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Governance and Human Resources Town Hall, Upper Street, London, N1 2UD

## AGENDA FOR THE LICENSING SUB COMMITTEE B

A meeting of the Licensing Sub Committee B will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **3 June 2014 at 6.30 pm.** 

## John Lynch Head of Democratic Services

Enquiries to : Jackie Tunstall Tel : 020 7527 3068

E-mail : democracy@islington.gov.uk

Despatched : 23 May 2014

## <u>Membership</u> <u>Substitute</u>

Members to be selected from the current All other members of the Licensing committee membership of the Licensing Committee following the election.

Quorum: is 3 Councillors

**Welcome:** Members of the public are welcome to attend this meeting.

Procedures to be followed at the meeting are attached.

A.	Formal matters	Page
1.	Introductions and procedure	
2.	Apologies for absence	
3.	Declarations of substitute members	
4.	Declarations of interest	
	If you have a Disclosable Pecuniary Interest* in an item of business:  if it is not yet on the council's register, you must declare both the existence and details of it at the start of the meeting or when it becomes apparent;  you may choose to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency. In both the above cases, you must leave the room without participating in discussion of the item.  If you have a personal interest in an item of business and you intend to speak or vote on the item you must declare both the existence and details of it at the start of the meeting or when it becomes apparent but you may participate in the discussion and vote on the item.  *(a)Employment, etc - Any employment, office, trade, profession or vocation carried on for profit or gain.  (b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.  (c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.  (d) Land - Any beneficial interest in land which is within the council's area.  (e) Licences- Any licence to occupy land in the council and a body in which you or your partner have a beneficial interest.  (g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.	
5.	Order of Business	
6.	Minutes of Previous Meeting	1 - 4
В.	Items for Decision	Page

60 Fonthill Road, N4 - Application for a new premises licence under the Licensing Act 2003

1.

5 - 40

## C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

## D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

## E. Urgent Exempt Items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

#### **ISLINGTON LICENSING SUB-COMMITTEES -**

# PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

# INTRODUCTION TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

## **CONSIDERATION OF APPLICATIONS:**

- N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.
- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear.
- 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear.
- 10 mins
- 7) The Sub-Committee to guestion the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear.
- 10 mins
- 9) The Sub-Committee to guestion the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### **CASE SUMMARIES**

- 12) Responsible Authorities
- 13) Interested parties
- 14) Applicant

## 2 mins each

## **DELIBERATION AND DECISION**

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

## **London Borough of Islington**

## Licensing Sub-Committee B – 8 April 2014

Minutes of the meeting of Licensing Sub-Committee B held at the Town Hall, Upper Street, N1 2UD on 8 April 2014 at 6.40 pm.

**Present: Councillors:** George Allan, Phil Kelly and Claudia Webbe.

#### COUNCILLOR CLAUDIA WEBBE IN THE CHAIR

## 208. <u>INTRODUCTIONS AND PROCEDURE</u> (ITEM A1)

Councillor Claudia Webbe welcomed everyone to the meeting and asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedure was on page 4 of the agenda papers.

## 209. APOLOGIES FOR ABSENCE (ITEM A2)

None.

## 210. DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

None.

## 211. <u>DECLARATIONS OF INTEREST</u> (ITEM A4)

None.

#### 212. ORDER OF BUSINESS (ITEM A5)

The order of business would be C1 followed by B1.

## 213. **MINUTES (ITEM A6)**

## **RESOLVED**

That the minutes of the meeting held on the 4 February 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

# 214. <u>SEVEN DAYS FOOD AND WINE, 93A STROUD GREEN ROAD, N4 3PX - APPLICATION</u> FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B1)

The Sub-Committee noted that the applicant was not in attendance but noted that he had been reminded of the meeting on a number of occasions. The licensing officer reported that there had recently been a number of applications for this premises that had been largely speculative in nature.

The trading standards officer reported that the applicant had made contact prior to the application and had received advice. An application had then been submitted that was of a very poor standard.

