



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 th August 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 - six local residents, two supporting the licensee.
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 but rejected by the Licensing Service due to a procedural technicality.
- 26th June 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: Police witness statements;
- Appendix 5: licensing inspection notes relevant to the review application;
- Appendix 6: details of CCTV evidence referenced within the review application and representations;
- Appendix 7: licensee's submissions;
- Appendix 8: 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

4.8.14
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk



ISLINGTON

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I 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

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

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Peter CONISBEE PC 575NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 0207 527 2323
E-mail address (optional) licensingpolice@islington.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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 licensee's 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

Please provide as much information as possible to support the application (please read guidance note 2)

In the last twelve months, 22/3/13 to 22/3/14 there have been reported, associated with the venue, two GBH's , five ABH's, one Common Assault and one Assault of a Police Officer. There has also been one criminal damage to a vehicle.

These incidents are detailed in the following reports

18th May 2013 @ 0155hours - Crime reference 2710931/13 - A fight started inside the premises, escalated and spilt outside to the rear. On arrival of police bottles were thrown necessitating the police to withdraw. Once the incident had calmed the venue was cleared by police.

19th May 2013 @ 0110 hours - Crime reference 2710999/13 - 2711003/13 - 2711006/13 - An argument starts inside the venue between two parties, a male was punched to the head. The same incident spills onto the street whereby a female suffered injuries consistent with GBH. A male involved in the disturbances head butts another and is found in possession of a class A drug.

20th May 2013 – Detective Chief Inspector WALLACE and Licensing Officer PC425NI Steve HARRINGTON spoke to Mr KOHLI at the venue in relation to the cumulative impact area, and crimes over the previous six months. He was advised over staff training, and the Challenge 25 scheme.

7th July 2013 @ 0205 hours - Crime reference 2714800/13 - After drinking in the venue, three people suffer injuries after being assaulted outside of the venue - injuries consistent with GBH. Victim state that due to their alcohol intake, they were in no fit state to defend themselves. One of the victims (who received a chipped tooth in the attack) did not wish to substantiate the allegation. Albeit this incident happened outside the venue, it is quite possible that had they not been able to drink so much they could have, a) defended themselves b) not been a target c) been able to stop the assailant.

7th September 2013 @ 2350 hours - Crime reference 2719757/13 - Another fight in the venue, after which the main perpetrator is ejected, and in a fit of anger then damages property at the rear of the venue (car)

12th October 2013 @ 0208 hours - Crime reference 2722565/13 - Two groups who have spent the evening inside the premises exit and a fight ensues directly outside the front of the venue - one of the victims suffers ABH injuries.

24th October 2013 – Invite to Rathiba Ltd to attend a licensing panel on the 6th of November 2013

27th October 2013 @ 0030 hours - Crime reference 2723996/13 - A fight ensues in the smoking area, victim suffers injuries consistent with that of ABH.

2nd November 2013 - CAD 337 - Staff have called police stating an ejected person has become aggressive. On arrival of police the suspect has calmed and walked away.

6th November 2013 – Mr KOHLI attends licensing panel with PC425NI HARRINGTON and council licensing officers. During which recent events are discussed and Mr KOHLI agrees to submit a minor variation to add conditions on his licence to specifically deal with the issues raised.

9th November 2013 - Full police licensing visit conducted under Operation Nightsafe.

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

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.

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.

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.

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.

9th March 2014 @ 0155 hours - Crime references 2706524/14 - 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.

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, but no action plan. Mr KOHLI stated the action plan had been written but he didn't have it with him. PC HOPPE informed MR KOHLI that he had his telephone and email address and expected to have the plan later that afternoon. PC HOPPE did not receive the action plan, instead he received an email from Thomas and Thomas solicitors requesting a meeting.

Statement received from PC292NI CHADWICK in relation to incident on 9th March 2014. The statement was written after the officer had viewed the CCTV, and is a further statement to one

already written in relation to the incident and arrests made. Briefly, the officer states that there were approximately 50 people on the paved area and in the road outside XOXO. Large portions of the crowd were arguing, a fight ensued and the officer put himself between the aggressors and the crowd trying to close in on the fight. During this incident the officer recalls pushing away someone. On viewing the CCTV he notes that it was one of the door staff who he states "took no active part in assisting police" and further states in relation to the staff from XOXO, "They took no active part in trying to quell the problems outside that had clearly come from their venue leaving the police to deal with it".

In relation to this event, statements have also been received from PC149NI JONES and PC181NI FROELICH

Cad 10913 refers of 14/03/14 - Member of public calls police stating that a group of youths are cycling on the pavement in circles outside the club, causing a general nuisance and being anti-social. On arrival of police staff state that they are happy for the youths to remain.

There have only been three thefts reported at the venue during this twelve month period, all of which have been in 2014

It is noted that in October 2013 the DPS was changed to that of the present, Mr Santosh KOHLI.

In November 2013, due to a number of license related complaints Mr KOHLI was requested to attend a licensing panel held at the council offices in November 2013, in which police were present. Mr KOHLI agreed to vary the conditions on his licence to reflect some of the issues that had previously occurred. It has taken nearly five months for him to submit a variation based on these conditions that he agreed to. Whilst we are grateful for his submission, it is the opinion of the police that he has only recently submitted this as a result of the police and council interest around the large scale disorder of the 9th March 2014. It is also the opinion of the police that this disregard is neither professional or displaying adequate responsibility toward the licensing objectives.

Summary and Recommendations

XOXO seems to be a venue that attracts a very young customer base. A youthful, possibly immature base of customers, coupled with permitted excessive alcohol intake is highly probable to be the reason why there are so many violent crimes associated with the venue. The Police would expect that any DPS would recognise this and act upon it. Increase the age 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 KOHLI has been spoken to and advised by police twice in 2013 and yet these incidents are still occurring.

Police received communication from representatives of XOXO dated 16th June 2014 proposing updated conditions regarding the removal of the DPS, Mr KOHLI and the removal of the current door supervisor company along with several other updated conditions. Although the police are in agreement with these proposals we still seek a review of the current licence.

The police seek the following:

- The vast majority of violent incidents have occurred at this venue after midnight therefore we request an amendment of 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.

The following only if XOXO do not follow through with their proposal regarding the door team and the current DPS

- The Removal of the door team
- The replacement of Mr KOHLI as the DPS

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 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

[Handwritten signature]

Date

28th June 2014

Capacity

Police Licensing Officer (L575N)

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

Post town

Post Code

Telephone number (if any)

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

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: 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

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

07654508

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

Mr Santosh Kohli

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

– City of Westminster

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

Jill Gibbons

Service Manager (Commercial)

3/6/14

Date of Issue

Licence

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

[REDACTED]

[REDACTED]

[REDACTED]

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

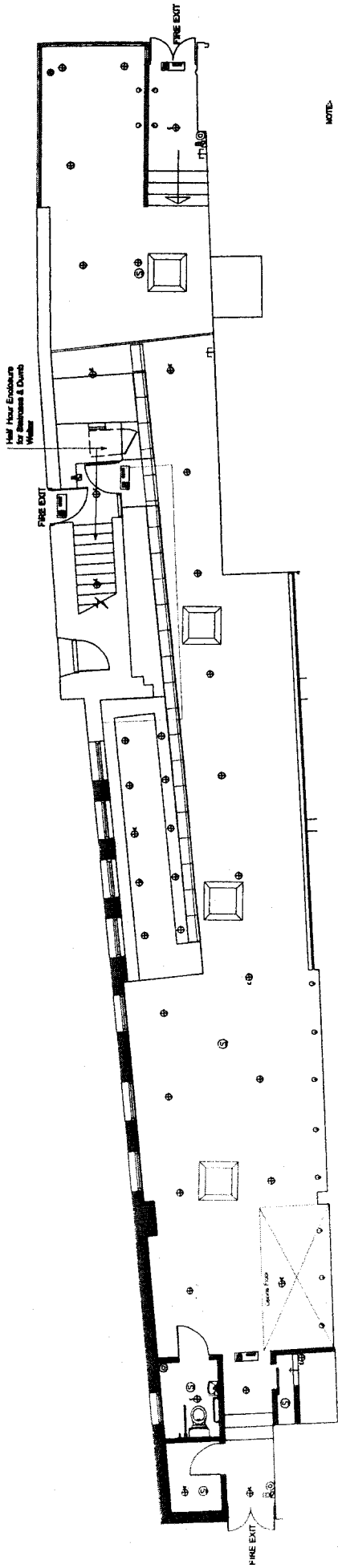
Mr Santosh Kohli

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 STRIP

B Design Floor Address 24-0204
A REVISION LAYOUT 8-8-2004
Name / Arrangement Date

Project
The Green
74 Upper Street
London N1 1RY

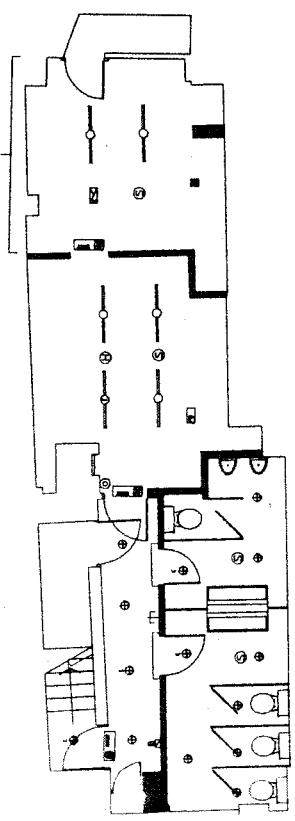
Drawing
Basement and Ground Floor
Proposed Layout

ideasfirst
Idea First
17, 20 & 21
17, 20 & 21
17, 20 & 21

ISSUED FOR FIRE OFFICER

Date 12-08-2004
Drawn MJ
Checked AJJ
Scale 1:1
Project Number 008
Drawing Number GA-004 Rev B
For more details visit
© Consultant

KEY	HEAT DETECTOR
	FLOOR TO CEILING HEIGHT
	RADIATOR
	FIRE BLANKET
	FLUORESCENT LIGHT
	SMOKE DETECTOR
	FIRE BELL
	BREAK GLASS FIRE ALARM
	A / C CASSETTE
	EMERGENCY LIGHT
	FIRE EXTINGUISHER
	FIRE EXIT SIGN
	LIGHT FITTING
	LIGHT FITTING
	LIGHT FITTING
	NEW EMERGENCY LIGHT



Appendix 3.

①

**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: 1 July 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 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.

I also attach some recent correspondence with the Licensee's solicitor.

Date/Time	Details of visit	Outcome																														
22/2/13	Proactive visit	<p>Visited and measured sound levels as follows.</p> <table border="1"> <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. 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. 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
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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" 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 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</p>																														

		<p>passers-by who were also quite noisy and some interaction between passers-by and the noisy group outside premises. All good natured.</p> <p>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.....</p> <p>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.</p> <p>DPS went outside to talk to noisy group of customers and they moved away northbound.</p> <p>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.</p> <p>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"</p> <p>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</p> <p>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.</p> <p>Called resident and went to the flat to watch proceedings and listen to music noise.</p> <p>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.</p> <p>Notes taken as follows:</p> <p>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.</p> <p>Can hear faint bass from XOXO from the bedroom. Music noise was audible from the front on approach.</p> <p>0135: Saw DS check the alley and the rear of the premises. Man sitting in the alleyway quietly.</p>

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 and we agreed to go there. Better view of frontage from their bedroom.

