



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	25 th June 2014		St. Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
XOXO, 74 UPPER STREET, LONDON, N1 0NY**

1. Synopsis

- 1.1 This is an application by the Metropolitan Police for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the licensing objective:
 - i) The prevention of crime and disorder.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	Yes - four local residents and a residential landlord
Other bodies	Yes - Local Councillor

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, on and off supplies, Sundays to Wednesdays from 10:00 until 00:00 and Thursdays to Saturdays from 10:00 until 02:00 the following day;
- ii) The showing of films and the performance of live music, Sundays to Wednesdays from 10:00 until 00:00 and Thursdays to Saturdays from 10:00 until 02:00 the following day;
- iii) The playing of recorded music, 24 hours; and
- iv) 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.

The opening hours for the premises are:

Sundays to Wednesdays from 10:00 until 00:30 the following day and Thursdays to Saturdays from 10:00 until 02:30 the following day.

The premises licence also authorises the following non-standard timings:

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

3.2 Brief Licensing History:

- 24th November 2005 - Premises licence granted by way of conversion under Licensing Act 2003;
- 16th December 2011 – Current licensee, Rathiba Limited, transfers onto the licence;
- 6th November 2013 – Licensee and DPS invited to Licensing Officers Panel to discuss recent issues and concerns in relation to the management and the bar;
- 5th December 2013 - Mr Santosh Kohli, Rathiba Limited's Director, become the DPS;
- 11th December 2013 – Minutes of the Licensing Officers Panel meeting sent to the Licensee. This included applicant guidance and the forms required to submit the agreed premises licence minor variation application;
- 3rd February 2014 – Incident involving former customers of XOXO seen to be involved in an assault at Ladybird Bar, 70 Upper Street;
- 13th February 2014 – Licensee reminded that agreed minor variation application remains outstanding;
- 9th March 2014 – Large fight inside and outside XOXO;
- 1st April 2014 – The proposed premises licence minor variation application is received by the licensing team;
- 13th April 2014 – Fight outside XOXO involving customers of the premises. CCTV indicates poor management of customers outside the venue to be a contributing factor in relation to this.
- 29th April 2014 – Review application submitted.

3.3 Papers are attached as follows:

- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: licensing inspection notes relevant to the review application;
- Appendix 5: details of CCTV evidence referenced within the review application and representations;
- Appendix 6: suggested conditions and map of premises location.

4. Planning Implications

4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.

5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

5.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

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

16th June 2014

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

Appendix 1.



ISLINGTON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Due = 27/05

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 Police - Responsible Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description XOXO 74 UPPER STREET	
Post town LONDON	Post Code N1 0NY

Name of premises licence holder or club holding club premises certificate (if known) Rathiba Limited Flat 301 Pavillion Apartments 34 St Johns Wood Road London NW8 7HB
--

Number of premises licence or club premises certificate (if known) LN/3715 - 051213
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Part 2 - Applicant details

I am

Please tick ✓yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

Please state the ground(s) for review (please read guidance note 1)

I am police Constable Peter CONISBEE 575NI a licensing officer acting on behalf of the Commissioner of the Metropolitan Police.

This review of XOXO is based on the grounds of Crime and Disorder, to prevent further crimes being committed at the venue and in turn to protect patrons and staff alike.

There have been a number of very serious incidents at the venue within the last twelve months which give rise to concerns over the licensees ability to operate a safe venue. The level of violent crime associated with this venue is wholly disproportionate to similar well managed venues in the area. Despite previous advice from police and council officers, the management have failed to improve the situation.

There have been a number of fights within the last year, in and outside the venue the majority of which occur after midnight. These incidents have generated numerous crime reports including two GBH's and five ABH's. The most serious affray taking place the morning of 9th March 2014, 15-20 people were involved in a fight inside the venue, which then spilled into the street.

The venue has a comprehensive licence permitting the exhibition of films, performance of live and playing of recorded music, making music, facilities for dancing, late night refreshment and the sale of alcohol. There is a long list of mandatory conditions and also conditions consistent with the operating schedule and a condition attached after a hearing by the licensing authority.

The police invite the sub-committee to remove the Designated Premises Supervisor, and to amend the hours of the venue to that which falls within the Islington Licensing Policy

Nightsafe.

Sunday 15th November 2013 - Full police licensing visit conducted under operation Nightsafe

Saturday 14th December 2013 @ 0200 hours - Crime reference 2727601/13 - Subject has spent the evening drinking in the venue, exits and is assaulted, receiving injuries consistent with that of ABH. The subject leaves the area, but is later found by a member of the public to have collapsed. The subject is too drunk to inform any next of kin.

Saturday 4th January 2014 @ 0118 hours. Staff from a nearby bar call stating large fight between males and females o/s XOXO, 10-15 people fighting. No trace on arrival of police, security spoken to and stated there were no issues, no offences alleged to police. Cad 495 and 504 refer.

Friday 21st February 2014 @ 2320 hours - Crime reference 2704433/14 - Victim notices her phone has been taken, sees it in a nearby group and calls the mobile number. It then lights up but the suspect states it's theirs. The police investigation centred around CCTV evidence, of which was limited as cameras were found to be not working. As a result of this poor CCTV suspects identified by the victim have to be released. We have received a statement from PC OBIJI in relation to this.

Sunday 2nd March 2014 @ 0215 hours - Crime reference 2704982/14 - Suspects leave XOXO, walk to another nearby venue, and due to their levels of excessive intoxication, they are refused entry. The suspects then proceed to assault door staff at the venue, before making off back to this venue, where they are joined by door staff from XOXO - a short conversation takes place before the suspects make good their escape. Seen on CCTV from venue.

Saturday 8th March 2014 - Police accompanied by licensing officers watch the dispersal of patrons from XOXO.

It was noted that there was a very young crowd, this seems a regular feature of the premises, and customers at their oldest seem to be in their very early twenties. The vast majority of people exiting the bar seemed to be very intoxicated, making a lot of noise and not dispersing, nor being dispersed. One female seen exiting the club runs straight off the pavement into passing traffic, thankfully a potentially fatal accident is avoided by the emergency braking of the motorist, the vehicle comes to a stop with the female resting her hands on the bonnet! The extreme intoxication of customers is evident as we move from viewing across the road, to speak to Mr KOHLI the Designated Premises Supervisor (DPS). The vast majority of people, who had exited the club and were still stood around, were extremely drunk. Council licensing officers advised Mr KOHLI with regard to his customer base, dispersal and door staff.

Sunday 9th March 2014 @ 0155 hours - Crime references 2706524/14 - 2705625/14 - Shortly before 2 a.m. a mass brawl erupts within the venue involving fifteen to twenty people. CCTV footage shows the large affray continuing for several minutes, during which door staff are totally ineffective. On arrival of police the incident spills onto the street, taking over the entirety of the huge pavement area outside the venue. Arrests are made for ABH, Affray and Assault on Police.

Sunday 9th March 2014 – PC208NI HOPPE (Licensing officer) sends Mr KOHLI a letter with requesting CCTV footage of the aforementioned incident. And also asks for his action plan as to how best to prevent this in the future. Four days later Mr KOHLI had not replied, PC HOPPE attended the venue to ask for CCTV in person. Mr KOHLI was not present, but did speak to PC HOPPE on the phone stating that he neither had the action plan ready, nor the CCTV. PC HOPPE reiterated the importance of his requests, Mr KOHLI stated that he was en route to do both immediately. On leaving the premises PC HOPPE spoke to the door supervisor who contradicted MR KOHLI by stating both had been done! PC HOPPE requested that both the action plan and the CCTV be sent to our offices by the weekend, (15/16 March). On Monday the 17th March 2014 Mr KOHLI finally supplied the CCTV to PC HOPPE at the council offices,

of entry, stop patrons from drinking so much, and employ firmer controls at the door.

It is the opinion of the police that Mr KOHLI is neither running a safe nor professional venue. This is demonstrated by the large amount of violent crimes committed either in or outside the venue by his customers. The police cannot afford to permit a venue to operate which in its current state generates so much violent crime - much of which remains unsolved, due in part to the extreme level of intoxication of the victims.

Mr KHOLI has been spoken to and advised by police twice in 2013 and yet these incidents are still occurring.

The police seek the following:

1. Mr KOHLI is removed as the DPS.
2. Amend the permitted hours for all licensable activities to 10.00 to 00.00 Monday to Saturday and 12.00 to 22.30 on a Sunday
3. The door security team currently employed by the venue, to be no longer be engaged in providing door supervisor services to the premises situate at XOXO

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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

29th April 2014

Date

Capacity

Metropolitan Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (**please read guidance note 5**)

Islington Police Station
2 Tolpuddle Street

Post town

Islington

Post Code

N1 0YY

Telephone number (if any) 07799 133 204

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensingpolice@islington.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix 2.



ISLINGTON

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/3715-160414		
Postal address of premises, or if none, ordnance survey map reference or description			
XOXO 74 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number	020 7359 8772		

Where the licence is time limited the dates
Not Applicable

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

The times the licence authorises the carrying out of licensable activities																																																																																																									
<ul style="list-style-type: none"> 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> 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> The provision of regulated entertainment for the playing of recorded music: <table border="0"> <tr><td>Monday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Friday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>00:00</td><td>to</td><td>00:00</td><td>the following day</td></tr> </table> 	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		Monday	00:00	to	00:00	the following day	Tuesday	00:00	to	00:00	the following day	Wednesday	00:00	to	00:00	the following day	Thursday	00:00	to	00:00	the following day	Friday	00:00	to	00:00	the following day	Saturday	00:00	to	00:00	the following day	Sunday	00:00	to	00:00	the following day
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- 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.