The police officer reported that the operating schedule was of a poor standard which was of particular concern with the previous history of the premises.

The noise officer reported that refusal was recommended and asked the Sub-Committee to note the noise representation on pages 34/35 of the report.

## Licensing Sub-Committee B - 8 April 2014

#### **RESOLVED:**

That the application for a new premises licence in respect of Seven Days Food and Wine, 93A Stroud Green Road, N4 3PX be refused.

#### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The applicant did not attend the meeting and did not withdraw therefore the application was heard in his absence.

The Sub-Committee heard evidence from the licensing officer that the notice of meeting had been hand delivered. The licensing team had heard nothing further from the applicant despite being chased on at least three further occasions. The licensing officer informed the Sub-Committee that a number of applications had been made for a licence for the premises which were speculative in nature.

The Sub-Committee heard from the police and the trading standards officer that despite pre-application advice being given, the application was of a very poor standard and did not contain sufficient detail for conditions to be drafted.

The Sub-Committee noted that the operating schedule failed to include sufficient information to demonstrate how the applicant would promote the licensing objectives and that the applicant had been given assistance from trading standards but had failed to implement it.

## 215. URGENT NON-EXEMPT/CONFIDENTIAL ITEMS

The following items were considered urgent as a decision was required within seven working days following the last day for objection.

# 216. <u>ISLINGTON LINK UP, 48 SEVEN SISTERS ROAD, N5 2LL - APPLICATION FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 (Item C1)</u>

The noise officer reported that, in addition to the noise representation detailed in the report, officers had served a section 80 noise abatement notice on the premises to ensure that no amplified music was played at the premises which would cause a nuisance to neighbouring properties.

The police officer reported that PC Paul Hoppe was not attending the meeting as he was meeting with Mr Riley, the applicant, the following day and it was not considered correct for him to attend the meeting. He reported that, at the last temporary event in March, a number of complaints had been received regarding noise nuisance and the behaviour of the applicant was not considered to be appropriate for a licensee. The event was not managed well and overran and the police wished to hold discussions with the applicant before future events were held.

In response to questions, it was noted that the Sub-Committee could not attach conditions to the notice and could only make modifications on timing.

In response to a question from the applicant, it was noted that the temporary events for May 2014, could still be held. These events had been applied for prior to the event on the 30 March 2014 so had not been objected to by the noise and police teams. The applicant was reminded

## Licensing Sub-Committee B - 8 April 2014

however, that he should be mindful of the section 80 abatement notice that had been served.

The applicant reported that he had not had problems before and he hadn't done too badly. There were lots of people outside the premises as they were unable to smoke inside. The noise officer had attended and the music had been turned down. The noise officer returned a second time and told him it was unacceptable. He did not like the way that he was spoken to. He stated that if he had turned the music down lower there would be no point in the event. He had forgotten that the clocks had gone forward that morning so believed it was 4.15 and not 5.15. When the noise officer returned on the third occasion she asked him to turn the music off straight away. He did not think that he had gone over the time at this stage. The late finish was an oversight and he reported that he did not go on until 8am as some residents had reported. There had been no fighting at the event and it was a fund raising event. He considered that each time he did something the noise team was not fair to him. He considered it was bordering on racism and was unnecessary. He had never had anyone talk to him like that in front of people. He considered that the event should be allowed to go ahead and the noise team should bring a monitor next time because anyone could telephone about a noise nuisance.

In response to questions, it was noted that some events were held for birthday parties and some were for charity events. Islington Link Up was a registered charity. Funds were raised through the sale of alcohol but if it was a birthday party often people would bring drinks. Members were local people, generally from Islington. The Sub-Committee noted that the sale of retail application had not been made for this temporary event. Any alcohol sold at the event would be an illegal sale of alcohol. The applicant stated that he had not received training in the sale of alcohol as he would employ people that had been trained. The applicant stated that a premises licence had not been applied for as they may be moving premises at the end of the year. The applicant stated that the event was for a fund raising event/birthday party. A local resident was hiring the premises to raise funds. The applicant accepted that he would be responsible for the event and stated that if the events of the 30 March recurred on the evening applied for he would turn the music off straight away as he would not wish to disturb neighbours. He considered that the noise officer visited for the third time to try and catch him out regarding the finishing time of the event. He stated that the noise officer should have reminded him earlier in the evening that the clocks were going forward.

