursday	10.00	to	02.30	the following day
Friday	10.00	to	02.30	the following day
Saturday	10.00	to	02.30	the following day
Sunday	10.00	to	00.30	the following day

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

On and off supplies

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

Rathiba Limited  
Flat 301 Pavilion Apartments  
34 St Johns Wood Road  
London  
NW8 7HB

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

07654508

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

Mr Santosh Kohli

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

– City of Westminster

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

\_\_\_\_\_  
Service Manager - Commercial

\_\_\_\_\_  
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. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
2. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:  
  
Children and Young Persons Act 1933  
Cinematograph (Safety) Regulations 1955  
Sporting Events (Control of Alcohol Etc) Act 1985
3. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:  
  
**Ground Floor: 200**
4. The licence shall be subject to the Council's standard conditions for Places of Entertainment
5. The licence shall be subject to the Council's technical standards for Places of Entertainment
6. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
  - ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.
  - ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.
  - ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.
7. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall

be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for music and dancing.

8. The licensees shall ensure that at all times that this licence is in operation all amplified sound and music played on the premises is subject to the control of an entertainment noise control system. The system must be set to maximum music noise levels approved by, and in conjunction with, the Council's Noise Team.
9. If there are any changes in the distribution and type of loudspeakers or amplification equipment serving the sound system, then the noise control system shall be re-calibrated to ensure the music levels given above are not exceeded. The calibration certificate shall be forwarded to the Licensing team.
10. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. This should be undertaken annually. A certificate from an acoustic consultant should be provided at least 28 days before the renewal of the License confirming that the approved levels are not being exceeded.
11. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

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

- (1) No unaccompanied children allowed in the premises at any time and no children are permitted on the premises after 18:30.

### **Annex 4 – Plans**

Reference Number: GA-004 Date: 12 August 2004





## Premises Licence Summary

### Licensing Act 2003

**Premises licence number** LN/3715-051213

#### Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>XOXO 74 UPPER STREET</b>			
<b>Post town</b>	London	<b>Post code</b>	N1 0NY
<b>Telephone number</b>	020 7359 8772		

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**  
**Ground Floor**

- The provision of regulated entertainment by way of:  
The exhibition of films  
The performance of live music  
The playing of recorded music
- The provision of entertainment facilities for:  
Making music  
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 exhibition of films:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of regulated entertainment for the performance of live music:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of regulated entertainment for the playing of recorded music:

Monday	00.00	to	24.00	the following day
Tuesday	00.00	to	24.00	the following day
Wednesday	00.00	to	24.00	the following day
Thursday	00.00	to	24.00	the following day
Friday	00.00	to	24.00	the following day
Saturday	00.00	to	24.00	the following day
Sunday	00.00	to	24.00	the following day

- The provision of entertainment facilities for making music:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of entertainment facilities for dancing:

Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

- The provision of late night refreshment:

Monday	23.00	to	00.00	
Tuesday	23.00	to	00.00	
Wednesday	23.00	to	00.00	
Thursday	23.00	to	02.00	the following day
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	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

Except on:

New Year's Eve until the time authorised on the following day.

Non standard timings:

To allow regulated entertainment, late night refreshment and sale of alcohol until 02.00 on: New Years Day, Valentine's Day, 19 April, every Sunday before a Bank Holiday, 12 November, Christmas Eve, Christmas Day and Boxing Day.

**The opening hours of the premises:**

Monday	10.00	to	00.30	the following day
Tuesday	10.00	to	00.30	the following day
Wednesday	10.00	to	00.30	the following day
Thursday	10.00	to	02.30	the following day
Friday	10.00	to	02.30	the following day
Saturday	10.00	to	02.30	the following day
Sunday	10.00	to	00.30	the following day

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

On and off supplies

**Name, (registered) address of holder of premises licence**

Rathiba Limited  
 Flat 301 Pavilion Apartments  
 34 St Johns Wood Road  
 London  
 NW8 7HB

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

07654508

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

Mr Santosh Kohli

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

No unaccompanied children allowed in the premises at any time and no children are permitted on the premises after 18:30.

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. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

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

Summary

Islington Licensing Authority  
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES IN RESPECT OF A  
TEMPORARY EVENT NOTICE

Your Name	Anne Brothers
Responsible authority and job Title	Noise Liaison Officer, Noise Team
Postal and email address	222 Upper Street, London N1 1XR  anne.brothers@islington.gov.uk

Name of the premises you are making a representation about	XOXO
Address of the premises you are making a representation about	74 Upper Street, N1 0NY
Date and times of notice	1 and 2 March 2014, 02:00 – 03:00
Normal or Late TEN (if representation is for a late TEN then counter notice will be issued)	Normal

This representation relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance

Recommended actions to promote the licensing objectives:

- 1) The following conditions of the premises licence, as detailed below, be imposed
- 2) The TEN be modified as follows:
- 3) Additional information needs to be supplied by applicant:
- 4) The responsible authority considers that the notice should be refused by the Council's Licensing Committee

Annex 1 conditions (please specify)



<b>Annex 2 conditions (please specify)</b>
<b>Annex 3 conditions (please specify)</b>
<b>Suggested modifications (for example times, dates, capacity)</b>

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

Noise Team has been in receipt of consistent calls from local residents in connection with noise from the premises. The noise reported has been loud music and customer noise outside throughout the night and customer noise outside particularly at closing time.