Gaming Machine Provision:

Not Authorised

The opening hours of the premises:

Monday	10:00	to	00:30
Tuesday	10:00	to	00:30
Wednesday	10:00	to	00:30
Thursday	10:00	to	02:30
Friday	10:00	to	02:30
Saturday	10:00	to	02:30
Sunday	10:00	to	00:30

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

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

Jamie Gibbons

Service Manager (Commercial)

3/6/14

Date of Issue

LICENSING

Annex 1 - Mandatory conditions

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

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

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

1. When alcohol and/or regulated entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 9 pm until closing time at the rate of one door supervisor for every one hundred customers;
2. After the premises have closed, the Door Supervisors shall remain outside until all customers have left the vicinity and are expected to actively encourage a swift and quiet dispersal;
3. All instances of crime and disorder shall be reported to the police;
4. Any person exiting the venue to smoke must do so within the designated smoking area only;
5. There shall be no more than eight persons, at any one time, using the designated smoking area after 23:00;
6. Any person leaving the venue and wishing to return, other than to visit the designated smoking area, will, upon their return, be classified as a new customer and have to queue for re-entry thereby subject to the normal entry requirements such as a personal search;
7. Any customer of the venue found to be using St. Alban's Place, other than as a legitimate thoroughfare, shall be refused re-entry to the venue;
8. There shall be no new entry to the premises after 01:30;
9. 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;
10. Doors and windows to the premises will be kept closed, except for entry and exit, after 23:00; and
11. The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme.
12. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly service(at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and

will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised officer or Police officer (subject to the Data Protection Act 1998) within 24 hours of any request. There will always be a member of staff on duty who can operate the system, to allow officers to view recordings and if required by a Police officer, provide a copy of images immediately and free of charge.

13. 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.
14. 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
15. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
 - a) **Ground Floor: 200**
16. The licence shall be subject to the Council's standard conditions for Places of Entertainment
17. The licence shall be subject to the Council's technical standards for Places of Entertainment
18. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
 - a) **ADDITIONAL CONDITIONS D: APPLICABLE TO PREMISES USING DOOR SUPERVISORS.**
 - b) **ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER.**
 - c) **ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPEASE OR SIMILAR ENTERTAINMENT INVOLVING NUDITY.**
19. 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.
20. 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.
21. 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.
22. 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.

23. 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/3715-160414		
Postal address of premises, or if none, ordnance survey map reference or description			
XOXO 74 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number	020 7359 8772		

Where the licence is time limited the dates
Not Applicable

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

The times the licence authorises the carrying out of licensable activities																																																																						
<ul style="list-style-type: none"> The provision of regulated entertainment for the exhibition of films: <table border="0" style="width: 100%;"> <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> The provision of regulated entertainment for the performance of live music: <table border="0" style="width: 100%;"> <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> 	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	00:00	the following day
Tuesday	00:00	to	00:00	the following day
Wednesday	00:00	to	00:00	the following day
Thursday	00:00	to	00:00	the following day
Friday	00:00	to	00:00	the following day
Saturday	00:00	to	00:00	the following day
Sunday	00:00	to	00:00	the following day

- 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.

Gaming Machine Provision:

Not Authorised

The opening hours of the premises:

Monday	10:00	to	00:30
Tuesday	10:00	to	00:30
Wednesday	10:00	to	00:30
Thursday	10:00	to	02:30
Friday	10:00	to	02:30
Saturday	10:00	to	02:30
Sunday	10:00	to	00:30

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

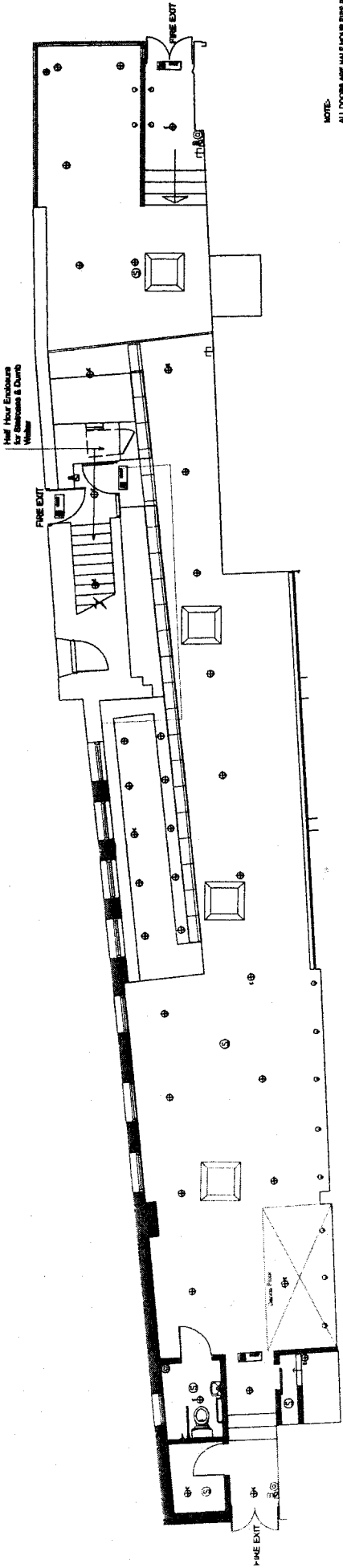
Mr Santosh Kohli

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.

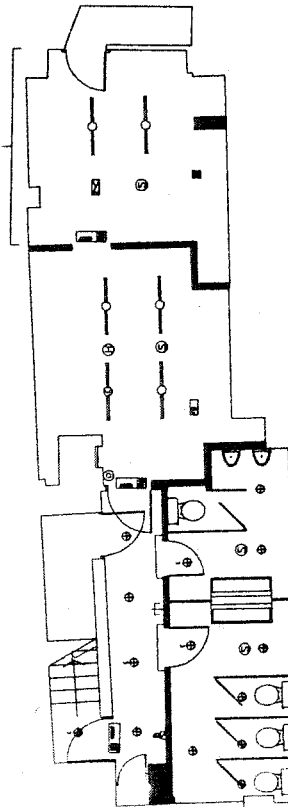
It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted 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



NOTE:
ALL DOORS ARE HALF HOUR FIRE RATED
WITH DOOR CLOSERS & INTUMESCENT STRIPS

①	HEAT DETECTOR
②	FLOOR TO CEILING HEIGHT
③	RADIATOR
④	FIRE BLANKET
⑤	FLUORESCENT LIGHT
⑥	SMOKE DETECTOR
⑦	FIRE BELL
⑧	BREAK GLASS FIRE ALARM A / C CASSETTE
⑨	EMERGENCY LIGHT
⑩	FIRE EXTINGUISHER
⑪	FIRE EXIT SIGN
⑫	LIGHT FITTING
⑬	LIGHT FITTING
⑭	LIGHT FITTING
⑮	NEW EMERGENCY LIGHT



⑧ Drawn Peter Avelis 24-9-2004
⑨ Revised LAYOUT 04-9-2004

Name / Arrangements Title
Project
The Crown
London W1 0DT

Drawing
Basement and Ground Floors
Proposed Layout

ideasfirst

London and Architecture
100 Victoria Street
London W1 0DT
Tel: 020 7491 1020
Fax: 020 7491 1021
www.ideasfirst.com

ISSUED FOR FIRE OFFICER

Date 13-08-2004
Drawn MJ
Checked SAJ
Scale @ A1 0:50
Project Number 008

Drawing Number GA - 004 Rev B
Do not scale this drawing © Copyright



**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
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	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Yes	Please see the attached sheet for details of calls received to the Noise Service and visits carried out in relation to noise and disorder at the premises.
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	In order to reduce noise at later times Noise Team supports the Licensing Authority recommendation to reduce trading hours. Committee may be minded to insert a condition requiring a closing down plan to be implemented. There are no further noise conditions that could be suggested.	

Signed: Anne Brothers Date: 23rd May 2014

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

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

Details of calls received and visits carried out.

To summarise Noise Team has been in receipt of consistent calls from local residents in connection with noise from the premises since June 2012. A warning letter was sent in June 2012 to the Licensees in relation to the noise reported.

The noise reported has been loud music and customer noise throughout the night and particularly at closing time. The customers appear to be a young age group who are very boisterous when they step outside at the end of trading. Despite advice given, the noise from customers leaving the premises appears to remain an issue at closing time.

I refer to Licensing Policy 18 in relation to noise from the premises and Licensing Policy 21 in relation to the dispersal of customers.

Also attached is an e mail to the premises dated May 2013 and a copy of notes of a telephone conversation with the licensee in relation to noise outside and dispersal at closing time which are relevant to this review application and reports of noise nuisance from neighbours.

I also attach the calibration certificate received in early 2013 in response to the first visit listed below. This is the most recent calibration certificate.