Notes from lower 1F flat as follows:

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.

Residents stated DS is usually never seen outside and it's usually bedlam at this time - could multiply this noise by 4 times usually.

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.

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.

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.

Noise elevated again and I saw a very drunk male with aggressive body language being bundled away by others.

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.

0221: Woman walked into alley with shoe malfunction with a small group of friends. They were swiftly moved on by the DS.

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.

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.

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

		<p>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>															
20/10/13	Proactive visit	<p>XOXO Upper Street, 01:50</p> <p>On approach we saw Police vehicles going south down Upper Street all sirens blazing, they pulled up by the Green.</p> <p>Stood by the bus stop opposite and observed outside XOXO and watched closing time.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p>															
3/11/13	Proactive visit	<p>XOXO</p> <table border="1"> <thead> <tr> <th>Ref</th> <th>Linear</th> <th>"A"</th> <th>125 Hz</th> <th>63 Hz</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>95.4</td> <td>90.8</td> <td>87.6</td> <td>90.4</td> </tr> <tr> <td>2</td> <td>93.4</td> <td>90.4</td> <td>82.8</td> <td>86.7</td> </tr> </tbody> </table>	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
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. Cruical 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 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.

15/12/13

Reactive visit

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.

		<p>CAD Ref: 1292 (and date 15/12/13)</p> <p>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.</p> <p>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>
19/1/14	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 them 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</p>

		<p>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.</p> <p>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 visits	<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.</p> <p>DS came out and moved people from alley when he saw me 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>
11/5/14	Proactive visit	<p>XOXO, 02:00</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</p>

	<p>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

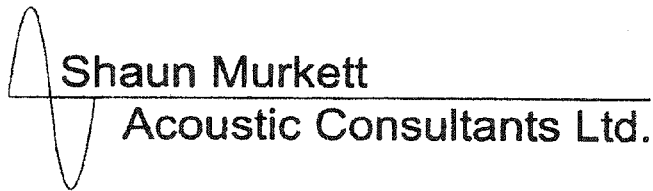
Call from Santosh in relation to TEN application, told him we need assurances from the applicant who is the DPS not him.

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.

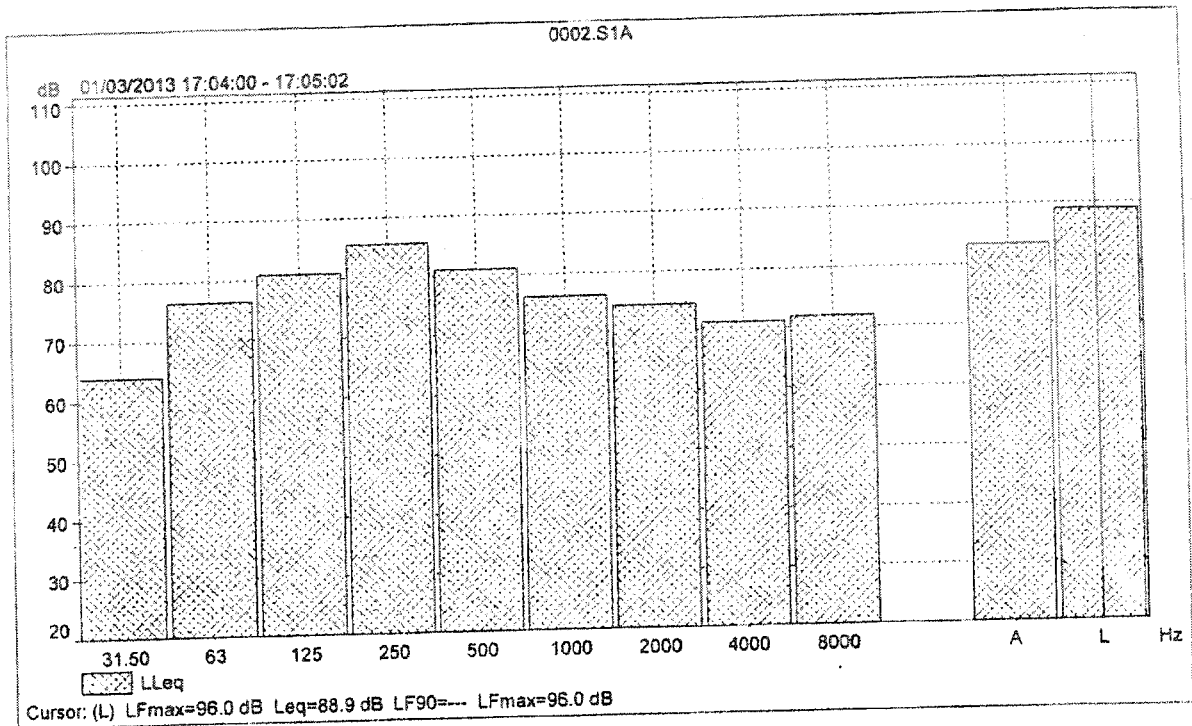
To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, with near inaudibility at the residents, a limit on the internal sound levels from amplified music has been agreed.

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

From: Brothers, Anne
Sent: 24 June 2014 18:29
To: 'Alun Thomas'
Cc: Gallacher, Simon
Subject: RE: xoxo

Dear Mr Thomas

I was present watching the premises at around closing time that night. I saw customers gathered at the top of the alleyway, some were sitting on the ground by the side of the premises.

Anne Brothers
Noise Liaison Officer
Noise Team
Public Protection
Islington Council
3rd Floor 222 Upper Street, London N1 1XR
Tel : **020 7527 3047** Fax: **020 7527 3059**
Alternative contact: **Noise Support Team: 020 7527 3258**

www.islington.gov.uk

How to get here:

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From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 24 June 2014 18:14
To: Brothers, Anne
Cc: Gallacher, Simon
Subject: RE: xoxo

Anne

Thank you

I await the Licensing Service's response to my e mail re the additional evidence.

In the meantime, my client does not agree that the evidence from the direct neighbour, albeit from a year ago should not be taken into consideration and I have asked Simon to circulate to members. It is clearly relevant to how my client has managed the premise, noise and patrons.

Please confirm what evidence to have to show that the cigarettes litter was left from patrons of these premises?

Alun Thomas
Partner

Thomas & Thomas Partners LLP
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London WC2H 9EP

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From: Brothers, Anne [<mailto:Anne.Brothers@islington.gov.uk>]
Sent: 24 June 2014 15:35
To: Alun Thomas
Subject: RE: xoxo

Dear Mr Thomas

I did receive the e mail and I replied to the sender but did not hear anything further from her. This correspondence is too old for me to consider including as I only go back 12-15 months in my representation.

In addition I have to state that she says her bedroom is at the back of the premises. The noise issues reported and the subject of the review application are all in the main concerning disorder at the front of the premises – which would not necessarily be heard from the senders perspective. In addition I cannot see any supporting representation from the sender in the review papers.

I attach for your information some photographs I took on 13 October 2013. These are of the alleyway to the side of XOXO. I am copying this to the Licensing Officer who will be administering the meeting tomorrow with the request that these are included for Councillors to see. The photos demonstrate the use of the alleyway as a urinal and also show cigarette rubbish left by customers.

Anne Brothers
Noise Liaison Officer
Noise Team
Public Protection
Islington Council
3rd Floor 222 Upper Street, London N1 1XR
Tel : 020 7527 3047 Fax: 020 7527 3059
Alternative contact: **Noise Support Team: 020 7527 3258**

www.islington.gov.uk

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From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 24 June 2014 12:33
To: Brothers, Anne
Subject: xoxo

Anne

Santosh has passed me this e mail sent on 1 August 2012. Did you receive it?

Dear Anne Brothers,

I am the neighbour living directly above the XOXO bar. In fact my bed sits over the back area of the bar with the music mixing desk. I am, unfortunately, one of those people who is a light sleeper so any noise would be intolerable for me.

The moment Santos took over the bar he introduced himself and immediately gave me his personal mobile if anything was wrong. I have only ever rung him once at the beginning and he immediately rectified the matter. I have not had a single problem with noise since. He is a sincere and honest person to deal with- unlike some over the 14 years i have lived here.

Saturday 21st, when the noise issue came from a car parked outside the XOXO bar, was relayed to me by Santos. I did not hear anything on this occasion.

Please do feel free to call me if you need any clarification.

Regards

Alun Thomas
Partner

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London WC2H 9EP

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M: 07956 805464
T: 020 7042 0410
F: 020 7379 6618
E: athomas@tandtp.com
W: www.tandtp.com

