



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	22 August 2011	B2	Caledonian
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE NEW APPLICATION
RE: ASMARA CAFÉ, 340 CALEDONIAN ROAD, LONDON N1 1BB

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003
- 1.2 The application is to allow:
 - i) Allow the sale of alcohol, for consumption off the premises, from 10:00 until 00:00 on Monday to Sunday.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 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 (See appendix 3);
 - iii. conditions recommended by responsible Authorities (see appendix 3);
 - iv. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 The premises first came to the attention of the council in March 2011 when it received noise complaints from residents. The Noise Team witnessed a noise nuisance on 26 March 2011 and wrote to the proprietor and freeholder. It appeared that the premise was operating as a social club/ café.
- 3.2 Following reports that premises was selling alcohol the Licensing Team visited the premises on several occasions and on 3 June 2011 issued a Closure Notice prohibiting the sale of alcohol from the premises as it did not have a licence. The sale of alcohol ceased and a licence application was submitted on 21 June 2011.
- 3.3 The premise currently has A1 planning permission to operate as a shop. In order to operate as a social club/café a change of use application needs to be submitted and approved. The Planning Service served an Enforcement Notice on 1 August 2011 requiring the premises cease to be used as a café / social club and for the pool table, tables, chairs and sofas to be removed from the ground floor and basement area.
- 3.4 Papers are attached as follows:-
 - Appendix 1: application form;
 - Appendix 2: representations;
 - Appendix 3: suggested conditions and map of premise location.
- 3.5 The Licensing Authority has received 5 letters of representation: 3 from local residents, the ward councillor and trading standards. A noise team representation has been withdrawn as the licence conditions recommended by the team have been agreed by the applicant

4. Conclusion and reasons for recommendations

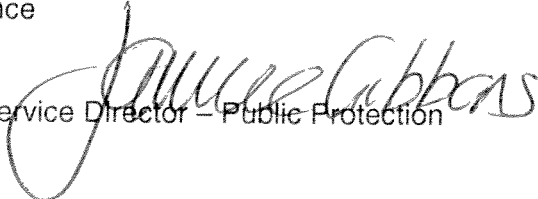
- 4.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
 Licensing Act 2003
 Secretary of States Guidance

Final Report Clearance

Signed by


 Service Director – Public Protection

Date 10 Aug 2011

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Katie Tomashevski
 Tel: 020-7527-3882
 Fax: 020-7527-3057
 E-mail: Katie.Tomashevski@islington.gov.uk

15K/111227636

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED
UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We MR AMAN MAHARI

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>ASMARA CAFE</u> <u>340 CALEDONIAN ROAD</u> <u>LONDON</u> <u>Grand Floor Shop</u>			
Post town		Post code	<u>NI 1BB</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Bringing in DRS consent on 23/6

TL

ISLINGTON COUNCIL LICENSING			
Date	<u>21/6/11</u>	Fee Paid	<u>£190.00</u>
Cash/Cheque Number (please circle)	<u>100001</u>		
Receipt Number	<u>46493</u>		
Received By	<u>ANQ</u>		

COMMERCIAL LICENSING
21 JUN 2011
PUBLIC PROTECTION DIVISION
22 UPPER...

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MAHARI			First names AMAN		
I am 18 years old or over <input type="checkbox"/> Please tick yes					
Current postal address if different from premises address		N/A			
Post Town				Postcode	
Daytime contact telephone number			07960450347		
E-mail address (optional)		merhatsion@yahoo.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

Ground Floor cafe, with Alcohol and recorded music

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

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

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			

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"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Wed						
Thur						
Fri			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)			
Sat						
Sun						

E

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

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	10:00	12:00	Please give further details here (please read guidance note 3) Recorded music will only be play of a small stereo at a low level		
Tue	10:00	12:00			
Wed	10:00	12:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) NO Extra time required.		
Thur	10:00	12:00			
Fri	10:00	12:00	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) music will only be played from a recorded stereo for a few hours, music will not be played after 11:00		
Sat	10:00	12:00			
Sun	10:00	12:00			

Withdrawn from application
by applicant on 1 July 2011.

JG.