Date/Time	Details of visit	Outcome																														
22/2/13	Proactive visit	<p>Visited and measured sound levels as follows.</p> <table border="1" data-bbox="534 1070 1369 1489"> <thead> <tr> <th>Ref</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>98.0</td> <td>93.3</td> <td>90.9</td> <td>91.0</td> </tr> <tr> <td>11</td> <td>98.5</td> <td>92.7</td> <td>91.3</td> <td>92.6</td> </tr> <tr> <td>12</td> <td>98.1</td> <td>93.2</td> <td>90.7</td> <td>90.8</td> </tr> <tr> <td>13</td> <td>94.9</td> <td>91.1</td> <td>86.0</td> <td>86.0</td> </tr> <tr> <td>Agreed max</td> <td>88</td> <td>81</td> <td>86</td> <td>79</td> </tr> </tbody> </table> <p>Measurements were in excess of agreed maximum levels.</p> <p>Spoke to Shkumbin managing premises tonight. He told me that a fair haired woman from the Council had visited and marked their machinery to indicate maximum music levels permitted. Told him not so. He tried calling Santos (Licensee) to prove his point but got no reply.</p> <p>Told him sound system is operating in excess and should be recalibrated. Checked with DJ and no more gain was available at the decks.</p>	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	Agreed max	88	81	86	79
Ref	Linear	"A"	125 Hz	63 Hz																												
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13	94.9	91.1	86.0	86.0																												
Agreed max	88	81	86	79																												
4/5/13, 02:33	Call received	<p>"xoxo bar not moving their customers on after closing time. Lots of shouting and fighting outside bar but no bouncers controlling them. comp does not want a call"</p> <p>NP Report timed at 02:50: VstE 02:50 no noise witnessed (ALO)</p>																														
5/5/13	Proactive visit	<p>XOXO, Upper Street, 02:05 Complaint received on Friday regarding noise outside at closing</p>																														

		<p>time so visited to have a look at closing time. On arrival there was a noisy group of 10 people directly outside. The DS was inside the premises throughout the period of monitoring outside. Stood watching for about 10 minutes. The noisy group of people made no move to leave and the DS remained inside. Lots of passers-by who were also quite noisy and some interaction between passers-by and the noisy group outside premises. All good natured. Spoke To DPS. Told him that noisy group of people were cause of sustained noise directly outside and that we had a complaint about noise outside at closing time last night. He claimed they had not been busy the previous night. Not too busy tonight from the look of it. There were a few customers inside finishing their drinks but if that was the total amount of customers (including the people outside) it wasn't busy at all but the noise was going on outside..... Told him the DS should be outside actively talking to customers as they leave in order to disrupt any noise and disperse them quickly. Discussed closing down plan. He said they have until 02:30 for drinking up. Suggested to him that he should use that time to talk to customers inside to ask them if they want cabs and to call cabs for people so they could step outside, into the cab and go away straight away if at all possible. While I was talking to him someone came over and asked for a cab to be called. DPS went outside to talk to noisy group of customers and they moved away northbound. N.B. had noticed a Police van park up just north while we were watching outside. When we walked away, the Police were talking to the noisy group who had stopped by the Screen on the Green cinema - telling them to move on. All good natured but very noisy. Licensee not there tonight.</p>
22/9/13, 01:56	Call received	<p>"xoxo bar lots of people out in the street - bouncers are making no effort to control or organise the crowd - lots of shouting" NP report: No time to visit by the time we were free it was 02:45 and the noise would have ended.</p>
6/10/13	Proactive visit to residents.	<p>XOXO Upper Street, 01:30 On approach could hear music from the premises. Noted Police presence across the road by the bus stop opposite, they were talking to some people there. Called resident and went to the flat to watch proceedings and listen to music noise. Music noise could be heard faintly in the bedroom with the window open. The resident stated the music was usually much louder than it was tonight. Notes taken as follows: General comment: Warm night, bedroom window open, can hear some people noise from the front but can't see what's going on from this rear room. VERY NOISY IN UPPER STREET TONIGHT. Can hear faint bass from XOXO from the bedroom. Music noise was audible from the front on approach. 0135: Saw DS check the alley and the rear of the premises. Man sitting in the alleyway quietly. 0140: Group of men have just walked up the alley - 6 of them, gathered at the top. Then they walked back down again - 6 of them in total. Saw the DS approach 2 of them. They walked away talking loudly. Noted DS's radio noise is quite loud. Moved to the flat downstairs, they had called the resident above</p>

		<p>and we agreed to go there. Better view of frontage from their bedroom.</p> <p>Notes from lower 1F flat as follows:</p> <p>0202: People are gathered on the frontage outside. The DS is standing at the head of the alley most of the time which is stopping people going up there. Residents state they have never seen this happening before. Some brief laughter and raised voices. Some brief cheering. Could see people gathered on the frontage but others were constantly passing by - some quite noisy and nothing to do with the premises.</p> <p>Residents stated DS is usually never seen outside and it's usually bedlam at this time - could multiply this noise by 4 times usually.</p> <p>0208: Raised voices and some pushing and shoving going on in connection with a car that has just pulled up outside. DS intervened. Saw him push a screaming woman away from the fracas, out of sight.</p> <p>Noted plenty of raised voices, laughter all throughout the period of observation. All the people outside look quite young, all under 25. Another DS came into view outside.</p> <p>At this time no people were visible on the frontage and the original DS came back into view standing at the head of the alley. Then heard lots of shouting from the frontage but the people were not visible. The view is partially obstructed.</p> <p>Noise elevated again and I saw a very drunk male with aggressive body language being bundled away by others.</p> <p>0218: Addison Lee cab ushered out of alley by the DS. Residents were incredulous at the attention from the DS. They said this has never happened before. People are still on the frontage but it's getting a bit quieter now. 2 X Addison Lee cabs pulled up outside the frontage, noted 2 beeps from them.</p> <p>0221: Woman walked into alley with shoe malfunction with a small group of friends. They were swiftly moved on by the DS.</p> <p>The residents all stated that tonight was not representative of what usually happens, they said it had not been busy at XOXO but there had been a massive fight at about 01:00 that erupted from Ladybird. They said there were crowds of people fighting in the street and they saw a Police officer had been hurt in the fighting. They had seen a couple of women taken away in handcuffs.</p> <p>They said the DS's are never so attentive to activity outside and customers are usually left to make a load of noise, fight and take/deal drugs in the alleyway, often with the DS's knowledge but they allegedly do nothing about it.</p> <p>At one stage I saw the licensee outside with the DS. Noted one of the DS's was familiar to me. He used to work at the old P&P up the road. Also recently came across him at O'Neill's down the road and I had disagreement with him that night.</p> <p>The residents have a theory that the majority of the customers had emigrated to XOXO when the old P&P shut down. They were frustrated that the noise was quieter tonight and repeatedly said something had "spooked" the premises as they had never noticed such attentiveness from the DS's. Assured them I have not been in touch with the premises and the purpose of the visit was to catch them out. Suggested a repeat of this exercise in 2 weeks time when I am working again and they were all for it. Will contact them nearer the time to confirm.</p> <p>Left the flats at about 01:25.</p>
22/10/13	Proactive visit	<p>XOXO Upper Street, 01:50</p> <p>On approach we saw Police vehicles going south down Upper</p>

Street all sirens blazing, they pulled up by the Green. Stood by the bus stop opposite and observed outside XOXO and watched closing time.

Up until about 02:20 there were groups of quite noisy people coming out of XOXO. There was a group of people outside as we arrived. A woman was sitting in the alleyway, completely drunk, she eventually moved to the shop doorway of the ex Blacks shop and sat there. We saw various people step outside and some went up the alleyway to relieve themselves. Saw a group go into the alleyway and they looked quite animated near the top of the alley - couldn't see what they were doing. Saw DS's go into alleyway intermittently during closing down period

People eventually dispersed at about 02:20 but they hung around in the vicinity. At one stage my colleague and I considered the group to be similar to a youth club. They all looked young. All quite good natured however but noisy. They took a long time to disperse, some went south to stand outside Ladybird; others went off in different directions. At one stage a very noisy group of men walked through the side road to the Green from Essex Road, all singing very loudly but the main source of noise in the area was XOXO customers leaving.

After people had gone away I took some photos of the state of the alleyway and spoke to the licensee about the mess there. There had been a sweep up on the frontage but there were a lot of cigarette butts and trails of urine in the alleyway. I told the licensee the alleyway should be swept and the urine trails should be cleaned away with hot detergent water.

Staff came out to clean the alleyway. Discussed noise seen briefly with the licensee and told him his customers were very young and too noisy outside. He said they were all over 21, told him he should go for an older age group and perhaps implement a Challenge 25 scheme. They haven't learnt how to drink yet and don't know how to behave.

3/11/13

Proactive visit

XOXO

Ref	Linear	"A"	125 Hz	63 Hz
1	95.4	90.8	87.6	90.4
2	93.4	90.4	82.8	86.7
4	93.4	90.3	83.6	86.3
5	91.6	88.0	83.5	85.2
Agreed levels	92	81	87	90

Passed by prior to visit but as I had the meter on me and residents have mentioned music noise I decided to visit and measure sound levels. Limiter was installed and working, got the DJ to elevate levels so a light was showing and the limiter was attenuating the sound. Crucial 63 and 125 Hz were within.

Long conversation with licensee Santosh outside. DS's appeared to be doing a decent job of looking after outside and ropes were up for queue and smoking area. Premises wasn't very busy though.