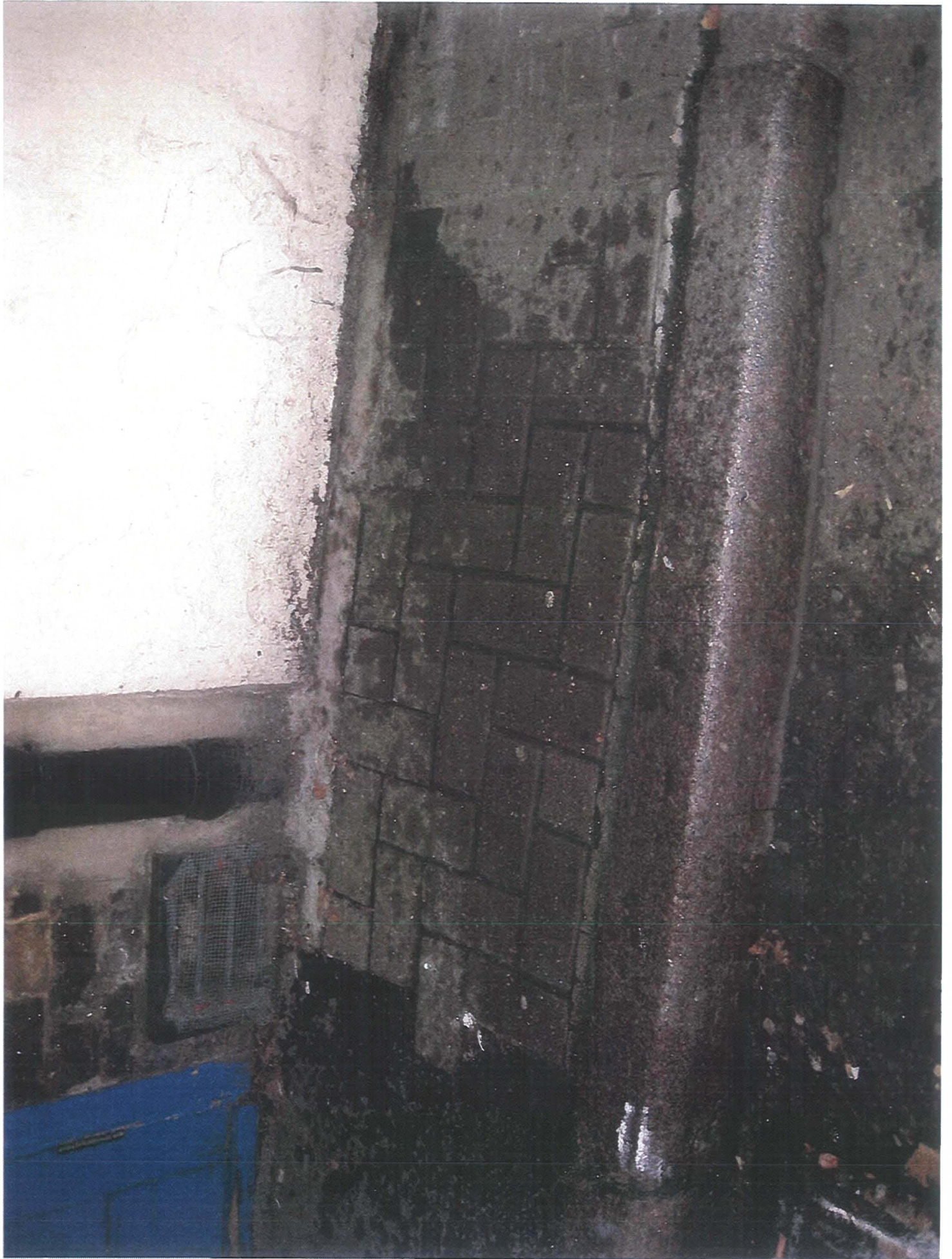


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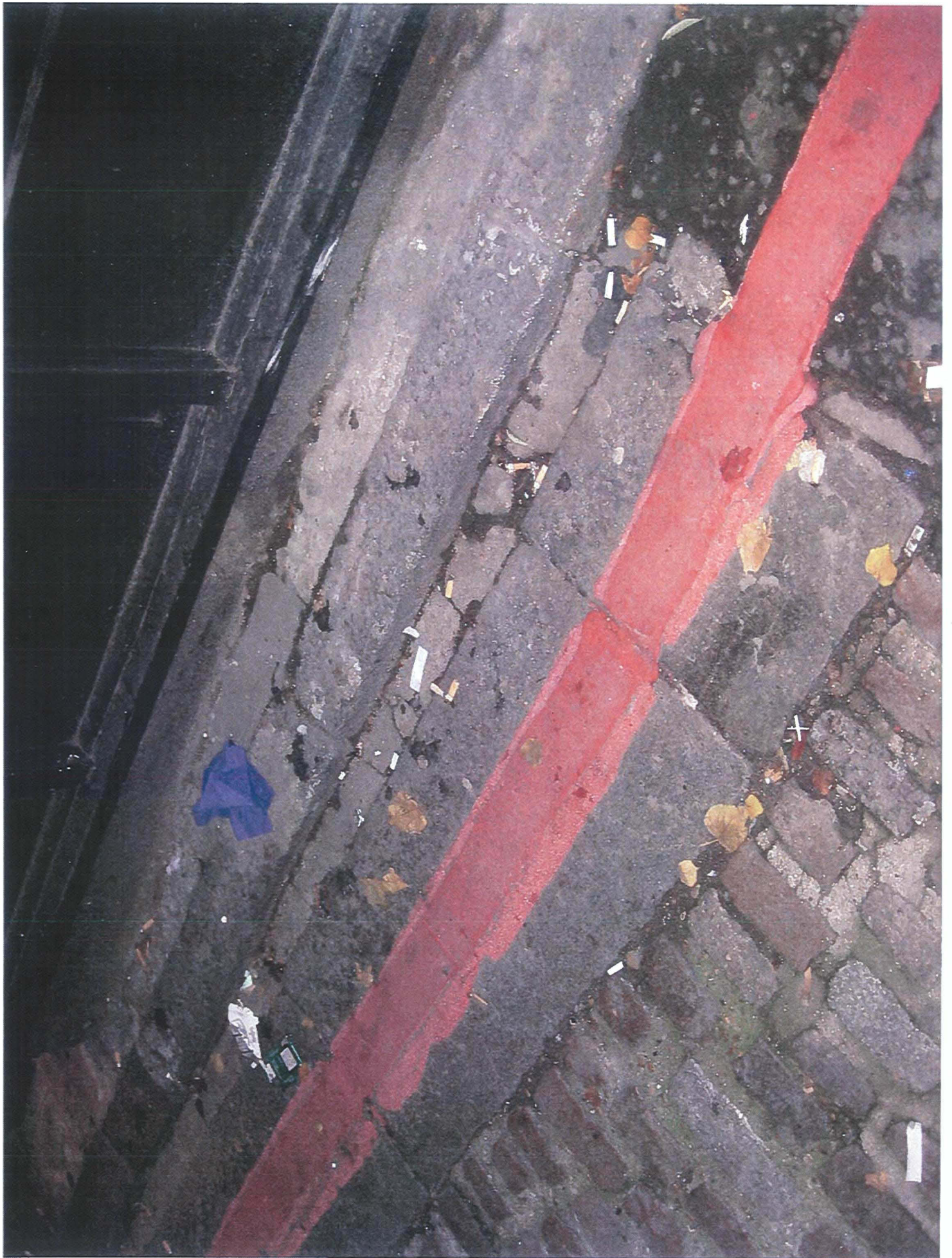
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Licensing Authority Representation

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.

I have attached CCTV evidence for consideration by the Licensing Committee in respect of 3 incidents occurring on:

3 Feb 2014 – CCTV footage from XOXO external cameras and the Ladybird Bar external camera

9 March 2014- CCTV footage from XOXO CCTV cameras and LBI street view camera

13 April 2014- CCTV footage from XOXO CCTV camera.

File name references and timings are on the attached schedule

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)

30 June 2014

Janice.gibbons@islington.gov.uk

XOXO 74 Upper St - Licence Review June 2014
Schedule of 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.avi

- 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 ExternalIslingtonCCTV-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.

3

Whitton, Daniel

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:

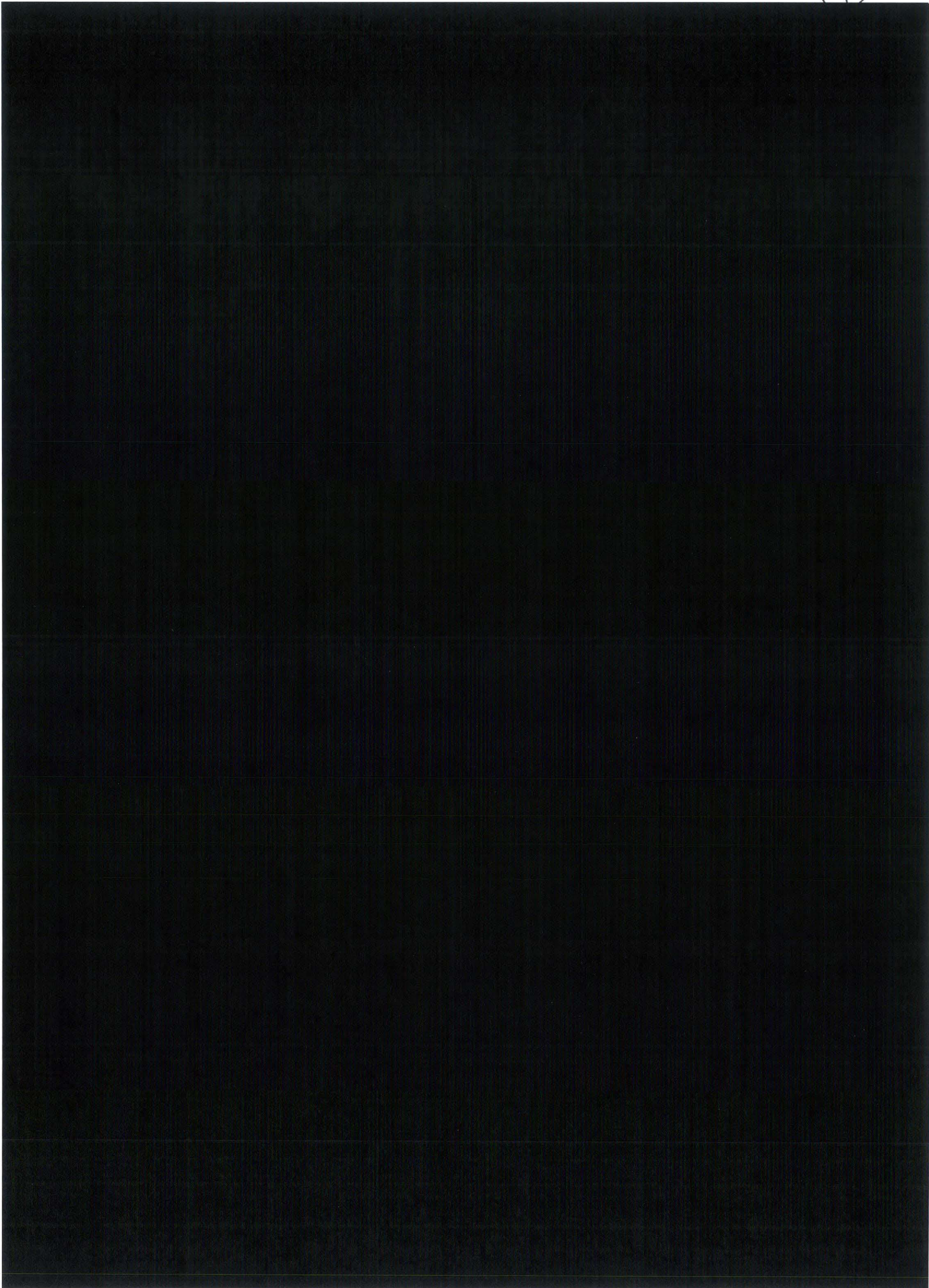


Happy

Hour

4-8 pm

POOL TABLE



5

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 [REDACTED] 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 [REDACTED] to XOXO since its opening.

I do not like walking home late at night past XOXO or up the lane of St Albans place [REDACTED] [REDACTED] 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] and already feel intimidated walking past bar door staff at XOXO as they often stare at me as I walk to my front door. I am a single woman living in this flatshare for many years, and I do not want my details passed to the management of this premises, they are already aware residents are unhappy.

I met the manager of XOXO at one point in person after a large brawl (from their clientele the night before) and found him particularly unapologetic and unhelpful. I met him to express my concerns and frustrations at not being able to get to sleep or stay asleep regularly at weekends, due to fights and noise level emanating from their customers and premises.