In summary, the noise officer reported that all of the visits were in response to noise complaints. This included the last visit made at 5.15. The noise officer had no confidence of the management at the premises and an abatement notice had been served following the event on the 30 March. The officer did not consider that the licensing objective of the prevention of public nuisance would be met unless the temporary event was refused.

The police officer reported that the applicant did not have the relevant knowledge regarding alcohol sales.

The applicant reported that there had been no violence at the events and that he would gain experience through managing these events. He informed the Sub-Committee that they would be making a mistake by refusing the application.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

Following deliberation, the legal officer advised that she had asked the Sub-Committee to consider the national guidance when making their decision.

## Licensing Sub-Committee B - 8 April 2014

#### **RESOLVED:**

- 1) That the application for a temporary event notice in respect of Islington Link Up, 48 Seven Sisters Road, N7 6AA be refused.
- 2) A counter notice be issued by the Licensing Authority.

#### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted the submissions from the noise team and the police that council officers attended on three occasions in March 2014 when the previous event took place, to discuss a noise nuisance that was caused to neighbouring properties by the playing of loud music. This had culminated in abusive and verbally aggressive behaviour directed to the noise officer, particularly from the DJ and Mr Riley.

The Sub-Committee heard evidence that there were large numbers of patrons who had gathered outside the premises. The applicant stated that this was because there were large numbers of smokers who couldn't smoke inside the premises.

The applicant also stated, in response to questions from the Sub-Committee, that he had considered that the officer's manner was inappropriate and he questioned her motivation in coming three times to the premises. He also queried where the complaints came from.

The Sub-Committee noted that no licence existed for the premises and there were therefore no conditions that could be placed on the temporary event notice. In accordance with licensing policy 28 the Sub-Committee took into account the complaints, the service of an abatement notice and conduct of the applicant on the previous occasion when a temporary event took place.

In accordance with home office guidance, paragraph 7.27, the Sub-Committee had no confidence in the ability of the applicant to manage the event properly and considered that allowing the temporary event notice would undermine the licensing objectives of crime and disorder and public nuisance.

The meeting ended at 8.20 pn	.20 pm	at 8	ended	meeting	The
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CHAIR

# Agenda Item 1

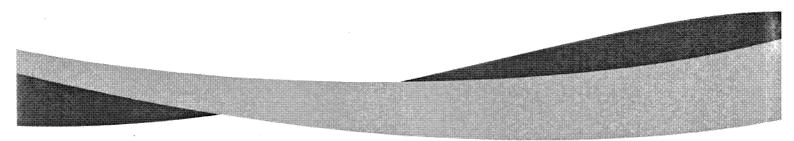


Environment & Regeneration Municipal Office, 222 Upper Street, London, N1 1XR

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	3 <sup>rd</sup> June 2014	<u>51</u>	Finsbury Park

Delete as	Non-exempt
appropriate	



Subject:

PREMISES LICENCE NEW APPLICATION

Fonthill Mini Market, 60 Fonthill Road, London, N4 3HT

## 1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The application is for a licence to allow:
  - the sale of alcohol for consumption off the premises between 07:00 to 23:00 on Monday to Sunday.

## 2. Relevant Representations

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

Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: one
Petition in favour	Yes

## 3. Background

3.1 Papers are attached as follows:-

Appendix 1:

application form;

Appendix 2:

representations;

Appendix 3:

suggested conditions and map of premises location.