1

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"/>
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					

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			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
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					
Fri			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)		
Sat					
Sun					
			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)		

L

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)				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 late night refreshment (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

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 checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NO Extra hours Required.	
Mon	10:00	12:00pm		
Tue	10:00	12:00pm		
Wed	10:00	12:00pm		
Thur	10:00	12:00pm		
Fri	10:00	12:00pm		
Sat	10:00	12:00pm		
Sun	10:00	12:00pm	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) Alcohol will only be sold within the premises between the hours of 12:00pm to 12:00, how ever these times is negotiable.	

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

Name	MR ASMEROM ABRAHLEY
Address	54 PARKHILL Road, Birmingham B13 8DT
Postcode	B13 8DT
Personal Licence number (if known)	47001 - 1
Issuing licensing authority (if known)	Birmingham City Council

N

X

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)
Day	Start	Finish	
Mon	10:00	00:30	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)
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	00:30	

~~X~~
P

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

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

please read attachment.

b) **The prevention of crime and disorder**

please read attachment.

c) **Public safety**

please read attachment

d) **The prevention of public nuisance**

please read attachment

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

please read attachment.

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

Please tick yes

✓

✓

✓

✓


?

✓

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 4 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

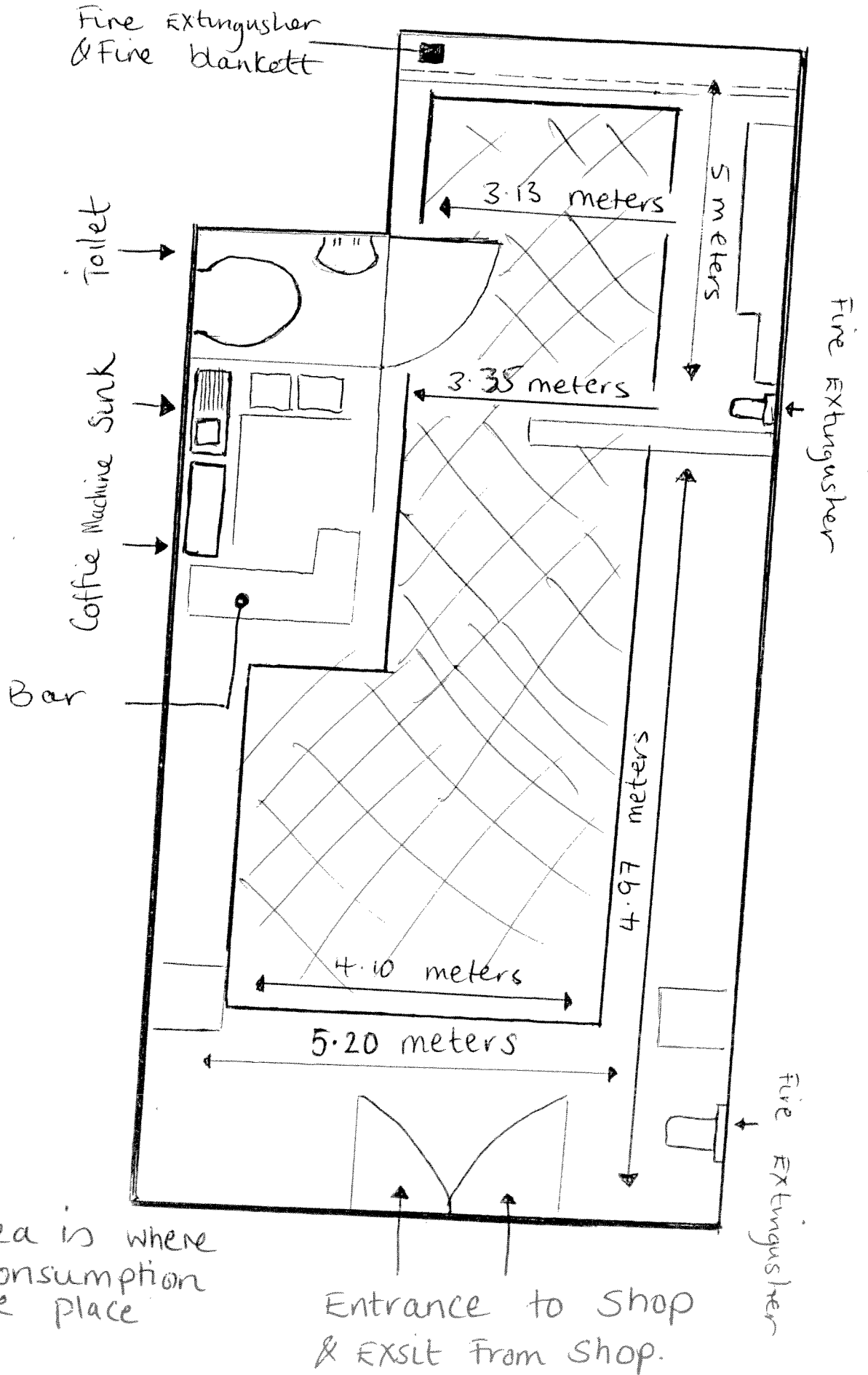
STEPS TO BE TAKEN TO ENSURE PUBLIC SAFTY