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

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Whitton, Daniel

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 close to the 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 t 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 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,

















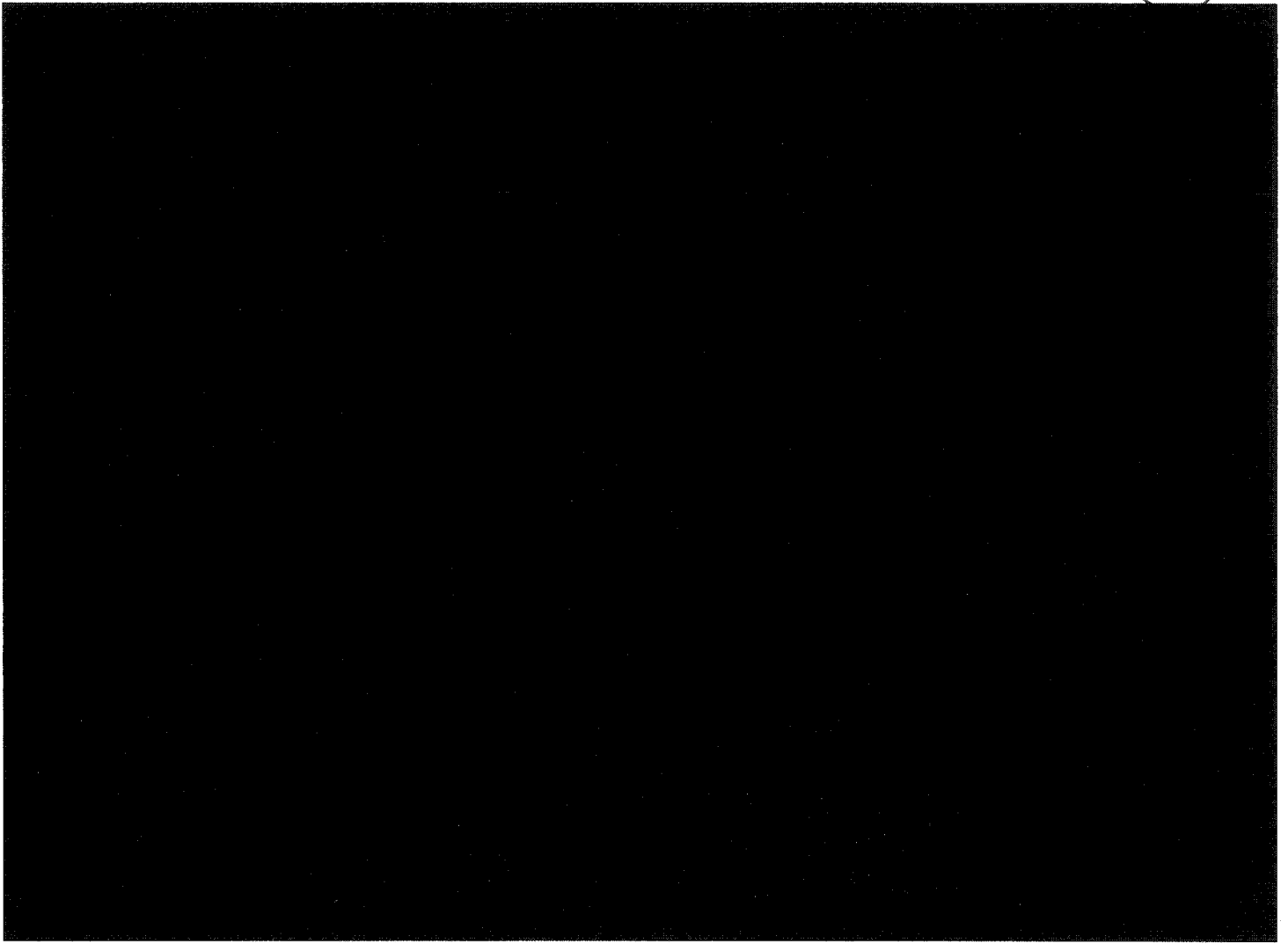








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6
1

Whitton, Daniel

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

[REDACTED]

Regards

[REDACTED]

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

Hi [REDACTED]

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.

8 11

Whitton, Daniel

From:
Sent: 01 July 2014 17:10
To: Whitton, Daniel
Subject: Re: Notice of Hearing - Premises Licence Review - XOXO, 74 Upper Street

Hi Dan,

Good to see you today

Following today's meeting and the chat I had with Chris and Paul it is their recommendation that I should inform you of the 2 incidents we had involving XOXO this Saturday 29th June 2014.

At about 1am we had 4 people from our bar standing outside smoking and they have not caused any incidents or behaved inappropriately at any time before, however at some point some guy passed by and threw for no reason at one of the girls a used tissue in her face, then suddenly coming back from XOXO other people joined the group and an argument started. It seemed very weird how the situation evolved almost like a scenario.

Once my security resolved the incident we decided to ban the group from reentering our premises as a precaution. And actually the ladies involved understood our position.

During the confrontation the XOXO door staff (4) didn't come to help disperse the situation instead they were filming my door staff and the argument. Obviously trying to file up some negative report about us.

When my security and XOXO door supervisors came to meet to discuss the incident at the request of my door staff, the attitude and body language of the XOXO staff was very intimidating towards my security. 2 of them came and they stood like they were dealing with a customer situation.

It is my strong belief that XOXO is now trying to blame us due to their hearing and review, and will try to pin on us any problem they have.

There is a second incident that night that was more serious in my view, on closing time XOXO sent a group of 10 people to our door, our security refused the entrance, the answer of the group to us and shouting in the direction of the XOXO security was, "yeah they are racist, XOXO warned us."

My security dealt with this situation with a lot of calm and professionalism, and in a minute the crowd dispersed but I am very worried about this irresponsible remark from XOXO door staff if true.

All the sudden I remember many incidents we had involving XOXO customers for which we refused entrance at 2 am. I was always wondering why they were so aggressive in their first approach to our door. It is now clear that Security from XOXO is spreading false rumours in order to incriminate us.

This is not acceptable, we have to all work together and because it is affecting my business in such a serious way I cannot let go of this attitude XOXO security has towards us.

At the beginning in our relationship when XOXO moved in we were very helpful to Santos in giving them advice and useful contacts, then in time for a reason unknown to me, the security of XOXO started spreading rumours about me.

As i mentioned to you on the previous incident where XOXO customers punched my door staff because they were refused entrance,(our phone conversation in April) it is an awful situation we are confronted to and each week end we are worried about XOXO customers coming to cause troubles at our door.

Please kindly inform me of the best step i should take, I don't want to let this situation escalate, it is my business who is at risk because of the proven weak management skills of Santos or instructions given to his door security.

Thank you for your time and your recommendations

There is a clear will from there part to incriminate us, wether it is a defence strategy in view of the hearing or simply a revengeful attitude, I don't know but I have to protect my business and my staff.

On 16 Jun 2014, at 15:25, "Whitton, Daniel" <Daniel.Whitton@islington.gov.uk> wrote:

Dear All

I am concerned that an email I sent last week in regards to a change in the hearing date for the XOXO review application may not have been received. I am therefore sending it again, apologies if you have already received this notification.

The Hearing will now take place from 18:30 on the 25th June 2014 at the Town Hall.

If you require any further information or assistance in regards to this 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: Whitton, Daniel

Sent: 06 June 2014 14:23

To: LicensingPolice

Subject: Notice of Hearing - Premises Licence Review - XOXO, 74 Upper Street

9

18 June 2014

To Members of Islington Council

I've lived at the above address for some time. During this I've observed how the bars at the end of my street have affected the area.

A few years ago there was a regular weekend problem of drugs being dealt in the street, cars vandalised and used condoms left in the street, plus the noise at the weekend would go on until late with music at a high level.

Two years ago with the change of name and therefore the bar, that's now called XOXO, there was a major change.

From the fact there was no double illegal parking, no more vandalism on parked cars. There was no vomit on the walls and street, and never was there no more late night noise. Plus the drug dealers moved on. Currently you would think there was a garden centre at the end of the street such is the almost invisible nature of the tenants.

I'm not a customer of XOXO, as I walk past there everyday, [but some thing] I do notice and this I think is significant, is the clientele smile a lot more and are more respectful of the area. You get the idea it's a place where they look forward to going out, so treat the place and area with respect. Also it's the only place I notice where people dress up to go there.

Before it had an Easyjet package holiday to Spain on a late night in Soho clientele.

Now it's a welcome part of my home area.

Please feel free to get in touch and you can sit in my front room and see for yourself that XOXO has improved St Albans Place.

Yours

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Further to my previous support letter dated 16th June 2014, I would like to reiterate my support for Mr Kohli and XOXO. Mr Kohli is a very approachable person and his presence on the street is a positive one. His venue seems to attract a nice crowd and even when it gets busy on weekends there are several security ensuring everything runs smoothly.

My business is adjoining Mr Kohli's premises and I have never had any issues. I believe he runs his business professionally and efficiently. Upper Street draws a lot of people for its restaurants and bars and I feel XOXO is a great place where people like to come.

Please feel free to contact me for any further information.

From: [REDACTED]

Date: 9 May 2014 12:20:32 BST

To: <Daniel.Whitton@islington.gov.uk>, [REDACTED]

Cc: <Teresa.Lane@islington.gov.uk>

Subject: RE: Premises Licence Review: XOXO

Also please use my email below in support of the police's application for the licence review.

I base my objection to the venue on the following categories:

- The Prevention of Crime & Disorder – fights and drug dealing in the St Albans Place, next to the venue
- Public Safety – fights, arguments and intoxicated patrons constantly spilling out onto the pavement and street
- The Prevention of Public Nuisance – uncontrolled patrons milling around the venue late at night, arguing, screaming, shouting, fighting

Door staff does absolutely nothing to control their patrons and prevent any of the above from happening.

[REDACTED]

COMPANY CONFIDENTIAL

From: [REDACTED]

Sent: 09 May 2014 12:11

To: 'Whitton, Daniel'; [REDACTED]

Cc: Lane, Terrie

Subject: RE: Premises Licence Review: XOXO

Hi Daniel,

Thanks for your email.

I no longer live at the premises, having moved out due to the constant noise, nuisance and criminality from the un-controlled patrons at XOXO (particularly fights and arguments late at night).

While I am very pleased the police have submitted the licence review I have to be frank and say I'm also extremely angry and frustrated the council refused to take our complaints seriously as residents living next door to the venue. We consistently notified you and the council of problems with XOXO, including the fights and arguments referenced in the police submission, so it surprises me that you feel our complaints were only based on the public nuisance category.

As I said, I no longer have to put up with this appalling establishment though I'm sure my ex-housemates will welcome the news that the licence is under review.

Regards,

Appendix 4 i.

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Peter CONISBEE PC 575 NI**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 189041**.....

This statement (consisting of: ...**6**... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **10th JUNE 2014**

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Peter CONISBEE and I am a Police Constable with the Metropolitan Police Service. I currently work as a Licensing Officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department. This statement is submitted to support the application by the Metropolitan Police Service made under Section 51 of the Licensing Act 2003. This is for the review of the premises license held for the premises at 74 UPPER STREET, LONDON, N1 0NY, and known as the XOXO bar.

The application for a review is on the basis of the Licensing Objective of, The Prevention of Crime and Disorder.

Supporting Data

The data in this report has been collated from various police indices. It has been taken from the CRIS system - the MPS computer database used to record all allegations of crime and the CAD system that records all calls to police. I have searched for the period 22nd March 2013 to 22nd March 2014. Should any new information be forthcoming I will produce it at the earliest opportunity. Details of incidents are taken from the victims/informants accounts, use of CCTV images and from witnessing police officers. All of the CCTV mentioned in this statement has been compiled into one document and is produced by me as exhibit PJC/1.

Signature: Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of Peter CONISBEE PC 575 NI.....