Licensee discussed a need for some lighting in the underpass area to the side of the building. He said Christine Lovett (Angel Aim) had told him that the council would install some lighting imminently when I suggested it was possibly low priority for the council and could he be permitted to put a movement sensor

		<p>down lighter on his side flank wall for himself. He was reluctant to do so telling me it would involve works for him to drill through the walls. The side alley is adequately lit beyond the underpass. Did not notice any outbreak of sound to the side alleyway.</p>
15/12/13	Reactive visit	<p>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.</p>
22/12/13, 02:27	Call received	<p>"Large number of people gathered outside XOXO Bar arguing and fighting"</p> <p>NP report: Ttc 0232 noise stopped. People moved on. C described it as pandemonium and like a riot. He said door staff overwhelmed by number of people. CM12 (ALO)</p>
23/12/13, 00:45	Call received	<p>"patrons of XOXO stood outside making a lot of noise. lots of shouting and screaming. caller says the bouncers do nothing to control their customers. does not want call or visit. just wants the exit monitored and the bouncers spoken to"</p> <p>NP passed by an hour later and it was quiet outside. (ALO)</p>

18/1/14	Proactive visit	<p><u>XOXO, Upper Street, 02:05</u></p> <p>Visited to watch closing time. We watched from the bus stop opposite, moving just north for a little while. Notes as follows:</p> <p>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.</p> <p>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.</p> <p>Colleague noticed a deal going down from a car parked just south. Noted car details: Blue BMW 5 or 7 series. Reg'd No. (REDACTED). Colleague saw a man get out of the car and approach premises.</p> <p>0220: Still approx 25 people outside the premises – counted hem but may be a couple more or less, difficult as there are some passers-by.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>02:30: Counted 14-15 people outside now. Loud conversation and laughter. Heard them talking about where to go next.</p> <p>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.</p> <p>Would comment that dispersal was not efficient and noise from the customers outside was likely to result in noise to the residents.</p>
2/3/14	Proactive visit	<p>XOXO, 23:30 and 02:00</p> <p>Passed by at 23:30. Noted outbreak of loud music when the door was opened. Group of people on the frontage. 3 people in the alleyway. Quite noisy intermittently, noise went up and down; think it was possibly from a group of people who were leaving. DS came out and moved people from alley when he saw me</p>

		<p>standing there. Noted curtains in use again, covering the side and front windows.</p> <p>Visited again at 02:05. Premises closing down for the night. Exuberant crowd of people coming out. Noted lots of people outside. Agreed with colleague they all looked under 25. Noted DS was doing his best to get them away but they weren't taking much (if any) notice of him.</p> <p>Saw the DS stopping people standing in the alleyway but also saw a man go up here to relieve himself which was missed by the DS.</p> <p>We had to leave promptly in order to visit another premises in response to call.</p>
30/3/14	Proactive visit	<p><u>XOXO, 02:25</u></p> <p>Had a look but missed their main closing time. Noted quite a few people around in close vicinity, by 5 Guys, Cuba Libre and the kebab shop by the bus stop to the north.</p> <p>DS saw me outside and as we walked away I saw him step outside the premises.</p>
11/5/14	Proactive visit	<p><u>XOXO, 02:00</u></p> <p>Visited to watch closing time as follows:</p> <p>0200: Counted at least 43 people outside in close vicinity on arrival with more coming out. They are moving away in groups. Noted they are quite noisy. There is an additional DS working outside. Saw the 2 previously noted DS's still there during the period of observation. Noted a handful of customers are standing at the head of the alley - in the alley by the side of the ex-Blacks shop. Also noticed the Licensee was standing at the door.</p> <p>0208: They have successfully moved the majority away from the immediate frontage. The larger group has gone away south - noted they were very noisy as they went away. Noted just a handful in the immediate vicinity now.</p> <p>0210: Still a few stragglers coming out. Another group has moved away south, noted lots of shouting and some screaming from them.</p> <p>Noted a man standing at the head of the alleyway in hi-viz at this time.</p> <p>0212: More stragglers coming out. Noted most customers moved away south. Noted very noisy group of young women have stopped in close vicinity to Ladybird. Noted a group still hanging around north near Euphorium but noted they are moving away.</p> <p>0218: It looks like the premises has emptied now. Thought I saw the last of the stragglers leave a couple of minutes ago - then saw some more come out. Noted there are a few hanging around in front of La Forcetta next door to the south. Another group is outside Euphorium at this time.</p> <p>0220: Euphorium group has now gone towards Essex Road and noted DS's are now engaging with the group outside La Forcetta - they then went south and are now standing by the phone boxes near to ladybird.</p> <p>0230: Noticed the group that were outside Ladybird have now gone south, I don't think any of them got in - if they even tried to, they just seemed to be continuing to enjoy themselves out in the street after they had left XOXO. We left the area at this point, noticed the DS's were still outside XOXO.</p>

E mail to (Ex) DPS regarding Closing Down Plan

-----Original Message-----

From: Brothers, Anne

Sent: 13 May 2013 14:43

To: info@xoxoislington.com

Subject: Late TEN application XOXO 25-26 May 2013 02:00 - 03:00 each night

Importance: High

Dear Mr Krasniqi

I note your application for the above two events and that the application is a late one.

Therefore I seek your assurances that the sound levels at the premises will be within the agreed sound levels and that you will have taken some action to disperse your customers more efficiently than I noticed the other week when I visited the premises and spoke to you about dispersal of customers.

I will be writing formally to the licensee about dispersal of customers but in the meantime I am pasting below some details of a closing down plan that you need to consider adapting to your premises.

Closing Down Procedure

1. Reduce the volume of music for the last half hour prior to the bar closing; this can be done gradually so that by the time the bar closes, the music volume is reduced to background levels.
2. Slow the tempo of the music played out during the last half hour.
3. From the time the bar closes for sales and drinking-up time ends, the lighting should be gradually increased so that by the time the drinking-up is over, the lighting has been brought up to full beam. You can continue playing out music at background levels while people are drinking-up.

DO NOT keep the music going at loud levels and then just put the lights up to full beam. This is not conducive to a quiet and calm dispersal of customers from the premises as required.

4. As people begin to leave, door supervisors should be outside, encouraging people to disperse from the area and not allowing them to loiter on the frontage.

5. Management should be actively involved with seeing customers off the premises, your manager could stand by the door as people are leaving and wish them goodnight and ask them to be considerate to neighbours as they leave. Managers should supervise the Door Supervisors during dispersal. Door supervisors should remain outside and engage with customers until they have all left the immediate vicinity of the premises.

6. We would advise that customers should be more proactively monitored for rowdiness outside generally and a "three strike" rule could perhaps be implemented where if rowdy customers outside (and inside) will not quieten down, they are warned about their behaviour. If rowdy behaviour continues they should be warned a further one time and then if there is still no improvement they should be barred from the premises.

Please contact me back to confirm that you will be limiting the volume of music to the agreed sound levels and let me have your thoughts on the closing down plan pasted below and how you can put it to use at XOXO.

Anne Brothers

Noise Liaison Officer

Noise Team

Public Protection

Notes of telephone conversation with Licensee 14/5/13

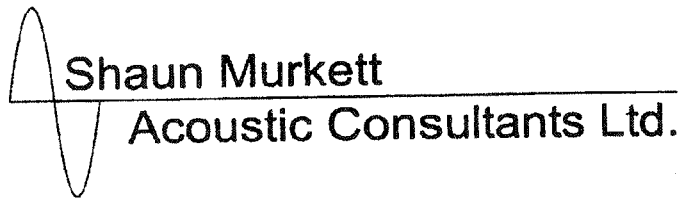
Call from Santosh in relation to TEN application, told him we need assurances from the applicant who is the DPS not him.

Also discussed visit in the early hours of 5 May and underlined the need for dispersal of customers and not the display that I witnessed outside the premises of consistent noise from a group of people. Told him he is responsible for the behaviour and noise from his customers in the immediate vicinity of his premises and that includes the public highway outside.

Told him his DS was inside for the entire time I was outside watching the noisy group of people and the DS should be outside at closing time and at later hours engaging with customers outside and asking them to be quieter if need be.

Recommended that in the event of a really noisy person outside they speak to them the next time they come to the restaurant at the beginning of the evening and warn them re: their previous ASB while they are sober and tell them in the event of any repeat they will be barred. Told him the DPS or manager could be on the door at closing time getting people to move on along with the DS. He discussed getting hi-viz jackets etc, told him that may help a bit but emphasised the need for a joined-up consistently enforced policy at closing time and the consistent control of noise outside in order to change the culture of the premises and reduce the likelihood of further complaints. He said the previous evening there had been a domestic dispute between a couple who had come from Ladybird.

Told him that residents are likely to associate them with his premises and a couple are hardly the gangster types he has previously been unwilling to intervene with. Advised him to be more proactive regarding noise outside.



Certificate of calibration. March 2013

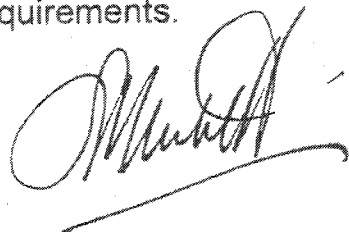
This is a certificate of calibration for the sound controlling equipment installed at the XOXO restaurant bar, Upper st Islington, under the management of Mr.Santosh. The noise limiting device installed is a Formula Sound AVC sound limiter for the sound system, to control internal sound levels in the bar. The sound system comprised cd player and connected to the cloud zoner mixer CX 242, then a graphic equalizer and then to AVC 2 sound limiter and then to the power amplifiers. These were a QSC RMX 1450 feeding small speakers in the ceiling of the toilets in the basement, and a QSC RMX 850 feeding two small KR full range loudspeakers and four KR medium sized full range loudspeakers, the front speaker on a separate volume control, and a small bass unit under the dj.