1. CCTV will be installed and working to the satisfaction of the Police.
2. No customers will be permitted to take open containers of alcoholic or soft drink from the premises.
3. All bottles and glasses will be removed from public areas as soon as they are finished with.
4. Means of escape will be maintained unobstructed, immediately available and clearly identifiable.
5. Exit doors will be regularly checked to ensure they function satisfactorily.
6. Step and stair signs will be displayed.
7. Curtains, hangings and temporary decorations will not obstruct exits, fire safety signs or fire-Fighting Equipment.
8. First Aid equipment will be available on the premises.
9. When disabled are present, adequate arrangements will exist.
10. I will provide conformation of public liability insurance. A new certificate will be provided each year.
11. A local cab company will be available.
12. Prominent, clear legible notices will be displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
13. Premises will be adequately vented to prevent nuisance from noxious smells.
14. Noxious smell from licensed premises will not cause a nuisance to nearby properties.

ADDITIONAL/ALTERNATIVE MEASURES TO MEET THE PUBLIC NUISANCE LICENSING OBJECTIVE

1. Effective and responsible management of premises will be ensured to comply with license terms and conditions.
2. The delivery of goods is restricted to the normal working day.
3. The handling of wine bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside the premises.
4. Ventilation equipment will be regularly cleaned and maintained to control the level of odour generated by the premises.

340 CHREDONITHIN ROAD, NI 185



Blue Area is where Alcohol consumption will take place

Entrance to Shop & Exit from Shop.

REP1

Appendix: 2

Williams, John

From: [REDACTED]
 Sent: 28 June 2011 15:46
 To: Licensing
 Cc: Perry, Rupert; Convery, Paul; Pullen, Charlynnne; Tomashevski, Katie
 Subject: Re: Premises Licence Application: Asmara Cafe

This premises has no planning permission as I understand it. In its current form it is unsuitable for the use as a cafe, as it is below residential properties, and there is inadequate sound proofing, ventilation etc. I also am doubtful, whether the potential licensees will operate the premises according to any license granted, as they have been operating without a license until now. They have not ceased to operate, from the time they were made aware that they had no license. I am particularly concerned about the impact of noise (music) on neighbouring properties.

[REDACTED]
 On 28 Jun 2011, at 11:07, Williams, John wrote:

> Dear Sir/Madam,

> We have received the following application for a Premises Licence (New):

>

> Premises Name: Asmara Cafe

>

> Address: 340 Caledonian Road, London. N1 1BB

>

> Received by the licensing team: 21/06/11

>

> Last date for representations: 19/07/11

>

> Details of application: The application is to permit: the playing of recorded music and the sale of alcohol, for consumption on the premises, from 10:00 until 00:00 Monday to Sunday.

>

> As a member of the council you are able to make a representation. The representation must be received in writing by the Licensing Team before the last date for representation, be premises specific and relate to one or more of the licensing objectives, i.e:

>

- > . the prevention of crime and disorder
- > . the protection of children from harm
- > . public safety
- > . the prevention of public nuisance.

>

> If you submit a representation you will be invited to attend the Licensing Committee hearing the application.