Summary of Incidents

Cris Reports:

Cris reference 2710931/13 Saturday at 01:55 hours

A fight started inside the bar which escalated and spilt to the outside at the rear of the premises. On arrival of police, two persons were seen fighting, as an officer started to pull them apart, a shower of bottles came down on the officers forcing them to withdraw for safety reasons. No allegations were made to police, once the crowd had calmed, the venue was cleared by police.

Cris references 2710999/13, 2711003/13 and 2711006/13 Sunday at 01:10 hours.

An altercation started inside the bar between two groups. In one incident a male is punched to the back of the head by an unknown male. In another incident a male is head-butted, both males receive injuries amounting to ABH. For the latter offence one male is arrested and charged with Common Assault. In the third incident a female received a cut to the face after being punched by another female, injuries consistent with that of GBH. The CCTV footage of the incident only showed the feet of customers, and was therefore of no evidential value to the final investigation. The three incidents are linked, started inside the bar and ended on the street outside.

Cris reference 2714800/13 Sunday at 02:05 hours.

Two men had left the venue and were stood outside talking to friends when they were subjected to a seemingly random attack by a male in the street. They had drunk so much in XOXO that they were unable to defend themselves - both ended with injuries amounting to GBH.

Cris reference 2719757/13 Saturday at 23:50 hours

An altercation took place between two groups of girls in the bar. The females were ejected from the premises at the rear, one of whom then criminally damages a vehicle belonging to staff, at the rear of the premises and is subsequently arrested by police.

Cris reference 2722565/13 Saturday at 02:08 hours

A fight had taken place outside the premises whereby one male sustained injuries amounting to ABH

Cris reference 2723996/13 Sunday at 00:30 hours

A female was stood in the smoking area to the front of the venue when a fight took place. She intervened trying to separate the persons, when she was assaulted from behind, receiving injuries amounting to ABH. She states in the

Signature: Signature witnessed by:

Continuation of Statement of **Peter CONISBEE PC 575 NI**.....

report that she did not inform staff at the venue, but a doorman was present when the incident happened. However during the police investigation, the designated premises supervisor stated that he knew nothing of the assault and could not find any CCTV evidence.

Cris reference 2727601/13 Saturday at 02:00 hours

A male victim had spent the evening drinking at XOXO, on exiting he had his phone knocked from his hand by another male who had just left the bar. On remonstrating with them a fight ensued. At the end of this altercation he was approached by a group of about 6 males who then started to assault him, leaving him with ABH injuries. The victim left the area, but later felt unwell and was near collapse when help came to hand. The report indicates that the victim was so intoxicated he struggled to assist police.

Cris reference 2704433/14 Friday at 23:20 hours

Victim notices that her phone has been taken, she sees in being held by someone in a nearby group and a friend calls it to make sure it is hers. The suspects refuse to hand the phone back. The only way forward for the investigation was to check and hopefully identify the suspects from CCTV. The DPS, Mr Santosh KOHLI informed the investigating officer that the CCTV was not working due to a new installation. As a result the case could not be progressed any further. A statement from PC OBIJI supports this.

Cris reference 2704982/14 Sunday at 02:15 hours

Door staff at a bar only a few metres away called 'The Ladybird' have refused entry to a number of men, two of whom proceed to assault the doorman leaving him with ABH type injuries. The suspects are then seen by the victim to make off up Upper Street towards Highbury Corner. The suspects are described as one black male, about 6'00" tall of stocky build, bald, wearing a grey t shirt and black jeans. The other male is described as a white male, 5'00" tall, fat, wearing a white jumper, black hat and jeans. CCTV was seized from The Ladybird and from XOXO. The suspects are seen leaving XOXO shortly after 0200 hours. On CCTV from The Ladybird, the suspects are seen involved in a scuffle with the doorman. The doorman from XOXO comes over and ushers the suspects away. They then walk off in the direction of XOXO. Continuing the CCTV from XOXO the suspects are seen now back at outside the club talking to the same doorman before leaving the area.

Cris reference 2706524/14 and 2705625/14 Sunday at 01:55 hours

A mass brawl erupts inside the venue which is caught on CCTV. During this fight a female is injured, she is grabbed by a male and pulled to the ground. She has suffered injuries amounting to ABH, and the investigation is ongoing.

The fight lasts for several minutes, having seen CCTV there appear to be two door staff who are easily

Signature: Signature witnessed by:

Continuation of Statement of **Peter CONISBEE PC 575 NI**.....

overpowered by the amount of fighting. The disturbance spills onto the street at about the same time as a number of police officers have arrived at the venue. Two women start to fight and are both arrested for affray, one of whom is later further arrested for assaulting a police officer. The former is cautioned while the latter has been charged and an outcome awaits. This is supported by statements from three of the attending officers, PC CHADWICK, PC JONES and PC FROELICH and from the licensing officer making the initial follow up, PC HOPPE.

I have not put in the dates of the offences as I believe that combined with the time of the incident it would be possible for the persons involved to be identified. The times of the incidents are more critical to the review as one of the recommendations in the review application is to reduce the hours the venue is open.

CAD Reports

A computer aided despatch (CAD) message is created every time a member of the public contacts police via either the 101 or 999 system. In some cases there will be no further information other than a CAD message, as the request or call may not necessitate any further work. In the majority of cases they do lead to further work, the majority being crime reports. You can however have several CAD messages for one incident, such as multiple informants. Police officers will also create CAD messages if they need to attend a venue which would necessitate any form of risk, or to pass messages/requests to other boroughs. It is almost impossible to successfully interrogate the CAD system with any degree of precision due to its use of 'incident qualifiers'. Operators will always use the most important qualifier to initiate any CAD, so as to pass the information on to officers in the fastest possible manner. Therefore if there is a firearms incident in a public house, a firearms marker will be used, then perhaps a disturbance marker and not necessarily a licensed premises marker (the officer will know they are going to a licensed premises as it would state such in the address field). For that very reason, to search a CAD system purely on the qualifiers used for licensed premises will not necessarily give an accurate indication as to how many times police have been called to a venue. Again, officers attending a venue to carry out a licensing check for example, may not necessarily initiate a CAD incident, depending on their level of the perceived risk.

I am a trained CAD supervisor and have been for over 20 years. I interrogated the CAD system and found 28 incidents relating to the venue during the time frame stated. After thorough examination of these reports, two can be discounted as totally unrelated to the bar. Therefore XOXO are responsible for 26 CAD reports during the time frame. A number of these reports are duplications of crime reports and disturbances at the venue already mentioned in this statement. The following CAD reports are incidents not yet included and resolved in the manner described.

Signature: Signature witnessed by:

Continuation of Statement of Peter CONISBEE PC 575 NI.....

Cad 6319 Friday at 16:41 hours - A call by a member of staff alleging they had been assaulted by the manager of XOXO. The matter was resolved by way of civil remedies by police.

Cad 337 Saturday at 00:34 hours - Security from XOXO called police requesting assistance after a male had been thrown out of the bar, and was causing a disturbance and being aggressive to staff. On police +arrival the male had left, no allegations were made by staff.

Cad 1292 Sunday at 02:36 hours - Call from public protection officer stating that a group of 10-15 people were causing a disturbance outside XOXO. The group refused to leave the area after leaving the premises and the door supervisor seemed unable to move them on. Eventually the group moved on at the request of the public protection officer. No offences alleged.

Cad 794 Sunday at 01:34 hours - This call came from the doorman at Cuba Libra, a bar near to XOXO. XOXO door staff had asked Cuba Libre staff to call police as they said that a group of youths cycling up and down the pavement and alleyway adjacent to XOXO were intimidating customers.

Cad 10913 Friday at 23:03 hours The XOXO DPS, Mr KOHLI called police stating that a group of youths on bicycles are cycling up and down outside the premises and refusing to leave. Mr KOHLI called again stating that they were trying to gain access to his premises. Police arrived and spoke to door staff who stated they were quite happy for the youths to be there. No further action by police.

Cad 796 Sunday at 01:33 hours A fight starts a few metres from the bar. CCTV evidence suggests that they are customers of XOXO. A number of people from the smoking area run over to the incident and get involved, including one of the doormen. The doorman and several people return to the club after the fight. A number of those involved in the fight are seen on CCTV still stood outside the bar when police arrive at the scene. The doorman that dealt with the fight informs police that there were no issues, no assaults and that all parties had left.

Exhibits

The CCTV referred to in this statement has been compiled into one document and is produced by me as exhibit PJC/1.

The THIRTEEN (13) CRIS reports referred to are produced by me as exhibit PJC/2

The SIX (6) CAD reports referred to are produced by me as exhibit PJC/3

The FIVE (5) statements referred to are produced by me as exhibit PJC/4

Conclusion

Mr KOHLI has been given ample opportunity to improve the situation at XOXO. No other venue on this borough, let alone the vicinity of Upper Street, has similar dispersal problems as XOXO. The crimes detailed in this statement and the review is not a dip sample. They are the only violent crimes that have taken place at this venue and all have occurred from around midnight to close at 0200 hours.

Worryingly the door staff at the venue lack any form of control or authority. There have been a number of incidents where doormen have either failed to intervene or have been powerless to act.

Signature: Signature witnessed by:

Continuation of Statement of **Peter CONISBEE PC 575 NI**.....

The trigger for this review is the incident on Sunday the 9th of March just before the venue closes. The incident allegedly starts over a minor altercation between two people and erupts into a mass brawl involving 15-20 patrons; there is no discrimination in the violence between male and females. At one point a female can be seen to be punched so hard she falls to the ground, she is then seemingly kicked as punches are exchanged over her body. From the footage on CCTV inside the venue, the door staff can be seen being pushed out of the way, or not acting at all as the fight continues for several minutes. On police arrival the disturbance continues in the same vein outside the venue. Aside from the CCTV footage, the first police officers on scene, PC Chadwick and PC Froelich both make damning indictments of the staff at XOXO and their inaction.

Mr KOHLI as the DPS could have addressed this situation with door staff at a much earlier date. Had he put in force a plan of controlled admission, there is every chance a number of these incidents would not have occurred.

We believe the removal of Mr KOHLI as the DPS, a reduction in hours to midnight and the removal of the current door security team would bring necessary changes to the venue to reduce the high level of violent crime reported.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Peter CONISBEE** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff**

This statement (consisting of: ... **1**.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **11th JUNE 2014**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named officer and am one of the three licensing officers attached to Islington Police.
This statement is further to my original dated 2nd APRIL 2014 in relation to the submission of a review at the premises of XOXO, 74 Upper Street, Islington, London, N1 0NY

Shortly after the 8th of MAY 2014 I was in receipt of a letter from Thomas and Thomas solicitors with regard to my submission of the aforementioned review application.

I was also made aware that the owner of XOXO a MR Santosh KOHLI had written personally to the Divisional Commander of Islington Police stating that he did not consider my submission of a review application at that time to be an appropriate way of behaving in partnership.

I have not responded personally to these letters given the consideration that they are effectively complaints against me, albeit unofficial. In that respect I have left the matters to be dealt with and responded to by my senior officers.