- 3.2 One local resident submitted a representation. 396 residents have signed a petition in support of the application.
- 3.3 The premises were previously licensed for the same hours as the existing application. The former licence was revoked in July 2013 after a review for the seizure of smuggled cigarettes and rolling tobacco. There was also a previous review in November 2011 which resulted in a suspension for two weeks plus conditions added to licence for the seizure of smuggled tobacco as well as 62 bottles of wine and one bottle of whiskey where duty was not paid.

## 4. Planning Implications

4.1 The Planning Service has reported that application P061238 for the extension of opening hours of an existing off licence from 8am -8pm Monday to Sunday to 7am – 11pm Monday to Sunday was approved.

## 5 Recommendations

- 5.1 To determine the application for a new premises licence under Section 17 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 (see appendix 3)
  - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives. (see appendix 3)
  - iii. any conditions deemed necessary 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 21/5/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

## Islington Council

# Application for a premises licence to be granted under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may w	ish to keep a copy of the completed	form for your record	s.	
(Inser apply for a Part 1 belo authority in	ter BINGOL  I name(s) of applicant)  premises licence under section 1'  w (the premises) and I/we are man accordance with section 12 of the	king this application	to you as the re	
Postal addre	ess of premises or, if none, ordnance Road	e survey map reference	ce or description	
			**	
Post town	London		Postcode	N4 3HT
Telephone r	number at premises (if any)			
Non-domes	tic rateable value of premises	£4,301-£33,000	· · · · · · · · · · · · · · · · · · ·	
Part 2 - App	olicant Details	•		
Please state	whether you are applying for a pres	nises licence as		
3. 1 week of the co	and applying for a pro-		ck as appropriate	
a) an ir	dividual or individuals *		please comple	te section (A)
b) a per	rson other than an individual *			
y and ,	as a limited company		please comple	te section (B)
íi.	as a partnership		please complet	te section (B)
iii.	as an unincorporated association o	r	please complet	te section (B)
ív.	other (for example a statutory corp	ooration)	please complet	te section (B)

c)	a recog	gnised o	elub					please compl	lete section (B)	) .
d)	a chari	ty						please compl	lete section (B)	)
e) .	the proprietor of an educational establishment					;		please compl	lete section (B)	),
f)	a health service body							please compl	lete section (B)	)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales							please compl	ete section (B)	)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England							please compl	ete section (B)	
h)	the chief officer of police of a police force in England and Wales				England		please compl	ete section (B)	i	
* If you	u are ap	plying	as a per	son described ir	n (a) or (	b) please c	onfirm	:		
Please tick yes										
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Daytin	ie cont	act tele <sub>l</sub>	phone	ıumber	01277	631811				
E-mail (option		S	offic	e@dadds.co.uk						

# SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗌	Mrs 🗌	Miss 🗌		As 🗌	Other Title example, R			
Surname				First nai	nes			
I am 18 years old or over								
Current postal different from address								
Post town					Postc	ode		
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Description of	applicant (	for example, partne	rship, co	mpany, uni	ncorporated	associati	on etc.)	•
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Telephone nur	nber (if any	)				The second design of the second se		
E-mail address	(optional)							