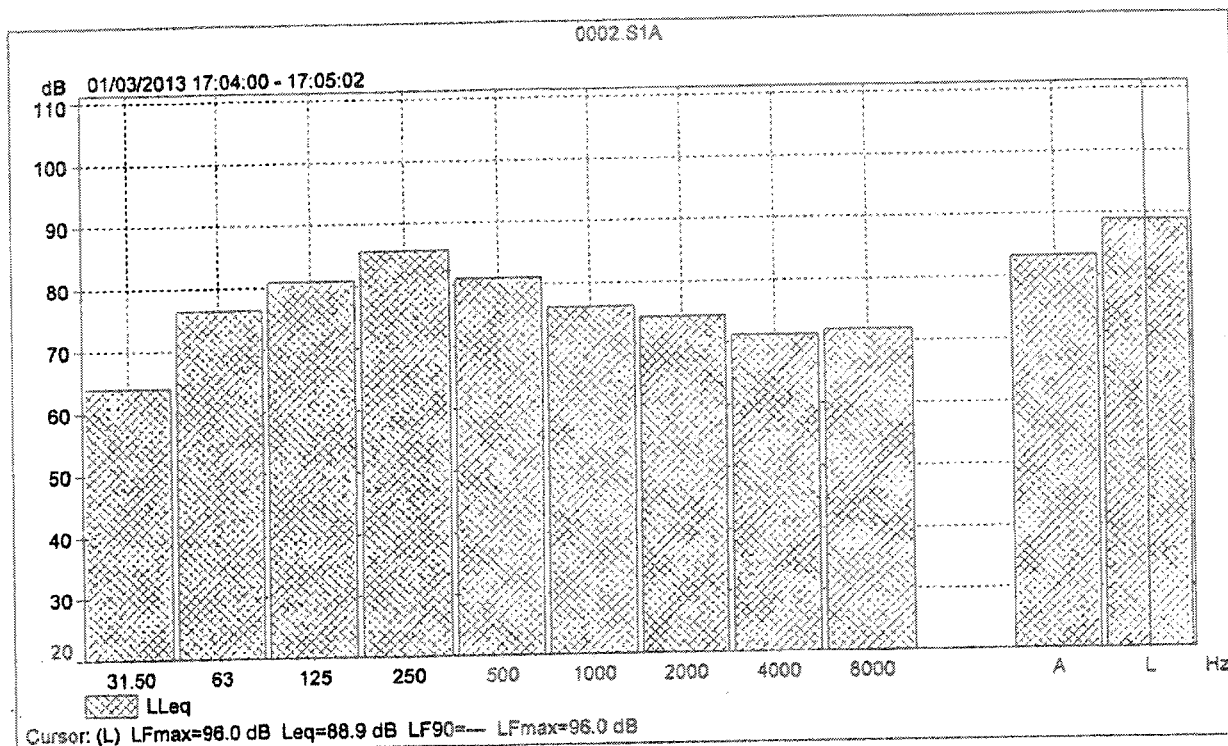
To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, with near inaudibility at the residents, a limit on the internal sound levels from amplified music has been agreed.

The limiter has been set to an internal music sound level limit of 89 dB Leq _{1 min.} linear, 83 dBA Laeq _{1 min.}, 77 dB at 63 Hz, 82 dB at 125 Hz. measured at around center of room, at rear, at 2m from the main speakers. These levels are below the levels allowed on the licence for a safety margin. This calibration was made with a Bruel and Kjaer type 1 sound level meter in accordance with relevant British Standards, at around noon on 1st March 2013, and witnessed by bar owner Mr Santosh Kohli, and Shaun Murkett. This to be confirmed acceptable by the Local authority noise team as convenient.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to inspect and re-calibrate the limiters annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.

Shaun Murkett 1st March 2013





Octave frequency spectrum of sound of music measured at rear of bar near dj at 2 metres from main loudspeakers

XOXO Restaurant bar, 74 Upper Street, Islington, London N1

1st March 2013,

Sound limiter calibration.

Music Sound level 89 dB Leq linear 1min , (83 dBA LAeq. 1 min.)

© Shaun Murkett
Acoustic Consultants Ltd.

tel 020 7923 7275



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

Noise Team
222 Upper Street
London N1 1XR
T 020 7527 3047
F 020 7527 3059
E anne.brothers@islington.gov.uk
W www.islington.gov.uk

Our ref: abr/201444916
Your ref:

Date: 23 May 2014

This matter is being dealt with by:
Anne Brothers

Dear Sir

PREMISES LICENCE REVIEW. XOXO, 74 UPPER STREET, LONDON N1 0NY. LICENSING ACT 2003

Please find enclosed a copy of a representation from Noise Team in relation to the review application made by the Police Service.

Yours faithfully,

Anne Brothers
Principal Technical Officer
cc. Licensing

Licensing Authority Representation

Licensing Act 2003

Application: XOXO, 74 UPPER STREET, LONDON, N1 0NY

This is a representation on behalf of the Licensing Authority in respect of the application to review the premises licence submitted by the Police.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

Licensing Policy Considerations

<i>Licensing Policies 9 & 10</i>	<i>Management standards and operating schedule</i>
<i>Licensing Policy 13</i>	<i>Drunkenness on the premises</i>
<i>Licensing Policy 30</i>	<i>Review of Licences</i>

Reasons

The licensed premises has regularly come to note in relation to local resident complaints and London Metropolitan Police reports. Council Officers have as a result regularly monitored and inspected the premises over the last year. The general standard of management and customer controls found during these assessments was repeatedly found to be below that which is expected.

The management was regularly given advice by Council officers and Police officers in relation to licensing related issues, specifically focusing on the conduct of their clientele both inside and outside the venue. Additionally, concerns were regularly raised in relation to the age profile of their customers and the level of drunkenness observed at the premises.

The licensee, Rathiba Limited, and Designated Premises Supervisor (DPS), Mr Santosh Kohli, were called into the Council offices to attend a Licensing Officer Panel meeting to discuss these concerns. The licensee and DPS stated a Minor Variation application would be submitted seeking to attach additional premises licence conditions, which were agreed could tackle the on-going problems.

Despite this agreement and reminders sent to the Licensee and DPS on 11th December 2013 and 13th February 2014 the Minor Variation application was not received until 20th March 2014. During this time period there were a number of serious incidents at the premises that may have been prevented had previous advice in relation to the clientele and these conditions been in effect and adhered to.

There was a further crime & disorder incident outside the premises believed to involve customers of the premises on 13th April 2014. The CCTV footage viewed in relation to this recent incident shows that the management of customers outside the premises remains poor and indicates levels intoxication that are unacceptable.

Recommendations

The Licensing Authority has serious concerns over the licensee's ability to effectively manage a late night premises of this type. The level of crime and disorder incidents linked to the venue over the last year has been significant and there is little confidence that lessons

have been learned. This is in spite of regular and detailed advice having been provided to the management.

The Licensing Committee is therefore asked to consider a reduction in the licensable hours authorised by this premises licence, the removal of off-licence sales and the removal of the DPS, Mr Santosh Kohli, as an appropriate measure to promote the licensing objectives. The proposed reduction in the licensable hours authorised by this premises licence are in line with Licensing Policy 8 and would be as follows:

- Sale by retail of alcohol, on sales only, Sundays to Thursdays from 10:00 until 23:00 and Fridays & Saturdays from 10:00 until 00:00;
- The provision of live music, recorded music and the showing of films, Sundays to Thursdays from 10:00 until 23:00 and Fridays & Saturdays from 10:00 until 00:00;
- The provision of late night refreshment, Fridays & Saturdays from 23:00 until 00:00; and
- Opening hours, Sundays to Thursdays from 10:00 until 23:30 and Fridays & Saturdays from 10:00 until 00:30

Janice Gibbons

Service Manager (Commercial)

22nd May 2014

Janice.gibbons@islington.gov.uk

3

Senler, Yesim

From: Whitton, Daniel
Sent: 28 May 2014 09:18
To: Senler, Yesim
Subject: FW: Premises Licence Review: XOXO
Attachments: XOXO 27-5-14.JPG

From: Poole, Gary
Sent: 27 May 2014 18:12
To: Whitton, Daniel

Cc: Lane, Terrie
Subject: RE: Premises Licence Review: XOXO

Dan

I wish to register my support for the Police application to review this licence.

This premises has been the source of considerable nuisance to residents for a long period. They have frequently been disturbed and had their sleep broken by fights and uncontrolled patrons of XOXO. The licensee appears unable to properly uphold the licencing objectives despite numerous warnings and support from officers.

Today I noticed what I consider to be further inducement to irresponsible drinking with a new 'Happy Hour' promotion at this premises (see attached photo).

It is my intention to speak at Committee on this application.

Regards.

Councillor Gary Poole
St.Mary's Ward
London Borough of Islington

From: Whitton, Daniel
Sent: 09 May 2014 11:17
To:

Cc: Lane, Terrie
Subject: FW: Premises Licence Review: XOXO

Dear all,

Please see the below notification of a review application submitted by the Metropolitan Police in relation to XOXO, 74 Upper Street.

I am writing to you as you have previously corresponded with the Licensing Authority in relation to this premises.

If you intend to submit representations in support of this review please do so by the 27th May 2014. Although the review has not been based on the Prevention of Public Nuisance objective you are not restricted in this regard and can submit representations focusing on any of the four objectives:

- The Prevention of Crime & Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

I have attached the Review application for your reference as well as a representation pro-forma that you can use. Please note that it is not necessary to use this form but can be used as a guide.

If you require any further information or assistance in regards to this or any other licensing matter please contact me.