I produce the letter received by this office as exhibit PJC/5

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Martin JONES** URN:

01	NI	1573	14
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable 149NI**

This statement (consisting of: ... **4** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **9th March 2014**

Tick if witness evidence is visually recorded (supply witness details on rear)

Original notes started at 0550 hours. Made at Islington Police Station, with Pc 181NI FROELICH.

On Sunday 9th March 2014 I was on duty in full uniform and in the company of Pc 181NI FROELICH. We were crewed together on a marked Police Area Car. Our call sign was November One. At about 0159 hours we received information via our personal police radios that there was a report of a fight outside 74 UPPER STREET, N1. We started to make our way. While on route we were updated that there was about (50) Fifty persons fighting. We arrived at about 0202 hours. We were the first unit there. On pulling up and getting out the Area Car I could see that there was between Fifty and Seventy people outside XOXO Club. I could see that there was a member of the door staff there. He appeared to be getting people out of the club. There were a lot of people just standing around, but only a few walking past, as if there where not waiting about. The atmosphere felt heated and there were several people shouting at each other. I spoke with a member of the door staff. He stated that here had been two groups that had been in the XOXO. There had been a fight and it was then that they decided to close up and remove everyone out of the Club in one go. While standing in the door way I heard several people making comments about other people. Comments like "THEY WERE FUCKING OUT OF ORDER" "JUST WAIT TO I FUCKING SEE THEM". They appeared angry. Due to there actions and behaviour I feared that there was an imminent breach of the peace outside the venue. I reported this to the control room in the hope that other officer would arrive soon and we could clear the area and road outside. I felt if this was done quickly, and people would move one then there would be no further violence.

It was then that I moved away from the Club and out onto the high pavement. There were more people there now. They appeared that they were not leaving. It was then that I started to asked people to move on and start to head home. Within a few seconds and as I turned around I saw several females lashing out at each other. I was about 3 meters away. I could see several arms flying around, as well as heads moving up and down and side to side. I could hear them screaming and shouting at each other. It appeared to me that there was a group females fighting with each other. It was then that I took a few quick steps to them and took hold of the nearest person that

Signature: Signature witnessed by:

Continuation of Statement of **Martin JONES**

was fighting. I shouted "POLICE, STOP". The nearest person was a short female with blond hair. I took hold of her shoulders and tried to move her away. This force was under Common Law as I feared for the other persons there as there was now a Breach of the Peace. It was difficult as she kept on flinging her arms about in a violent manner. It did not work. I then took a firm grip and pulled her away. This was now the minimal force that I needed to stop her fighting. It was clear to me that I was going to arrest her on suspicion on Affray. This female has since provided details of _____, date of birth _____

I tried to take hold of her arm, and said to _____ "STOP FIGHTING". I wanted to hand cuff her to stop her being violent. But it was difficult. I am clearly bigger than her, but she was regaling all over the place. I managed to grab her arms a few times but she, kept pulling away. Whilst doing this I was kept shouting "STOP POLICE". She was now getting away. I then managed to pull her down to the ground. It was the best way of getting control of her and preventing her hurting anyone else and preventing her escaping. As she was on the ground, on her front, I was leaning over her. I was aware that Officers were to my right trying to stop the others from fighting. I was about hand cuff _____ when I felt an overwhelming push from my left. There were several people pushing me away from _____ kicked out and I felt one of her feet ruin down my right knee. This was painful. _____ was able to get up and run off along UPPER STREET and towards Highbury Corner. As she got up and started to run I could see that she was wearing a pair of White Shorts and a sort of Green Top. I had had my glasses knocked off as well as my hat. Within a few seconds I managed to get to my feet, with the help of a man. I could see that _____ was now running off. I ran after her. For a small person she was fairly quick. I chased her up until outside SCREEN on the GREEN. And with the help of a member of the public I was able to detain her. I immediately got my hand cuffs out. Due to _____ violent behaviour and her resisting my attempts to stop her, and arrest her, I put her in a back stack position. Pc GLEN 723NI assisted me. Whilst doing this I was giving her verbal commands to stay still and stop struggling. All _____ wanted to do was turn around and shot at me. She was abusive and smelt of intoxicants from her breath. As she was shouting she slurred her words. She was asking if I liked beating her up and she had done nothing wrong. She was slurring her words. It was then that I formed the opinion she was drunk. Once the cuffs were on I checked the cuffs. They were on in the back stack position. Due to _____ having small arms they were on, but only just. At 0207 hours I said to _____, "I'm arresting you for Affray and Assault Police". I attempted to explain the reasons of To prevent Injury to Others and me, for her to be interviewed on Tape and due to the situation to confirm her ID, but _____ just kept on shouting. She was refusing to listen. I did however tell her the caution over her shouting. I told _____ to walk forward. But she refused and resisted us. She was pulling her body down, and at the same time her hands and the cuffs. She was putting pressure on the cuffs herself by doing this. She was then putting her feet and legs out, as if to push us back and prevent us from walking her across the road. Due to the violence that had just happened and that there were clearly people that might do the same again, and help _____ run off, I decided to walk her across the road and keep her away from the groups.

Signature: Signature witnessed by:

Continuation of Statement of **Martin JONES**

Pc GLEN helped. [redacted] carried on resisting my verbal commands of "WALK FORWARD" all the way. While waiting for the Police Van and due to [redacted] behaviour I decided that to prevent her kicking out at me again I would keep her front of her body facing towards the fence of Islington Green. I told her why I was doing, but she kept trying to turn around. I just managed to check the cuffs and double lock them. Just before the Police Van arrived Pc CHADWICK joined me. Then a group of about 8 to 12 females walked over to us. All appeared to know of [redacted] some were calling to her. ADAMS told one of the Females to "CALL HIM. JUST CALL HIM". I did not ask what that meant. Some of the Females were getting closer. Due to what had happened and to prevent another attempt to get [redacted] away, I told several of them to "GET BACK" and "MOVE AWAY". Most did, but a few did not. The Van arrived and parked about 12 meters away from us. We started to walk [redacted] towards the Police Van. She again resisted my requests to walk, and again put her legs low and out to stop us. She was now shouting. The few Female were getting closer. So close as so that I could easily put my arm out and touch them if I had wanted to. Fearing that they were about to assault me and get [redacted] way, I managed to push out three times. Each time I shouted "GET BACK". I was able to use an open palm push on to three of them. This first created distance from them and us. Secondly this allowed us to get [redacted] to the van without any further unlawful assault. As we got to the Van [redacted] put her feet up on the Van frame and tried to push herself out of it. We were able to push her in. She then sat down on the floor and tried kick out. With the door and pushing her leg, we managed to close the door. From the time I saw [redacted] and the other persons fighting to when I ran after her, caught her and hand cuffed her was about 30 to 40 seconds. From that point until she was put in the Police Van was about 90 seconds. As I have mentioned from the information that I had from my personal radio and the information from the door staff, as well as the actions of people when I arrived I believed that there had been a Breach of the Peace and that there was still a further imminent Breach of the Peace. From when I saw [redacted] and the others fighting the force that I used was always the minimal I need to use to stop the Affray and to detain [redacted]. The force used is legislated under bother Section 3 Criminal Law Act 1967, to prevent Crime and to affect the arrest of suspected offenders. As well as Section 117 PACE 1984, regarding the Arrest and force used to hand cuff and detention of [redacted].

Once [redacted] was in the Van I was locked and secured. There were then reports of another fight in Upper Street. There were not enough Officers there at that time. I did not leave the Van, but stood at the closed a side door, watching on [redacted] hrough the window. Pc O'TOOL was at the rear of the Van. The group of Female was still there. Two of them asked me if they could speak to [redacted]. I explained that they could not. They asked me several questions on what she had been arrested for and where she was going. I told them it was not for me to tell them that as [redacted] might not want them to know. I heard one female tell another that "THAT FUCKING BITCH RIPPED MY HAIR OUT, JUST YOU FUCKING WAIT". I was not sure if she meant [redacted].

I asked her "Who did that? The Girl I have arrested". The replied was no it was not [redacted]. To which another Girl said "You have only got her (gesturing to the Van that [redacted] was in) because of her Family [redacted]".

Signature: Signature witnessed by:

Continuation of Statement of **Martin JONES**

name". I have never meet [redacted] before and at that point I did not even know her name. We waited for about three minutes, while Pc GLEN and Pc CHADWICK returned. I watched [redacted] through the window. She had managed to get her thin left wrists out of the cuffs, and was not using her mobile phone. [redacted] had not been searched at this point and there had been no available female officers there. Pc O'TOOL was about but due to the fighting and the females that know [redacted] being there, I feared that if we got [redacted] ut to search her it would inflame the situation. It was then that [redacted] was taken back to Islington Police Station. While on route [redacted] was able to pull of a reckless from around her neck. She had difficulty as her hair had got caught in a bit of it. She then hides it in her Bra. She used her phone again. I could not hear what she was saying but she was sobbing into the phone. We arrived at Islington Police Station at 0220 hours. On getting her out of the Van I took hold of her cuffed right hand. I told [redacted] to put her arms behind her. She did not and started to question me about why only she had been arrested. As she had hidden the necklace in her Bra, and she could have already had other items in there I moved her hand around and re hand cuffed them in the rear stack. [redacted] protested about this. On getting to the custody [redacted] was resistance as we walked in. there were already two people waiting to be booked in. So that she did not disturb them and she had been violent I did not want them getting hurt. [redacted] was placed face towards the wall. This would prevent and sudden movements towards anyone. I explained to [redacted] that she needed to calm down and do this over a few minutes. If she did she could sit down. [redacted] did calm down. And after about 4 to 5 minutes she sat down. Several time she questioned me about what had happened. I explained again and again that I was not going to speak about the matter to her. She repeated her self over and over, but I did not reply. At about 0230 hours I could hear [redacted] knocking the hand cuffs off the wall. At about 0236 hours [redacted] banged her head backwards, herself, onto the Perspex window. I told her to stop, to which she told me that she was mentally ill. I explained to her the reason why the cuffs were still on, and that she should not knock the cuffs off the wall as she will cause herself injuries to her wrists. I later relayed the facts to the custody officer and her detention was authorised.

I have a graze to my right knee from were [redacted] kicked me. This is about 3 to 4cm long and 1cm wide. She had no right to assault me.

Signature: Signature witnessed by:

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability **Several Dates, Please see MG10**

.....

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **149NI W/215022 Martin Jones** Station: **Islington**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Paul HOPPE PC 208NI URN: 01 NI 14

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 216416

This statement (consisting of: ... 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 17th March 2014.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the person named above, I am a police officer based at Islington Police Station, attached to the Licensing Team at 222 Upper Street London N1. In my role as Licensing officer, I am responsible for the prevention of crime and disorder relating to licensed premises in the Borough of Islington. This statement relates to crime and Anti-Social Behaviour (ASB) at a venue called XOXO 74 Upper Street N1 over the last year (May 2013 - March 2014).