Part 3 Operating Schedule	
When do you want the premises licence to start?	DD         MM         YYYY           1         3         0         5         2         0         1         4
If you wish the licence to be valid only for a limited period, when do you want it to end?	DD MM YYYY
	•
Please give a general description of the premises (please read guidance note 1 A convenience store offering a range of groceries in addition to the sale of alc	
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	2 to the Licensing Act 2003)
Provision of regulated entertainment	Please tick any that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	
f) recorded music (if ticking yes, fill in box F)	
g) performances of dance (if ticking yes, fill in box G)	
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provisio	on of late	night refr	eshment (if ticking yes, fill in box I)		
Supply	of alcohol	(if ticking	g yes, fill in box J)		$\boxtimes$
In all ca	ses comp	lete boxes	s K, L and M		
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	d days and read guida		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)				Outdoors	
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Thur					
Fri			Non standard timings. Where you intend to use the performance of plays at different times to those listed the left, please list (please read guidance note 5)		
Sat					
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Live music Standard days and timings (please read guidance note			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
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Thur					
Fri			Non standard timings. Where you intend to use the performance of live music at different times to those on the left, please list (please read guidance note 5)		
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6)	<u> </u>			Outdoors	
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Fri			Non standard timings. Where you intend to use the playing of recorded music at different times to those on the left, please list (please read guidance note 5)		
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descrip within ( Standar	ng of a sin tion to tha (e), (f) or ( d days and read guida	at falling (g) timings	Please give a description of the type of entertainment years Anything of a similar description and not specified else application.		ding
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				Both	
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			to that falling within (e), (f) or (g) (please read guidar	nce note 4)	
Fri					
Sat			Non standard timings. Where you intend to use the		
			entertainment of a similar description to that falling at different times to those listed in the column on the		
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Late night refreshment Standard days and timings (please read guidance note		ltimings	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
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Standa	of alcohord days and read guida	d timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
6)	Toda gara			Off the premises	$\boxtimes$
Day	Start	Finish		Both	
Mon	07:00	23:00	State any seasonal variations for the supply of alcoholic	ol (please read	
			guidance note 4)		
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00	Non standard timings. Where you intend to use the		
* .			supply of alcohol at different times to those listed in left, please list (please read guidance note 5)	the column on i	<u>ne</u>
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			

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

Name Onder BINGO	L in the second of the second
Address 58 Arran Wall London	
Postcode	NI 2TL
Personal licen LN/14232	e number (if known)
Issuing licensi Islington Cour	ng authority (if known) cil

Please highlight any adancillary to the use of the guidance note 8).		
NONE		
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to the Standa	premises public rd days and read guida	d timings	State any seasonal variations (please read guidance note 4) The premises may be open to members of the public for non-licensable activities without limit.
Day	Start	Finish	
Mon			
Tue			
Wed			
			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,
Thur			please list (please read guidance note 5)
Fri			
Sat			
Sun			

Please see attached con-	tinuation sheet
b) The prevention of c	
Please see attached con	inuation sheet
\ #\ 1.2°	
c) Public safety Please see attached cont	invation cheat
lease see attached com	muation steet
d) The prevention of p	ublic nuisance
Please see attached cont	
der verminnen (statem vom vom vom kominen vom der verminnen (statem vom kominen kominen (kv.) de statem komine I verminnen kominen vom	
e) The protection of ch	
Please see attached cont	inuation sheet

## Checklist: Please tick to indicate agreement I have made or enclosed payment of the fee. I have enclosed the plan of the premises. M I have sent copies of this application and the plan to responsible authorities and others where X applicable. I have enclosed the consent form completed by the individual I wish to be designated premises X supervisor, if applicable. I understand that I must now advertise my application. 冈 I understand that if I do not comply with the above requirements my application will be 冈 rejected. IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. Part 4 – Signatures (please read guidance note 10) Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity. Signature 11th April 2014 Date Applicant's Solicitor Capacity For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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) **Dadds LLP Licensing Solicitors** Crescent House 51 High Street Billericay, Essex Postcode **CM12 9AX** Post town 01277 631 811 Telephone number (if any) If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

office@dadds.co.uk

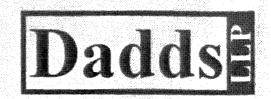
#### **Notes for Guidance**

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

## Conditions consistent with the Operating Schedule for Fonthill Road, London, N4 3HT

- 1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
- 3. The premises licence holder shall ensure that staff shall be vigilant in relation to litter issues, routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
- 4. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
- The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.
- 6. The premises licence holder shall ensure that refresher training shall be satisfactorily completed every six months for all staff and documented as above.
- 7. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system.
- 8. The premises licence holder shall ensure that the CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and signage to this effect is to be displayed.
- The premises licence holder shall ensure that all CCTV recordings shall be stored for a
  minimum period of 31 days with date and time stamping. Recordings shall be made
  available following the reasonable request of Police or authorised officer throughout the
  preceding 31 day period.
- 10. The premises licence holder shall ensure that a staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- 11. The premises licence holder shall ensure that if the CCTV equipment breaks down, the DPS or deputy informs the Licensing Authority and the Police as soon as is reasonably practicable, record this matter in the incident book and have the fault repaired as soon as is reasonably practicable. Once the fault is rectified, the Licensing Authority and the Police are to be informed.