Following the complaints about loud music I checked the sound levels at the premises. I visited in February 2013 and found the maximum sound levels achievable were in excess of the agreed maximums. I have pasted the table of measurements below that demonstrate the sound levels were capable of significant excess:

Ref	Linear	"A"	125 Hz	63 Hz
10	98.0	93.3	90.9	91.0
11	98.5	92.7	91.3	92.6
12	98.1	93.2	90.7	90.8
13	94.9	91.1	86.0	86.0
<b>Agreed max</b>	<b>88</b>	<b>81</b>	<b>86</b>	<b>79</b>

I was informed in March that an acoustic consultant had visited and recalibrated the sound system. I received a calibration certificate in April.

I have monitored the premises on a regular basis when working out of hours shifts, The two most recent reports of visits are pasted below. I consider these reports are sufficient to advise Committee and request they refuse the applications on grounds of public nuisance. The premises is still finding the dispersal of customers outside a challenge and complaints are likely if the premises is permitted to trade at later hours. Noise team considers that 02:00 is an adequate closing time for the private parties proposed on the dates applied for.

15/12/13  
XOXO, Upper Street, 02:35  
 Call received via Controller timed at: 02:15. Ref No. 990224.  
 Re: "Patrons of XOXO are stood outside making a lot of noise. Can be heard in callers bedroom. Does not want to be disturbed today"  
 No telephone number given tonight for a call back.  
 Visited at the above time and watched from the opposite side of the road. Saw a group of about 10-15 people directly outside. Did not see any DS outside from across the road.  
 Watched for a couple of minutes and decided to visit. There was a very loud exchange between a woman outside and another person and I considered that was enough to warrant a visit.  
 On approach I saw the DS outside trying to move people on. I heard the loud woman saying he couldn't do anything to move them because the road was a public place and he couldn't move her on. The rest of the group outside did not appear to be too noisy but the noisy woman was egging them on a bit and they were all hanging around.  
 Went inside the premises and licensee came out of the office at the rear to speak to me. He claimed that all his customers had moved on and the group outside were nothing to do with him. This was contradicted by the DS who came in and said that 4 of the people outside had definitely been at XOXO.

The group were not prepared to move on and were continuing to be noisy outside. At that point in order to try to resolve things I called 101 and told the DS to inform the people outside the Police had been called. He didn't go back outside.

CAD Ref: 1292 (and date 15/12/13)

Police arrived a couple of minutes later and after some persuasion on their part, the people outside moved away. The sergeant told me the loud woman was particularly annoying and she only shut up and walked away when he got his fixed penalty book out. After that, the others all moved away south. Gave the sergeant my card, he initially thought I was a local resident that had called in. Told him we called because residents were being disturbed by noise outside and had called NP.

I then alerted the Police to another couple of women - I don't think they were connected to XOXO group - who were screaming and shouting at each other a few metres away up the road. The police intervened with the two women and they seemed to calm down.

19/1/14

XOXO, Upper Street, 02:05

Visited to watch closing time. We watched from the bus stop opposite, moving just north for a little while. Notes as follows:

0205: Quite a large group immediately outside on approach. Could see a DS on the door and caught a brief glimpse of the licensee on the door.

0215: Door closed. A few moments later a DS came outside and closed the awning using a pole. Then he went back inside.

Noted that quite a few people have gone away, there were groups of people just to the south and north of the premises with a constant flow of passers-by. Noted there were about 25 people still directly outside but from our perspective just south of the bus stop they didn't seem to be too noisy.

Colleague Sean (ASBO) noticed a deal going down from a car parked just south. Noted car details: Blue BMW 5 or 7 series. Reg'd No. [REDACTED]. Sean saw a man get out of the car and approach premises.

0220: Still approx 25 people outside the premises - counted them but may be a couple more or less, difficult as there are some passers-by.

0223: Noted loud voices outside premises just south and a lot of shouting from the south side of the Green by Essex Road.

No-one outside premises to shoo the group of people who are still standing outside. Someone (bar staff) is outside with the people but they are just sweeping the pavement to the front.

02:25. Still approx 25 people outside. DS just came to the door and looked out briefly, then closed the door again. Noticed a man walk up the alleyway. The man was a passer-by and not from the group outside the premises.

02:26: saw a DS come out and stand outside but he wasn't engaging with people, not asking them to move away. He went back inside very quickly.

02:27: We changed position to the north of the bus stop and the noise from the people outside was louder. The man was in the alleyway relieving himself for a couple of minutes. He was very drunk, staggering around.

02:30: Counted 14-15 people outside now. Loud conversation and laughter. Heard them talking about where to go next.