>

> Please contact me if you would like a copy of the application.

>

> Regards,

>

> John Williams

>

> LicensingSupportOfficer

> Licensing Team

>

> PublicProtectionDivision

> Environment & Regeneration

>

> Islington Council

>

> 222UpperStreet,

Williams, John

From: [REDACTED]
Sent: 28 June 2011 16:50
To: Licensing
Subject: Asmara Cafe Premises Licence Application

Dear Licencing Team,

I live [REDACTED] Asmara Cafe have been an absolute nuisance [REDACTED] We have called Noise Patrol of numerous occasions because the unlicensed premises has been playing music until 5am or 6am. Large groups of men have been drinking heavily and hanging around outside until the early hours of the morning, making the area feel very unsafe an threatening. The revellers have also become abusive on many occasions and frequently spit on the street and in the direction of passers by.

People have been smoking inside Asmara Cafe and there is a window at the back of the premises that opens just below our front room window, making our whole flat smell of smoke and stale beer. It has been making all our clothes and furniture smell of smoke and stale beer. The window is an additional source of nuisance noise. The premises obviously does not have adequate sound proofing and ventilation. Given that they have been operating at all hours and selling alcohol for months without a licence if they were granted a licence on the condition of installing sound proofing and ventilation I am extremely doubtful that they would actually adhere to this. Licencing law is not something they respect.

10am to 12pm, Monday to Sunday is a completely inappropriate time for any kind of licenced business to operate in such a densely populated residential area. Asmara Cafe has shown no respect for local residents. Despite repeated visits by Noise Patrol they have made no effort to show consideration for neighbours. As I have mentioned, they have repeatedly broken laws around smoking inside and selling alcohol without a licence (a neighbour made a video of them drinking if you would like proof). I strongly object to this business being granted a licence.

Kind regards,

[REDACTED]

Rep 3

Williams, John

From: Paul Convery [REDACTED]
Sent: 28 June 2011 20:14
To: Licensing; Perry, Rupert; Pullen, Charlynne
Cc: Tomashevski, Katie
Subject: RE: Premises Licence Application: Asmara Cafe

As a Councillor representing this Ward I object to granting of a licence for these premises. The applicants have proven themselves to be unfit to hold such a licence. They currently operate well beyond the sought-after hours. They cause nuisance to neighbouring residents.

As the Executive Member for Planning, I have to insist that the licensing policy is adhered to. As officers will be perfectly aware, Licensing Policy 9 says:

"The Licensing Authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. The Licensing Authority will only grant licences for premises without planning consent in exceptional circumstances."

The applicant does not have a planning permission and their application should therefore be deemed invalid.

Regards

Paul Convery

Labour Councillor for Caledonian Ward, LB Islington
Executive Councillor for Regeneration, Planning, Transport and Leisure
Home: [REDACTED]
[REDACTED] (PA)
[REDACTED] (mobile)

From: Williams, John [mailto:John.Williams@islington.gov.uk]
Sent: 28 June 2011 11:08
To: Perry, Rupert; Convery, Paul; Pullen, Charlynne
Cc: Tomashevski, Katie
Subject: Premises Licence Application: Asmara Cafe

Dear Sir/Madam,

We have received the following application for a **Premises Licence (New)**:

Premises Name: Asmara Cafe

Address: 340 Caledonian Road, London. N1 1BB

Received by the licensing team: 21/06/11

Last date for representations: 19/07/11

Details of application: The application is to permit: the playing of recorded music and the

29/06/2011

Williams, John

From: licensing@islington.gov.uk
Sent: 10 July 2011 18:29
To: Licensing; Williams, John
Subject: WK/111227636 : Your recent Online Enquiry

Address: Asmara Cafe, 340 Caledonian Road, Islington, London, London, N1 1BB

Thank you for making representations regarding the licensing application. Your email has been forwarded to the appropriate officer dealing with this application.

[REDACTED]

We are long-time resident of the Cally, with three children under the age of 14. We making a representation because our end of the street does not need a further drinking establishment, with two rowdy pubs immediately adjacent to the proposed premises and across the street (The Prince and Kennedy's), which have the potential to create noise and nuisance after licensed hours. Further, a number of residents on the street have children, like us, who can hear the foul language and drunken behavior of people on the street once the pubs have closed (this should in any case be looked into). Thank you.