- 12. The premises licence holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
- 13. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
- 14. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusals log as soon as is reasonably practicable after the sale is refused. The log should show the date and time of the event; the product(s) sought; the gender and approximate age of the customer together with a description of the customer. 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.
- 15. No alcoholic goods, cigarettes or tobacco products will ever be purchased or taken from persons calling to the shop.
- 16. No spirits shall be purchased in resealed boxes.
- 17. The licensee will immediately report to Islington Trading Standards and the Police any instance of a caller to the shop attempting to sell alcohol, cigarettes and/or tobacco products.
- 18. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- 19. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- 20. An ultra-violet light will be available at the premises for the purpose of checking UK duty Stamp on spirits as soon as practical after they have been purchased.
- 21. 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.



Islington Licensing Support Team **Public Protection Division Islington Council** 222 Upper Street London NI 1XR

Our Ref: dd/ja/BIN1-1

Your Ref:

11th April 2014 Date:

Dear Sirs.

## Re: Mr Onder Bingol - 60 Fonthill Road, London, N4 3HT

We act on behalf of the above named by whom we are instructed to apply for a new Premises Licence.

Therefore in accordance with The Licensing Act 2003, we enclose:-

- 1. Duly completed operating schedule in the prescribed form of application.
- 2. Plan of the premises.
- 3. Designated Supervisor's consent.
- Application fee based upon the rateable value of the premises.

We have completed the application form in accordance with the requirements of The Licensing Act 2003, Regulations and Guidance. We have provided all the prescribed information and documentation and paid the prescribed fee and therefore the application complies with the requirements of the act, guidance and regulations. We would therefore ask you to process the form even if you, or any other relevant authorities, believe we ought to provide additional information. Such issues should be dealt with by way of a relevant representation.

Therefore if for any reason you are concerned that our application may not comply with the requirements of The Licensing Act and the appropriate regulations, we would ask you to telephone David Dadds at the above office on 01277 631811 in order to discuss the matter.

We hope that in this way we can deal with any issues without the need for the application to be returned, as otherwise this would impact on our client's notice displayed at the premises and also the notice advertised in the press. A copy of this letter and all relevant documentation are being sent to the appropriate statutory authorities.

We look forward to working with you in respect of this matter. Please do not hesitate to contact us if you have any queries or observations in relation to this matter.

Yours faithfully

T: 01277 631811 F: 01277 631055 E: office@dadds.co.uk Page 29









## Consent of individual to being specified as premises supervisor

ONDER BINGOL
[full name of prospective premises supervisor]
of
58 ARRAN WALK LONDON N1 2TL
[home address of prospective premises supervisor]
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application under the Licensing Act 2003 for:
An application for the grant of a premises licence
[type of application]
by ONDER BINGOL
[name of applicant]
relating to a premises licence [number of existing licence, if any]
for
60 FONTHILL ROAD LONDON N4 3HT
[name and address of premises to which the application relates]

and any premises licence by	e to be granted or varied in	respect of this applic	ation made
CNDER BIN	60L		
concerning the supply of	alcohol at		
60 FONTHILL	ROAD		
LONDON			
N 48HT			
[name and address of premise	s to which application relates]		
I also confirm that I am a licence, details of which I	applying for, intend to apply set out below.	y for or currently hold	a personal
Personal licence number			
LN/14232.	, if any]		**************************************
Personal licence issuing a	authority		
ISLINGTON	CON CLC elephone number of personal lice	onco lesuing suthority if or	
filisert flame and address and t	elephone humber of personal lice	since issuing authority, if all	נעי
Signed	get a second		
Name (please print)	ONDER BINGOL		
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Date	27/03/14		