XOXO is a small venue on Upper Street N1, opposite Islington Green and sits next to a small side street St Albans Place. The venue is on one floor and consists of a main entrance onto Upper Street N1 where customers enter and leave and a second fire exit at the rear of the premises. The venue holds only 200 people (licence condition) and has a comprehensive premises licence which allows for showing of movies, making music, dancing, late night refreshment and retail sale of alcohol. The premises is licensed from 1000 - 0230 hours Tuesday to Saturday and 1000 - 0030 hours Sunday to Wednesday. The DPS is Santosh KOHLI and the premises license is held by a company called Rathiba Ltd whose licensed offices are Mr KOHLI home address. The DPS has been to a Licensing Officer panel in November 2013 where thirteen (13) conditions were agreed. These have yet to be added to the premises licence by way of a variation which is to be applied for by Mr KOHLI, but he has not yet made any effort to do this.

On Saturday 8th March 2014 into the morning of Sunday 9th March 2014 police were called to a large disturbance at the venue. Officers estimate that there could have been as many as fifty (50) people involved in fighting in and around the club. CRIS 2705625/14 refers. I have watched Islington Council CCTV and police officers were severely outnumbered, there were around four (4) fights seen on CCTV but only two females were arrested for affray as officers did not have the numbers to deal with any more. The customers at the venue who were fighting were both male and female, many appeared very young and quite drunk. Having spoken to PC FROLICH, and watching CCTV, I believe the two door supervisors were not helpful and may even have

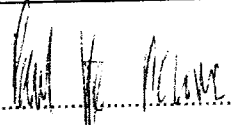
Signature: [Signature] Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

obstructed police. I am aware that at least two officers who were at the scene are writing statements about the incident. On Sunday 9th March 2014, the morning after the incident I sent the DPS a letter (exhibited as PEH/1) requesting his assistance; to provide Police with the internal CCTV and also a plan as to how he is going to prevent this type of incident happening again. I had heard nothing from the DPS by Thursday 13th March 2014 (he has police email and work mobile number), so I attended the venue to ask for the CCTV and plan explained above in person. There were two members of staff on duty at about 11.45 I think, when I visited the venue which was open for food and drinks. Neither was much help to me, but the male member of staff telephoned the DPS and I spoke to him. He said he had received my letter and I reminded him that I really needed to view his CCTV and see his action plan to prevent this type of incident happening again at the coming weekend. He told me that neither had been done, but he was on his way in to deal with this now. Unfortunately I couldn't wait as I had another appointment, but spent around 30 minutes in the venue speaking with staff and the DPS. Before I left, I also spoke to the head door supervisor who tried to tell me, in contradiction to what the DPS had said, that both the CCTV and action plan had been done. I wrote my details down in the managers handover book and asked the CCTV and action plan be sent to me before the weekend. This did not happen. On Saturday 15th March 2014, I asked the dedicated Ward Officer to visit the venue and again request the CCT and action plan. This she did, and had to leave a message as the DPS was not in work until 1700 hours. Finally, on Monday 17th March 2014, Mr KOHLI visited my offices at 222 Upper Street N1 and gave me a memory stick which he said contained inside images of the fighting on the morning of Sunday 9th March 2014. I have yet to view these images at the time of writing this statement. However, there was no action plan. I pointed at that Mr KOHLI has my email address and telephone number and I expected to have this plan. He promised me it was written and that I would have it that afternoon. Instead, at 1615 hours, I received an email from Thomas and Thomas Partners LLP requesting a meeting. This is not acceptable.

When I state 'Action Plan' I expected a brief explanation as to what happened on the 9th March 2014, how it happened and then some brief explanation as to how Mr KOHLI is going to prevent this type of incident happening again; possibly through changing his door supervisors, increasing his security, employing a 'Challenge 25' policy, banning trouble makers and the other conditions he should have applied to have added to his premises licence in November 2013 (I exhibit this list of agreed conditions from Officer Panel in November 2013 at PEH/2). This premises is NOT big, it is one of the smallest on Upper Street N1, yet seems to have a lot of problems. I have interrogated the Crime Reporting System and since May 2013, there have been three (3) ABH's, one (1) GBH, three (3) thefts and the incident on 9th March 2014. I am also aware that there have been numerous complaints about noise, urinating in the street and drug taking in St ALBANS PLACE next to the venue from neighbours. I am also aware that my Council colleague, Anne Brothers has visited the venue a number of times regarding noise nuisance.

I have considered the options and I would recommend that Mr KOHLI is called for a licence review as he seems

Signature:  Signature witnessed by:

Continuation of Statement of **Paul HOPPE PC 208NI**.....

to have ignored the Officer Panel agreement he made. I feel that the following areas could be considered:
Changing Door Supervisors. Increasing the number of Door Supervisors. Adding a 'Challenge 25' Policy.
Reducing the hours to 1000 - 2300 hours. These conditions would assist in reducing the amount of crime and
ASB in the Upper Street area around the venue. *Paul H. PC 208NI*

Signature: *Paul H. PC 208NI*..... Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.

b) What can be done to ensure attendance?

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit MG2 with file.

d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **208NI 216416 Paul HOPPE** Station: **Islington**

Time and place statement taken:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Paul Froelich** URN:

01	NI		13
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 216384**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Paul Froelich Date: 20/3/2014

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 9th March 2014, at around 0200 hours I was on duty in uniform on patrol in the borough of Islington, when I received a call via my personal radio for units to attend the XOXO bar on Upper Street, N1, CAD 949/09MAR14 refers, the scene of 50 people fighting. I was the first unit on scene and as I pulled up I saw a scuffle in the doorway of the venue occurring between door staff and what appeared to be some revellers.

I approached the door and tried to separate them, there were also a lot of people outside on the street and it was unclear as to whether they were involved or not. It was clear at this point that door staff were trying to keep one group outside whilst trying to control another group inside the bar. As more units arrived on scene the group outside started to disperse somewhat, however the door staff had made the decision to close the bar and therefore put the remaining patrons outside, at no point did the management approach or speak with myself or as far as I know any other officer on scene. It appeared that all decisions were being made by door staff

There was a definite air of tension as the patrons started to split into two separate groups. None of the patrons approached police to make any allegations of any description. I was inside the bar for a few minutes but it was clear from the devastation inside that a fight had taken place and it must have involved several people. I went back outside and could see a number of people hanging around, within this number there were several smaller groups of opposing factions with arguments flaring up here and there.

One group in particular were in front of me, it was a mixture of males and females, when suddenly a physical fight broke out between two females. Myself and another colleague attempted to split them up, I took control of one female and whilst I was trying to deal with the incident we were approached by a member of the door staff who tried to usher her and another male away. I had hold of the females arm and was saying to them that they needed to wait

Signature: Paul Froelich Signature witnessed by:

Continuation of Statement of **Paul Froelich**.....

where they were. A colleague could see I was struggling to keep hold of the female and assisted me in bringing her back to the pavement as by now we were on the road.

I lost sight of the colleague who had originally split the fight up with me, it transpired that whilst he was detaining his female members of the crowd or door staff had intervened and pulled him away from her enabling her to escape. She was however detained after a brief foot chase.

It was clear that the situation was becoming worse, between the two groups and with the sheer volume of people, involved or not, a mass public order situation would occur if the crowd was not dispersed. I arrested the female I had control of for affray and whilst I was doing so members of her group as well as door staff tried to intervene, again a scuffle broke out and the female had to be moved away so as not to incite the crowd any further. I later found out from colleagues that the whole incident lasted for a further 30 minutes, as they were trying to disperse the crowds.

I have been a police officer for over 10 years, I was public order trained and have participated in many public order operations for the MPS. The events of the evening in question were definitely bordering on a massive public order situation, which were not helped by the sheer volume of people leaving the venue and the people outside. There was a definite air of tension about the place, with several flashpoints of trouble flaring up. It appeared to me that the door staff were never completely in control of the situation until police arrived nor were they much assistance outside also the management made no attempt to speak with officers or any of the patrons.

Paul Froelich

Signature: *Paul Froelich*.....

Signature witnessed by:

V10

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Chima OBIJI** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable**


This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  PC 63621 Date: 21/03/2014

Tick if witness evidence is visually recorded (supply witness details on rear)

On **Wednesday 12th March 2014** I was on duty in plain clothes as part of the Angel Police Team. I had been tasked to investigate an incident of theft at the **XOXO Club, 74 Upper Street London, N1 0NY** (cris 2704433/14 refers). I was required to establish if the location had CCTV which would possibly enable me to identify any outstanding suspects that may have been involved in the incident. In regards to the incident the only line of the enquiry I was able to pursue was the CCTV footage of the offence, as no witnesses had come forward. Therefore at approximately 1500 hours I attended the location to view and collect CCTV where I came across an IC4 male who identified himself as the manager a male I now know to be Santosh KOHLI. I asked KOHLI if I could view the CCTV on Friday 21st March 2014 between 2300-2359 hours. In regards to the CCTV request KOHLI stated that there was a problem with the CCTV (due to new instillation) and that only **CAMERA 13** was working. KOHLI stated that records are kept for 4 weeks (28 days), meaning that I was well in the time limit for CCTV collection regarding this investigation. I have informed KOHLI this was totally unacceptable and that I would be updating the licensing team regarding this matter.

 PC 63621

Signature:  PC 63621 Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

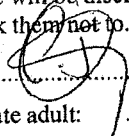
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
d) I consent to police having access to my medical record(s) in relation to this matter: <small>(obtained in accordance with local practice)</small>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them <u>not</u> to. Tick this box to <u>decline</u> their services:						<input type="checkbox"/>

Signature of witness:  PC 636NI Print name: CHIMA OBIJI

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): PC 636NI p229996 Chima OBIJI Station: Islington

Time and place statement taken:

Vii

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Ben Chadwick 292NI** URN:

01	NI		14
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 223078**

This statement (consisting of: **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  **292NI** Date: **26/03/14**

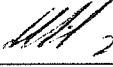
Tick if witness evidence is visually recorded (supply witness details on rear)

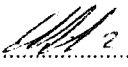
On Sunday 9th March 2014 I was on duty in full uniform with PC Glen 723NI and attended an incident outside XOXO on Upper Street N1. This statement is further to one I made at the time in relation to an arrest that was made near to the venue. Since then I have also viewed some of the footage from outside of the venue.

I attended at around 0200hrs and the initial call was that there was a large fight involving 50 people. On arrival there were around 50 people both on the pavement and in the road area. The mood of the crowd was very heated and large portions of the crowd were arguing between themselves and small pockets of disturbance were occurring. I would also say the level of intoxication of the majority of the crowd were above what I would reasonably expect from an incident like this and suggest this may have been a cause of the situation.

I initially went to the front of XOXO where other officers were speaking to who I believed to be staff. The club appeared to be emptying and I recall only seeing one member of staff that was clearly visible as doorstaff and he was wearing a long grey coat and had his SIA licence showing. I was one of a number of officers that was assisting in moving people away from the area. During this time a fight occurred on the roadway. This was responded to by a number of officers and as I went to assist, the crowd nearby were trying to close in on what was occurring. I put myself between the crowd and officers dealing with the individuals. As they were trying to come closer I pushed one male and shouted at a number of others. I have since viewed the CCTV of this incident and been made aware that the male I pushed was in fact a member of the door staff at XOXO. This male from what I recall did not have his SIA licence clearly visible and did not identify himself to me as being door staff at the venue. He took no active part in assisting police whilst I shouted at other members of the crowd to stay away.