Best regards,

Dan Whitton
Licensing Officer
Licensing Team
Public Protection Division
Environment & Regeneration
Islington Council
3rd Floor, 222 Upper Street, London, N1 1XR
Tel: 020 7527 3841
Alternative contact: Terrie Lane 020 7527 3233
Email: dan.whitton@islington.gov.uk
Website: www.islington.gov.uk

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Please help save resources by not printing this e-mail if you can avoid it, and by using recycled paper

From: Senler, Yesim
Sent: 30 April 2014 10:41
To: LicensingPolice; Issues, Noise; Standards, Trading; Control, Building; Sumpter, Colin; Eden, Laura; Gibbons, Janice; Neil, Rebecca; CSPU Team; 'islingtongroup@london-fire.gov.uk'
Cc: Lane, Terrie; Fitzsimons, Aiden; Whitton, Daniel
Subject: Premises Licence Review: XOXO

Dear Sir/Madam,

We have received the attached application for a **Premises Licence (Review)**:

Licence Holder: Rathiba Limited

Premises Name: XOXO

Address: 74 Upper Street, London N1 0NY

Application received: 29 April 2014



HAPPY

Hour

4-8pm

POOL TABLE

④

Licensing Support Team
Public Protection Division
222 Upper Street
London
N1 1XR

5th May 2014

Dear Sirs,

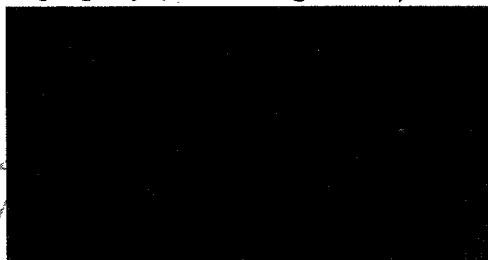
XOXO 74 Upper Street Licence Review

I am writing to you as the landlord on behalf of flats 75a and 75b Upper Street.

I have been made aware of the fact that there is a constant stream of problems relating to XOXO. Apparently this includes fights in St. Albans Place, the use and dealing in drugs, alcohol related issues, and excessive noise into the early hours on a regular basis.

Despite protests from our tenants and myself, these problems have not been addressed and I would urge a Committee to take proactive steps to ensure that this situation does not continue and that my tenants and other people affected in the area are guaranteed that nothing will *interfere with the peaceful enjoyment of the property* (Human Rights Act).

Yours faithfully



COMMERCIAL/L

13 MAY 2014

PUBLIC PROTECTION
222 UPPER STREET

Senler, Yesim

From: [REDACTED]
Sent: 22 May 2014 20:02
To: Licensing
Subject: Representations in respect of the XOXO premises licence review (email 1 of 4)

Dear Sirs,

Please find below our representations in support of the licence review which has been requested for XOXO at 74 Upper Street, Islington.

Our interest in the review is as a local resident - we live [REDACTED] premises in question and we have been directly affected by the issues at XOXO since it opened for business.

First, we would like to express our thanks to the team that has initiated the review mentioned above. After several years of complaining about the premises in question it finally appears that something might be done to bring to an end the crime, anti-social behavior and noise problems which we have had to live with since XOXO opened.

We have lived in our flat for over 10 years and in all of that time we have never experienced the problems which we have experienced since XOXO opened for business. Our bedroom window [REDACTED] XOXO hence why we have been particularly badly affected.

Our support of the licence review is based on three of the four objectives as set out below.

Public Nuisance

Excessive noise from customers drinking outside the premises and leaving the premises - customers screaming and shouting all evening and into the early hours of the morning (it being particularly bad on Friday and Saturday nights) many of which appear to be very very intoxicated. We have called the Islington noise patrol team on numerous occasions and had the team in our flat to assess the noise levels. Anne Brothers is aware of the noise issues which we have experienced from the customers of XOXO and the team will, no doubt, be able to provide an accurate log of all of the calls which they have received in relation to the premises in question.

General anti-social behaviour - fights, arguing, excessive noise, drunk and disorderly behaviour etc which causes a public nuisance to local residents and other people enjoying a night out in Islington.

Vomit - having to face piles of vomit outside our front door on a Saturday and Sunday morning. Photographic evidence is attached in the emails following this one. We often lie in bed at night and listen to the intoxicated customers of XOXO vomit, urinate etc in St Albans Place in the early hours of the morning.

Crime and Disorder

Disorder in the street outside the premises including fights, drunk and disorderly behaviour etc - we have contacted the police on numerous occasions to report fights outside XOXO - it seems to be a regular event on a Friday and Saturday night.

Drug taking by customers of XOXO in St Albans Place - on occasions this has been clearly witnessed by the door staff who did nothing. In fact, once we saw the door staff asking the customers to move further up St Albans Place to do the drugs before letting them back into the premises. Evidence of the drug taking seen the morning after outside our front door is attached in the emails following this one.

Drug dealing - we have witnessed drug dealing in St Albans Place on occasions. There has also been suspicious behaviour involving the owner and staff at XOXO on occasions in the past around the back of the premises with people come and going from the street and cars stopping in St Albans Place.

Underage drinking - we note that alot of the customers of XOXO are very young. We don't know the age of such customers but it is sometimes questionable as to whether they are in fact over 18.

We would like it noted that we visited our local police station in desperation last year to see if it was possible to get the local police to keep an eye on the premises for us because of the crime and disorder issues which were regularly occurring in connection with XOXO. It has got to the point where we no longer go out late at night on a Friday and Saturday because of the fear of having to negotiate XOXO and its customers on the way to our front door.

Public Safety

Fights and very very intoxicated customers on the pavement outside XOXO makes the place a public safety hazard to other people enjoying a night out on Upper Street.

Rubbish - it is not usually to have bags of rubbish from the bar piled on the pavement in St Albans Place in the morning (we have reported this on one occasion to the relevant Council department). Photographic evidence is attached in emails following this one. The rubbish is a safety issues as it often contains alot of glass bottles etc not to mention a general public health issue. It also blocks the pavement meaning that people have to walk in the road instead.

We would also like it noted that the owner and door staff of XOXO do nothing to control its customers and prevent the fights, noise, drug taking etc from happening or escalating. We have lost count of the number of times that we have watched them just stand and do nothing while complete mayhem breaks out in the street and St Albans place.

We could write a very long email about the issues that we have experienced over the past couple of years thanks to XOXO however, we hope the information above will give you an idea of the problems. In addition, the licensing team already has copies of emails we have sent in the past complaining about XOXO. We would like it noted that we have had to deal with this while pregnant and in the last 6 months since our daughter was born. It is not fun trying to care for a very young baby who is often woken at night by the customers of XOXO screaming, shouting and fighting. At times we have had no option but to leave our flat and stay with family at the weekends.

In addition, we would draw your attention to some of the reviews of XOXO, which have been independently logged, on various websites such as tripadvisor and viewlondon.co.uk, which just show what the place and its management, are like.

In conclusion, we support the review that has been initiated 100 per cent. and we would strongly ask the review committee to consider revoking the premises licence and shutting the place down. A business such as XOXO has, in our opinion, no place in Islington. The management has been given numerous opportunities to improve its impact on the local area and has time and time again failed. The local residences, including us, have had enough.

Please note that we wish our representations to be treated as anonymous for the following reasons:

[REDACTED]

Please do not hesitate to contact us if you would like any further information or assistance from us.

We look forward to hearing the outcome of the review.

Kind regards,

[REDACTED]





















6

Senler, Yesim

From: Whitton, Daniel
Sent: 28 May 2014 09:23
To: Senler, Yesim
Subject: FW: Review of XOXO License

From: [REDACTED]
Sent: 27 May 2014 22:06
To: Whitton, Daniel
Subject: Review of XOXO License

Dear Dan,

I, [REDACTED] Street, Islington, would like to submit a representation in support of the police review for the license held by XOXO at 74 Upper Street.

I would like my representation to focus on the Prevention of Public Nuisance as the alleyway either side of the two properties in question is regularly filled with loud and drunk individuals until the early hours of the morning, especially on Friday and Saturday nights. Whilst I have never had any conflict with the clientele, that is not to say it will not happen in the future and I urge you to take this in to consideration when reviewing their license.

Yours Sincerely,

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 XOXO, 74 Upper Street

Your Name [REDACTED]

Interest: Resident

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

Your Address: [REDACTED]

Email: [REDACTED]

Telephone [REDACTED]

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

I have contacted Islington Noise Patrol, Licensing, local councillors and Emily Thornberry MP many times over XOXO and the noise and anti-social behaviour emanating from the premises. My bedroom faces onto the side of XOXO and I have witnessed many fights, drug dealing, noise and general anti-social behaviour. The door staff do not adequately prevent problems or indeed get involved early enough in preventing disruption to neighbours. It is significantly more problematic than it was as 'The Green', the previous licensed business run from the same premises. Customers are let into XOXO already drunk and disorderly and late at night in particular it is noisy and dangerous outside. There are many licenced premises on Upper Street that have a very different atmosphere and do not have the extent of police call outs and problems I have witnessed living next door to XOXO since its opening.

I do not like walking home late at night past XOXO or up the lane of St Albans place where our flat door is as I often feel unsafe and the clientele are rowdy and overly intoxicated and aggressive. XOXO should have a responsibility to ensure customers do not cause noise and anti-social behaviour. There is regularly glass smashed in the lane of St Albans Place and evidence of drug taking as well as vomit – not something anyone appreciates on their doorstep.

The drinks promotions and offers at XOXO seem to draw a clientele who drink to excess and staff do not put limits on this consumption.

According to the new Licensing Policy 2013-2017 adopted in Islington last year - 'The Licensing Authority is determined to impose strict licensing controls **until the impact of alcohol consumption on the community, emergency services and local hospitals has reduced significantly.**' This 'impact' has not been significantly reduced and I think given this policy action needs to be taken so that business interests do not outweigh or encroach on the lives of residents any longer in the borough. I was saddened, though not surprised, to read in this plan that in 2011 Islington:

- was the second highest London Borough and well above the London

average, for violent crimes attributable to alcohol per head of population

- was above average in London for sexual offences in which the suspect had been drinking alcohol
- had the highest hospital admission rates in London due to alcohol attributable conditions
- had the sixth highest rate of alcohol related ambulance calls in London
- had 40% of its alcohol-related ambulance calls between 11pm and 4am with a peak callout on Fridays and Saturdays.