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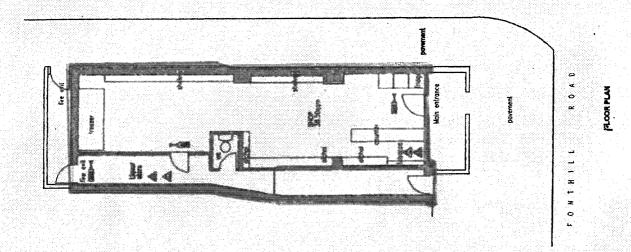
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The red line delineates the area within which licensable activities will be undertaken

Your

Our Licensing/NI

**Date:** 16<sup>th</sup> April 2014

60 Fonthill Road LONDON N4 3HT



METROPOLITAN POLICE SERVICE Licensing Team Islington Police Licensing Unit Islington Police Station 2 Tolpuddle Street London N1 0YY

Telephone: 07799133204 Facsimile:

Email:

licensingpolice@islington.gov.uk

Dear Sir

### **Re: New Licence Application**

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

Although the venue is not situated in a designated 'Cumulative Impact Zone'; a locality where there is traditionally high crime and disorder, this venue has a history of licensing problems directly associated with it:

#### **History:**

December 2007 – Venue summoned to Officer Panel – to discuss opening / making sales after hours. August 2011 – Licence Review by Trading Standards after considerable seizures of alcohol and tobacco after illicit sales. Licence suspended for two weeks by Islington sub-Committee.

July 2013 – Licence Review by Trading Standards after illicit sales of tobacco. Premises Licence revoked by Islington sub-Committee – early October 2013.

Late October 2013 – DPS variation requested – Refused due to premises licence already been revoked. February 2014 – Revocation appeal heard at Highbury Corner Magistrates Court – revocation upheld and owner still owes over £3700 in Court Costs.

This venue has caused Officers a huge amount of work in attempts to improve the quality of the operation. There has been no communication with Police before any applications are made.

## Applicant (DPS):

The applicant has worked at the venue from at least 2007 when he reported crimes to police. Therefore the applicant will have been aware of all the above problems.

There is no evidence that the management/ ownership at the venue has changed. Therefore there is no reason to believe that the operation will have improved from the situation above. The applicant / owner has not made an effort to contact Police regarding this application, considering the large amount of work that has been done in the past to assist the venue.

#### **Hours Applied for:**

There does not appear to be an argument to sell alcohol at 0700 hours, a time when children are going to school. Again, there has been no communication with Police.

<u>Conditions:</u>
There has been no communication with Police regarding suggested conditions contained in the application. There is no reason to believe that these conditions will be adhered to after the considerable problems listed

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

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, licensingpolice@islington.gov.uk

Yours sincerely

Paul Hoppe Pc 208NI Steven Harrington Pc 425NI Peter Conisbee Pc 575NI Islington Police Licensing Team



**PUBLIC PROTECTION DIVISION** 

**MEMO TO:** 

LICENSING TEAM 222 UPPER STREET Trading Standards 222 Upper Street London N1 1XR

Tel: x 3874

E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

Our Ref: Your Ref:

Date: 12/05/14

## LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Onder Bingol: Premises licence application at 60 Fonthill Road, N4 3HT

The application for a licence for the above premises has been examined by me and I wish to make the following representations on behalf of Trading Standards.