02:35: Now only about 5 outside. Saw an extremely drunk woman in the road with her boyfriend - don't know where she came from. They eventually sat on the kerb close to the premises.

Left at this time.

Would comment that dispersal was not efficient and noise from the customers outside was likely to result in noise to the residents.

Signed: Anne Barnes

Date: 13/2/14

Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

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

**To be completed and returned by applicant**

<b>Name of the premises</b>	
<b>Address of the premises</b>	
<b>Date and times of proposed temporary event</b>	

1) I am happy to accept the representation and conditions/modifications recommended by the responsible authority	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2) I wish to withdraw my application for a temporary event notice	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
3) I do not accept the suggested conditions or recommendations and I wish to proceed with the notice to the next available Licensing Sub Committee	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Signed: _____	Date: _____			
Print name: _____				

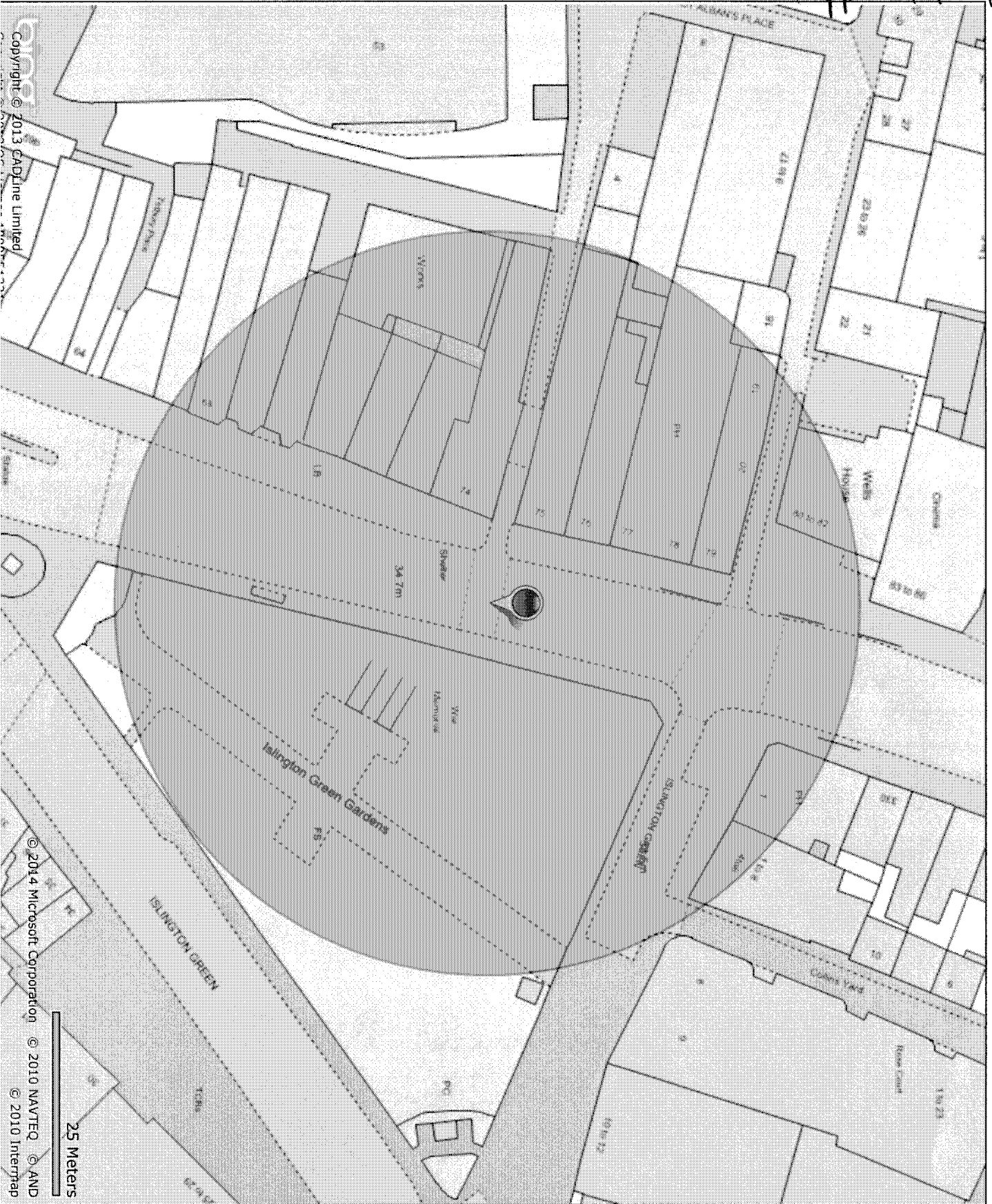
A copy should be sent by post to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**This form must be returned within 5 working days.**

**Applicants are encouraged to enter into negotiations and supply additional information to the relevant responsible authority, where appropriate prior to formally returning this notice.**

**For more details please check with the Licensing Support Team on 020 7527 3031**





**Title :**  
 Islington Borough  
 Boundary

**Printed by :**  
 RO RO  
**Printed at :**  
 20-02-2014