Something needs to be done so that the time and effort put into drafting this plan actually makes a positive difference to this community.

Crime and Disorder

I have met with several colleagues in Islington Council and local councillors and I strongly feel that a very serious incident at XOXO is inevitable if the current management (mal) practices of the premises continue and licensing arrangements. I have witnessed many fights and had to call Noise Patrol or the Police to report many times. I have also been disturbed by and watched very public drug dealing taking place beneath my window outside XOXO on St Albans Place.

It should not be up to residents to have to constantly police and keep this premises in check, licensing legislation should ensure that only those capable and responsible can 'manage' licensed premises in the borough. As a resident I have obligations to my neighbours to not infringe their quality of life, as do businesses in the area.

Protection of Children from Harm

Families living in the area should have the right to sleep peacefully without being woken up to violence, disorder and noise.

Broken glass, rubbish, remnants from drug deals and vomit on the street surely pose a danger to children playing in the area. This laneway is utilised by residents of Old Royal Free estate where many families and young children live and play.

Public Safety

XOXO and St Albans Place/ Upper Street have frequently been home to many large brawls and police call outs over the years. I am convinced it is only a matter of time before someone is seriously hurt or killed, and I would not want this to happen given residents have alerted the authorities consistently to the problems arising from the premises and used the channels and mechanisms we are given. To date this has largely seemed futile to me as little has been done, how bad does it have to get?

Upper Street is not only a commercial but a residential street where many residents like me should feel safe at home and in the area. Upper Street to me feels more dangerous in the almost ten years that I have lived in this area which saddens me. XOXO is not the only premises of concern but from my vantage point I see each weekend the impact XOXO and poor management and lack of adequate control by local authorities has on my quality of life and that of other residents and visitors.

Islington Council and the Metropolitan Police have a duty to protect residents and visitors in the

area, to maintain basic standards of public safety on Upper Street – the costs to the public purse in terms of policing and ambulance call outs emanating from XOXO's business are high. Public services would be better utilised preventing the problems rather than emergency services being regularly deployed at a huge costs to taxpayers.

I have been vocal as well as other residents on this premises and the negative impact it is having on the community. My now ex- flatmate [REDACTED] (who also sent a representation on this) moved out because of the noise and disturbance caused to her directly by XOXO and I don't think residents should have to move. I do not want to have to leave my home because local licensing plans and licensing laws are not effectively implemented.

I wish my identity to be kept anonymous Yes

We will treat representations as anonymous where there is a genuine reason to do so; if you wish your name and address details to be withheld then please explain the reason:

I want my name and details withheld as I live [REDACTED]

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.

Signature [REDACTED]

Date 27 May 2014

Please ensure name and address details completed above

Return to:

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

or send by email to:

licensing@islington.gov.uk

8

Senler, Yesim

From: Whitton, Daniel
Sent: 29 May 2014 08:45
To: Senler, Yesim
Subject: FW: Premises Licence Review: XOXO

From: [REDACTED]
Sent: 28 May 2014 20:14
To: Whitton, Daniel
Subject: Re: Premises Licence Review: XOXO

Hi Daniel,

My address is

Regards

On 28 May 2014, at 09:21, "Whitton, Daniel" <Daniel.Whitton@islington.gov.uk> wrote:

Given the situation with the premises concerned and the impact it has had on your business I feel your representation to be valid and will add it to the file for consideration.

Please can you confirm your home address for the representation?

Thanks,

Dan

From: [REDACTED]
Sent: 27 May 2014 22:01
To: Whitton, Daniel
Subject: Re: Premises Licence Review: XOXO

Hi Dan,

I was debating about writing to as I can't really comment on his application officially as a business operator I guess my comments would be discarded as I have a business next to Mr Santos.

However in my view, the excessive happy hour price offers coupled with the wrong choice of door security and the music policy makes a devastating combination.

As a business owner's view we have lost a lot of passing trade after midnight, because this section of upper street has become unwelcoming and intimidating. Locals and visitors after seeing many many time violence

and crimes from a particular type of crowd have deserted this portion of upper street. At 2am the police vans presence (for which I am grateful) caused by major scuffles and fights, is a major source of turbulence not only to the residents but to the visitors who would probably think twice before returning on Upper street at night.

We know the night economy is good for the area, we know people choose to dine out in certain areas more than others because there are places open late.

I can suggest on the license a mention about the music policy that in my view can help a lot. I know certain venues in central London are banned from playing RnB, hip hop and drum and base. Also an age restriction if possible to be lifted to at least 21.

This will help a lot to reduce the wrong crowd XOXO is attracting to come to the venue.

Please note that security XOXO is currently using is the same as the ones who were in Pitcher and Piano, for which I am sure you have a record of all the incidents. The issue with security is that they follow the instructions of the manager most of the time.

The main issue with Mr Santos is that he has no sense of what crowd and what sort of people we need to attract in the area. The understanding of the music styles, the trends and fashions are a key element to running a bar. I can suggest also that he should focus on serving food, the area is boiling with more and more people visiting upper street to catch a bite to eat. In the last year my restaurant on Essex Road is doing much much better than before.

In Ladybird we operate a very strict door policy and we make sure every night we do not let any people who we consider as trouble makers to set a foot in our place. I monitor personally and give strict instructions to my door staff. For me this is essential to 1st be part of a good, and respectable community and also it is beneficial to my venue's reputation, therefore my business.

I do apologies for my lack of vocabulary and poor expression to explain my view it is extremely frustrating for me to see that one or two venues poorly run can spoil a whole section of a street.

Please feel free if you think it is helpful to share my views with the committee and the residents who have issues with XOXO, I d be happy to get more involved, as i said earlier as a business operator, my views can be seen as biased by the committee and who ever will defend Mr Santos. Then I am not against him, I m just upset that we lost a lot of business due to his choices of crowd.

Best Regards

On 9 May 2014, at 11:17, "Whitton, Daniel" <Daniel.Whitton@islington.gov.uk> wrote:

Dear all,

Please see the below notification of a review application submitted by the Metropolitan Police in relation to XOXO, 74 Upper Street.

I am writing to you as you have previously corresponded with the Licensing Authority in relation to this premises.

Licensing Inspections – XOXO, 74 Upper Street

5th October 2013 – 01:20 - Anthony Baptiste & Niall Forde in attendance.

We parked up and walked past XOXO at 01.20 (morn of 5th October) noted 1 door supervisor and a small crowd outside the premises. Walked down the side alley and noted music outbreak to the side of the premises as well as the rear door. A young girl was sitting on the pavement in the alleyway. We walked up to the top of the alley, the girl who was sitting on the pavement also walked to the end of the alley near to a residential block. We observed her for a while as we suspected she may have been taking drugs. After standing for approx. 10 minutes it was clear that the girl was using her phone and we did not witness her using drugs.

Then walked back down the alley towards XOXO, noted two young men and one young women standing near to XOXO (right outside Blacks camping shop). One of the two young men was rolling a cannabis joint which he then lit. The smell was fairly strong and we noted that the doorman did not react to this. Then observed the three people walk back into the club when finished. We walked around the block and noted what we thought were the same 3 who were smoking come out of the premises again.

Whilst this was taking place we noted one car parked almost in front of the premises, the car had 3/4 young men inside and did not move. Also noted one car immediately outside the premises with two young men leaning against the car.

While making observations, Niall noted that Cuba Libra had tables and chairs with people still outside. Niall spoke to them and had to show his ID. One of the men leaning on the car observed this and when we walked past again, he asked if I worked for the Council. We decided to leave at this point, the time was 01.45.

27th October 2013 - 01:45 – Dan Whitton & Simon Gallacher in attendance

Arrived in the vicinity and observed the premises from the bus stop opposite on Upper Street. There are two door supervisors working on the entrance. The smoking area appears to have been allocated to the area beneath the awning of the business unit next door, 73 Upper Street, a group of 8 persons smoking at the time of arrival. None of those persons in the smoking area have drinks with them. One of the door supervisors occasionally checking St. Alban's Place, the area is clear at this time.

Clocks went back at 2am, it is now 1am. Door supervisors are still doing a good job controlling the outside area and customers have now been contained behind a roped barrier (I guess that could be because they have spotted they are being watched).

01:15, a fight breaks out within the smoking area. The fight appears to be between two or three women. There is a lot of pulling and pushing, a mass of four or five people including a Door Supervisor fall to the ground over the rope barrier. The door supervisors get it under control but there is still shouting and people being held apart. A guy and two of the women involved are staggering around, look to be very intoxicated and are having an argument. The guy seems to want to go inside the XOXO venue, which is still open. These three people leave the immediate area and wander off towards Islington Green where they are still arguing. The other woman we believe was involved in the fight left the area with friends and is waiting at the bus stop where we are positioned.

01:25, the Police arrive in association with paramedics. We speak to Police and advise them what we had seen. Apparently a man at the scene is maintaining that he was stabbed and has his top off. There is blood from a neck wound. We had not observed the guy before and can only think that he was involved in the tussle. I thought that maybe he had fallen to the floor and been caught with a stiletto heel as the women we has seen earlier had very high spikes on. Apparently the guy has advised Police he does not want to take the

issue further and the Police decide to depart the area, the guy is now being treated in an Ambulance that has turned up. The Police did not speak to the venue staff.

01:30, there are about 7 people standing in St. Alban's PI who have exited the venue which is now closing, there are being quite loud. The door staff move them back onto Upper Street. There are now 3 DS's at the entrance of the venue along with the person I believe to be the owner of the bar.

01:30, a brief disturbance takes place on Islington Green o/s the Slug and Lettuce. We can identify people who have come from XOXO and another fight is thankfully avoided as the people involved go opposite ways. One group went up Upper Street, the other towards Essex Rd. These people also appeared to be intoxicated.