- 1. I am aware of the applicant having met him before when he was employed at this premises under a previous owner and as a licensee at another retail premises in Islington 95 Grosvenor Avenue.
- 2. As an employee, Mr Bingol worked at the premises when illicit goods were sold, although I have no information and do not wish to suggest that he was involved in the criminal activity that took place.
- 3. I first came across Mr Bingol at his Grosvenor Avenue shop when one of his staff sold alcohol to an underage volunteer working with Trading Standards. He arrived at the store shortly after the sale and was clearly disappointed that the staff member had sold, saying that he had given him clear instructions and that he had been determined not to make any of the mistakes his previous employer had made.
- 4. Mr Bingol attended an Officer Panel meeting at which he appeared genuine in his desire to get things right. He told us he had sacked the staff member who made the underage sale and described the measures he had taken to prevent a reoccurrence. Since the meeting Mr Bingol has taken up the offer to seek further advice from me and has shown initiative in taking precautions: he has told me that he films training sessions with staff so that he has an unambiguous record of the training he gives them.
- 5. The application contains the conditions that I regularly ask for and indeed these have been extended to specifically cover illicit tobacco (an issue under the previous licensee). If the Committee chooses to grant the application, I only request that they amend proposed condition 18 to read:
  - Only alcoholic drinks which are detailed on invoices will be purchased or accepted as part of a 'free'
    offer. Invoices (or copies) for all alcoholic goods on the premises will be made available to officers
    from the council, police or HMRC upon request.

I believe this wording is slightly more 'user-friendly' than the previous wording used, although I understand Mr Bingol's representative is uncertain of this. I will be happy to discuss alternative wordings with him prior to the hearing if he chooses.

I believe these representations are specific and proportionate to the known trading characteristics of this retail sector and are consistent with the Islington Council Statement of Licensing Policies 25, 26 & 10.

Yours sincerely,

Doug Love Principal Consumer Services Officer Islington Trading Standards

## 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	60 FONT HIL ROMD
Your Name:	
Interest:	<u> </u>
(E.g. resider	
Your Addres	
Email:	
Telephone	
3	

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  PEDPLE HANGING AROUND OUTSIDE PROMISES  (INCLUDING THE ONNERS) AT ALL HOURS  MAKING NOISE CARD PULL NG UP OUTSIDE  PROMISES AT ALL HOURS.  EVERY MORNING + EVENING - NOIST SHATTER  BEING PULLED UP + DOWN.
Crime and Disorder  UNDERACE SACES (SUSPECTED)  POSSIBLE VANDALISM OF PROPORT! COMNU FROM  POOPLE HANGING AROUND SHOP.

Protection of Childre しゃのとれみらど	en from Harm SALES (SUSPICETOD)
Public Safety  FORDING  TO POD	PIGEONS WHICH ENCOURAGES THOM WOR PWHORE.
I wish my identity t	to be kept anonymous Yes/No –
•	sentations as anonymous where there is a genuine reason to do so; if you address details to be withheld then please explain the reason:

Copies of this representation will be sent to the applicant, or their agent/solicitor, including name and address details (but other personal contact information such as telephone numbers and email addresses will be removed) unless you have specifically requested anonymity. Copies of this representation will be included in a report that will be available to the public and will be published on the internet; however the published on-line version of the report will have name and address details removed.

Sig		<u> </u>	
Dat			

Please ensure name and address details completed above

Return to:

Licensing Service

London Borough of Islington

3<sup>rd</sup> Floor

222 Upper Street London N1 1XR

or send by email to:

licensing@islington.gov.uk

- 1. The premises licence holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 2. The premises licence holder shall take all reasonable steps to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
- 3. The premises licence holder shall ensure that staff shall be vigilant in relation to litter issues, routinely check the premises during opening hours to ensure they are clean and tidy and to ensure the frontage of the premises is swept at least once each trading day.
- 4. The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder; sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc) prior to being allowed to sell alcohol.
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- 15. No alcoholic goods, cigarettes or tobacco products will ever be purchased or taken from persons calling to the shop.
- 16. No spirits shall be purchased in resealed boxes.
- 17. The licensee will immediately report to Islington Trading Standards and the Police any instance of a caller to the shop attempting to sell alcohol, cigarettes and/or tobacco products.
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- 21. 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.