ISLINGTON

PUBLIC PROTECTION DIVISION

Trading Standards
222 Upper Street
London N1 1XR

Tel: x 3874
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 06/07/2011

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

340 Caledonian Road, N1 1BB

The application for a variation to the licence for the above premises has been examined by the Trading Standards Section. I wish to make the following representations as I have concerns over the application and what steps the applicant intends to take to prevent crime and disorder and to protect children from harm.

1. Enforcement action

1.1 No enforcement action has been taken by Trading Standards at this premises.

1.2 However, Trading Standards have found many examples of licensed businesses in Islington supplying smuggled alcohol and tobacco and also of underage sales of age-restricted goods including alcohol and tobacco.

2. Trading Standards' concerns

2.1 The applicant has considered steps to ensure public safety and to meet the public nuisance licensing objective, but nothing in the application shows that the objectives relating to crime and disorder or the protection of children from harm.

2.2 All licensed premises need to take steps to ensure they do not, intentionally or inadvertently, supply smuggled goods or sell age restricted goods to children.

2.3 Trading Standards note that the proposed DPS lives in Birmingham. The role of DPS is only really suited to a person who has a day-to-day role at the premises. We would not be comfortable if this was not the case.

3. Proposed steps to prevent crime and disorder and to promote the protection of children from harm

3.1. Trading Standards does not object to the application being granted once the position of the DPS is clarified, but believe a number of conditions should be added to the licence to reflect current best practice that will ensure that the possibility of further sales to minors or supply of smuggled goods is minimised.

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

- The licensee will immediately report to Trading Standards any instance of a caller to the cafe attempting to sell alcohol.
- Invoices (or copies) for all alcoholic goods on the premises will be kept at the cafe and made available to officers from the council, police or HMRC upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
- The licensee shall adopt Challenge 25 in respect of alcohol sales – requiring appropriate proof of age from anyone attempting to buy alcohol if they look less than 25.
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

3.2 We believe these representations are specific and proportionate to the known trading history of the business premises which are run by the applicant, and are consistent with the Islington Council Statement of Licensing Policies 32 and 39.

Doug Love
Principal Consumer Services Officer

06/07/11

Suggested conditions of approval consistent with the operating schedule

1. 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.
2. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.
3. All bottles and glasses shall be removed from public areas as they are finished with
4. The means of escape shall be maintained unobstructed and shall be clearly identified.
5. All exit doors shall be regularly checked to ensure that they function satisfactorily.
6. All curtains, hangings and temporary decorations shall not obstruct exits, fire signs or fire fighting equipment.
7. First aid equipment shall be available on the premises
8. The licensee shall have arrangements in place for disabled users of the premises.
9. Evidence of the public liability insurance shall be provided each year.
10. A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
11. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
12. The premises shall be adequately vented to prevent nuisance from noxious smells.
13. Noxious smells from the premises shall not cause a nuisance to nearby properties.
14. The premises shall be run in an effective and responsible manner to ensure there is compliance with the terms of the licence.
15. The delivery of goods shall be restricted to normal working hours.
16. The handling of bottles shall be restricted to normal working hours.
17. Ventilation equipment shall be regularly cleaned and maintained to control the level of odour generated by the premises.

Suggested conditions of approval recommended by Noise Team (accepted)

1. All customers are to be requested to go inside the premises by 21:30 and all tables and chairs from external areas are to be cleared away or rendered unusable by 22:00.

Suggested conditions of approval recommended by Trading Standards

1. No alcoholic goods will ever be purchased from sellers calling to the shop..
2. The licensee will immediately report to Trading Standards any instance of a caller to the cafe attempting to sell alcohol.
3. Invoices (or copies) for all alcoholic goods on the premises will be kept at the cafe and made available to officers from the council, police or HMRC upon request.
4. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
5. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

6. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
7. The licensee shall adopt Challenge 25 in respect of alcohol sales – requiring appropriate proof of age from anyone attempting to buy alcohol if they look less than 25.
8. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
9. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
10. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