01:45, XOXO closes.

NB. The frontage of the venue has two CCTV cameras however these are not covering the smoking area outside of 73. If the premises wishes to use this area one the current cameras needs to be rotated.

1st March 2014 – 00:45 – Terrie Lane & Katie Tomashevski in attendance

22 people outside the premises in front of the shops, nobody in alleyway. Very young crowd, noisy, shouting and swearing. 2 Door staff saw us and told people to stand nearer to XOXO as they were spread along pavement. Music noise break-out from the premises. 1 cab outside and four young males standing around speaking on mobiles and to a car driver. Two young looking girls immediately outside XOXO were shouting and pushing against each other, they then both fell over and were then allowed to enter the bar. Hardly any control of people outside.

8th March 2014 – 02:00 – Dan Whitton & Niall Forde in association with Peter Connisbee of the Licensing Police

We arrive in the vicinity at approx 02:00. We observe o/s the venue for approximately 25 minutes. The door staff make efforts to get customers to move away from the venue as they exit but appear to be being ignored (A greater level of effort was made after we were observed by Door Sups but level of success was poor).

The customers generally appear to be under the age of 21 and many appear to be highly intoxicated, whilst we are observing the premises a female customer runs out into the road to catch up with her friends who are on the opposite side of the road near the bust stop. This individual, who is highly intoxicated, comes very close to being run-over by a car making it's way up twds Highbury on Upper Street, she ends up with her hands on the bonnet. We did observe a number of customers outside the venue with drinking glasses, on later investigation we were advised they had come from O'Neills (we were unable to confirm this).

The dispersal of customers is completed by about 02:25.

During the final stages of dispersal we approached the venue and spoke with the DPS, Santosh Kohli, who was outside the venue and had been involved in the slow dispersal of customers from the vicinity. We advise him of our concerns in relation to the length of time it took for dispersal and the level of intoxication amongst the customers. I advise him that it is my view that the age of his clientele is an issue in relation to the level intoxication and their reaction when told to leave the area, I also remind him that Anne Brothers of the Council's Noise service has raised these concerns previously.

XOXO Premises Licence Review
CCTV Evidence

3rd February 2014 – Assault of Ladybird Bar Door Staff

File Folder - CCTV-03Feb14-XOXO ExternalCamera-0123-0347

- 02:04:30 - XOXO customer/suspect leaves venue and walks up towards Ladybird Bar, 70 Upper Street

File - LadybirdExternalCCTV-03Feb14.dav

- 02:15:00 Onwards - XOXO customer/suspect arrives at Ladybird Bar. This person is now involved in an attack on Ladybird Door Staff when refused entry.
- 02:16:45 – Head Door Supervisor from XOXO arrives and takes suspect away from the Ladybird Bar

File Folder - CCTV-03Feb14-XOXO ExternalCamera-0123-0347

- 02:21:11 – Head Door Supervisor arrives back outside XOXO with the suspect. They communicate for a while before the suspect leaves the area.

NB. The timings on the two different systems appears to be slightly out of sync.

9th March 2014 – Large Fight inside and outside XOXO

File Folder - CCTV-09Mar14-XOXO Internal&External-0157Onwards

- Camera 3 – 01:59:25 – 02:09:00
- Camera 2 – 01:59:35 – 02:09:00
- Camera 15 – 01:59:35 – 02:09:50 and continues onto next file from 02:09:50.

File Folder - CCTV-09Mar14-IslingtonCCTV-StreetView-0200-0230

(The file is ExternallIslingtonCCTV-09Mar14.VOB in the Video_TS folder)

- Islington Streetview Camera – Large disturbance outside the venue. This continues for the full footage and spreads along Upper Street and over the road outside Islington Green.

13th April 2014 – Fight outside XOXO

File Folder - CCTV-13Apr14-XOXOExternal

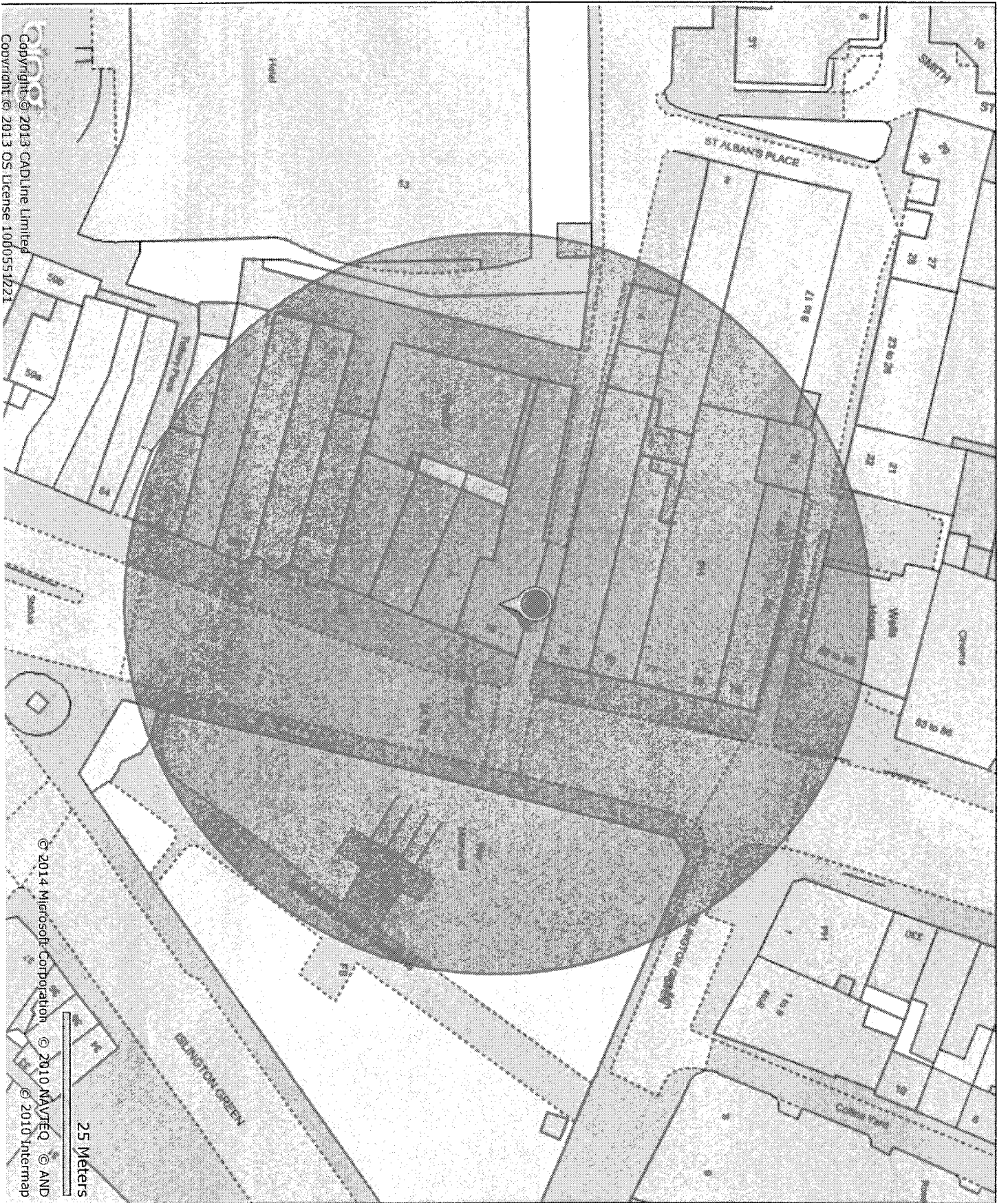
- General footage shows customers of the premises not contained within authorised smoking area and wandering away and back to the venue without being challenged by the door staff.
- 01:32:50 – 2 x females leave XOXO and join small group slightly down for the venue. 20 seconds later a fight breaks out. Customers of the venue are going to and from this incident without being challenged by door staff and could well be involved.
- 01:36:50 – Female leaves the premises in what appears to be an intoxicated state before falling over.
- 01:44:00 – Police arrive.

Metropolitan Police - Proposed premises licence amendments

1. Mr Kholi to be removed as DPS;
2. A reduction in the terminal hour for all authorised licensable activities. The proposed hours are those stated under Policy 8 of the Council's Licensing Policy. The terminal hour would therefore be:
 - Sundays to Thursdays, 23:00; and
 - Fridays and Saturdays, 00:00.
3. The door security team currently employed by the venue to be removed and no longer be engaged in providing door supervisor services to the premises.

Licensing Authority - Proposed premises licence amendments

1. The Licensing Committee is asked to consider a reduction in the licensable hours authorised by this premises licence, the removal of off-licence sales and the removal of the DPS, Mr Santosh Kohli, as an appropriate measure to promote the licensing objectives. The proposed reduction in the licensable hours authorised by this premises licence are in line with Licensing Policy 8 and would be as follows:
 - Sale by retail of alcohol, on sales only, Sundays to Thursdays from 10:00 until 23:00 and Fridays & Saturdays from 10:00 until 00:00;
 - The provision of live music, recorded music and the showing of films, Sundays to Thursdays from 10:00 until 23:00 and Fridays & Saturdays from 10:00 until 00:00;
 - The provision of late night refreshment, Fridays & Saturdays from 23:00 until 00:00; and
 - Opening hours, Sundays to Thursdays from 10:00 until 23:30 and Fridays & Saturdays from 10:00 until 00:30.



**Title : 74 Upper Street
- 50 Metre Area**

Islington Borough
Boundary

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