There were a number of such incidents outside of the club over a period of around 5-10minutes. I continually spoke to people outside trying to mover them on and disperse the crowd. During this time I did not come across the doorstaff I had already seen or any other members of staff from XOXO and in my opinion they took no active part in trying to quell the problems outside that had clearly come from their venue leaving the police to deal with it.

 **292NI**

Signature:  **292NI** Signature witnessed by:

Witness contact details

Home address: **c/o Islington Police Station** Postcode: **N1 0YY**
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PC 292NI 223078 Ben Chadwick** Station: **NI**

Time and place statement taken:

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.avi

- 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.

Appendix 7

Thomas & Thomas
Partners LLP

Your ref:
Our ref: AT/JS/RAT.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

FAO Dan Whitton
Licensing Team
Public Protection Division
Environment and Regeneration
Islington Council
3rd Floor, 222 Upper Street
London N1 1XR

By post and email: dan.whitton@islington.gov.uk

24 July 2014

Dear Sirs

**Licensing Act 2003 - Application to Review a Premises Licence
XOXO, 74 Upper Street, N1 0NY**

We act for the Respondent in respect of the review application and enclose copies of the following:

1. Our letters dated 7 May 2014, 18 June 2014 (first and second) and 18 July 2014 (first and second).
2. Proposed conditions.
3. Reports of Adrian Studd dated 18 June and 22 June 2014
4. Dispersal policy.
5. Transport information.
6. Correspondence with the police dated 18 June and 25 June et seq (enclosed with second letter of 18 July 2014).

Without prejudice to our client's contentions that the review is invalid and the evidence submitted after the applications were served upon our client are inadmissible, our client makes a representation against the review, on the basis that, inter alia, that:

1. The representation fails to recognise the steps taken by the applicant by way of its minor variation application.

2. There is no evidence of a "disproportionate" level of crime and disorder at or in the vicinity of the premises.
3. The application is premature and disproportionate.
4. The application fails to take into consideration the agreed steps by the applicant, including the removal of the designated premises supervisor and the replacement of the door company.
5. Such other reasons as to be adduced at or before the hearing by the respondent.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

Encl.

Thomas & Thomas

Partners LLP

Your ref:
Our ref: AT

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Police Licensing Team
2 Tolpuddle Street
London
N1 0YY

By post and email: licensingpolice@islington.gov.uk

07 May 2014

Dear Sirs

XOXO, 74 Upper Street, N1

We act for the premises licence holder Rathiba Ltd and also the designated premises supervisor, Mr Kohli. We have been instructed in relation to your review of our client's premises licence.

You will not be surprised to hear that our client is extremely concerned and disappointed about your application. To recap:

1. On 18 March 2014, our client, through this office, submitted an application for a minor variation so as to reflect your concerns. The application included all the conditions you had asked for the exception of:
 - a) a smoking capacity of 12 rather than 8
 - b) the monitoring of St Alban's Place
2. Following the submission of the application, there were further discussions regarding conditions (a) and (b), initially over e mail and then at a meeting with you on the 26th March. Immediately after that meeting, we submitted amendments to the application to the exact wording of your requirements with an additional further condition in relation to CCTV as requested by you. The monitoring of St Alban's Place was agreed on a voluntary and trial basis, without this being included as a licence condition.
3. Our client was requested to formally re-submit the application which he did. There were no representations and the additional conditions were added to the licence with my client complying with the additional conditions with immediate effect.
4. Since the minor variation was submitted and subsequently amended, the only reported incident was one which was unrelated to our client's premises and required no police action.

Bearing in mind the chronology and our client's compliance with your exact requirements, our client does not understand the timing of your application and particularly, your request to both decrease the hours and remove him as designated premises supervisor.

Yours faithfully

Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

Your ref:
Our ref: AT/JS/RAT.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

FAO Dan Whitton
Licensing Team
Public Protection Division
Environment and Regeneration
Islington Council
3rd Floor, 222 Upper Street
London N1 1XR

By post and email: dan.whitton@islington.gov.uk

18 June 2014

Dear Sirs

**Licensing Act 2003 - Application to Review a Premises Licence
XOXO, 74 Upper Street, N1 0NY**

We refer to the application to review our client's Premises Licence (the "Review") and our email correspondence with you on 9 and 10 June 2014.

The publication of the application on the Council's website

Regulation 38(1)(b) of the Licensing Act 2003 (Premises Licences) Regulations 2005 (the "Regulations") requires the licensing authority to publish a notice of the Review on its website.

The existence of the Review is cited on the Council's online licensing register. However, details of the Review required by Regulation 39 are not shown on this section of the website nor anywhere else on the licensing register. Indeed, no fewer than three members of this firm searched for the notice and the application and could not find it.

Inter alia, the register does not show the grounds for review; the postal address of where the application is kept or a statement that it is an offence to make a false statement in respect of the application.

In your email dated 10 June 2014 you directed us to a link where the Review notice could be found. This, our client contends, is not publication for the purpose of the Regulations as it was not readily apparent as to where to find it. Our client is accordingly concerned that the Review notice was not 'published'. All other applications pertaining to Premises Licences are published on the register. There follows a legitimate expectation that review notices would also be displayed on this section of the Council's website.

Our client is concerned about a failure to comply with the Regulations and the validity of the Review as a result. The difficulty in locating the Review notice presents an unfair prejudice against our client. Any

person wishing to support our client in the Review may not have had a proper opportunity to view the grounds for Review nor have sufficient details to make a representation.

Was the application signed?

We note that the Review was not signed by the Police. **Section 54 of the Act and Regulation 16** require review applications to be in the prescribed form. The prescribed form includes a section for the applicant's signature and should therefore be signed, particularly bearing in mind the material contained therein.

Service of the application

We would also be grateful if you could please also confirm that copies of the Review and accompanying information were served upon all responsible authorities in accordance with Regulation 27A and on the same day the application was given to the Licensing Authority.

Please also confirm if served in electronic form, whether the application was served on all responsible authorities and the Licensing Authority in written form and if so, on which date?

Submission of Evidence

We are unable to play the DVD sent to us after the end of the consultation period. In any event, presuming the Police wish to rely upon this as evidence, Regulation 27A requires that such further document or other information must be served on the same day as notice of application is given to the Licensing Authority.

Finally, can you confirm if there have been any incidents since the review was instigated?

Clarification of the above would be appreciated.

Yours faithfully

Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

Thomas & Thomas

Partners LLP

Your ref:
Our ref: AT/JS/RAT.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

FAO Dan Whitton
Licensing Team
Public Protection Division
Environment and Regeneration
Islington Council
3rd Floor, 222 Upper Street
London
N1 1XR

By post and email: dan.whitton@islington.gov.uk

18 July 2014

Dear Sirs

**Licensing Act 2003 - Application to Review a Premises Licence
XOXO, 74 Upper Street, N1 ONY**

We write further to our letter dated 18 June 2014.

Please find enclosed copies of:

1. Our letter dated 18 June 2014.
2. Review dated 25 June 2014 and e mail of same date.
3. Review dated 26 June 2014.
4. Notice advertising review taken from the Council's website on 26 June 2014.
5. Current notice advertising review taken from the Council's website.
6. Online entry pertaining to the review taken from the Council's online licensing register.

Following our letter of 18 June 2014, we received an email from you on 25 June 2014 confirming the first review dated 29 April 2014 (the "First Review") had been rejected. As you know, the First Review was due to be heard that evening. To date we have still not received a substantive response to our letter. Our client requires a full response to this letter, in particular with reasons for the rejection of the First Review.

Just a few hours after your email dated 25 June 2014, a second application for review was served by Niall Forde on Alun Thomas of this firm by email (the "Second Review"). The Second Review was dated 25 June 2014. A day later, on 26 June 2014, a third application for review was served on our client directly (the "Third Review"). The Third Review is dated 26 June 2014.

Please advise and disclose:

1. Any emails or other correspondence between the Council and the Police between 18 June 2014 and 26 June 2014.
2. Which review, if any (or both), was served on the responsible authorities, on what date, how and where they were served.
3. The notice advertising the review on your website corresponds with the Third Review, the last date for representations being 24 July 2014. Conversely, the review entry on your online licensing register corresponds with the Second Review, the last date for representations stated as 23 July 2014.
4. The notice taken from your website on 26 June 2014 states that the applicant for the review is Islington Council's Noise Team. This is incorrect. This notice also states the last date for representations is 23 July 2014.
5. Regulation 38 of the Licensing Act 2003 (Premises Licence) Regulations 2005 requires a notice to be displayed at, on or near the premises. No less than three notices were displayed near the premises. Our client is concerned that the number of notices displayed is disproportionate and not in accordance with the Regulations.
6. Regulation 38 also requires a notice to be displayed at the licensing authority's office in a central and conspicuous place throughout the 28 day consultation period. Please provide evidence of where and when it was displayed.
7. The Second Review served by email on 25 June 2014 is incomplete.
6. The page requiring details of previous reviews in the Third Review application form is left blank. By including that page in the statutory form, it is clear that the Government's intention is that this information is materially relevant. The Police failed to disclose the previous and very recent two reviews in this section.
7. Neither the Second Review nor Third Review had any additional evidence or supporting information appended to it. We reiterate the contents of our letter dated 18 June 2014, in particular the requirements set out in Regulation 27a and 29 **that evidence and supporting information must be served with the review on the date that it is made**. On 9 July 2014, you served a significant amount of evidence on us. This evidence was clearly available to the Metropolitan Police at the time of making the reviews. For the avoidance of doubt, our client does not accept service or the admissibility of this additional material and evidence.
8. In addition to the evidence referred to under paragraph 7 above, we have also recently received a DVD containing various CCTV footage. We refer to paragraph 7 above.
9. The premises licence number is incorrect across all three reviews. Each review refers to premises number **LN/3715-051213**. This is an outdated reference number. It refers to the licence before our client's minor variation application submitted in April was granted. That minor variation application imposed conditions on the Premises Licence requested by the Police. The effect is:

- a. The reviews relate to an out-of-date licence. In effect, the *current licence* is not being reviewed;
- b. Any persons seeking to make representations in respect of the reviews have been incorrectly referred to the wrong licence. The out-of-date licence referred to in the application does not contain the conditions that were added by the minor variation and are clearly relevant to whether a person would make a representation.

We look forward to hearing from you.

Yours faithfully



Thomas & Thomas Partners LLP
tel: 020 7042 0412
email: athomas@tandtp.com

Encl.

Your ref:
Our ref: AT/JS/RAT.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

FAO Dan Whitton
Licensing Team
Public Protection Division
Environment and Regeneration
Islington Council
3rd Floor, 222 Upper Street
London N1 1XR

COPY

By post and email: dan.whitton@islington.gov.uk

18 June 2014

Dear Sirs

**Licensing Act 2003 - Application to Review a Premises Licence
XOXO, 74 Upper Street, N1 0NY**

We refer to the application to review our client's Premises Licence (the "Review") and our email correspondence with you on 9 and 10 June 2014.

The publication of the application on the Council's website

Regulation 38(1)(b) of the Licensing Act 2003 (Premises Licences) Regulations 2005 (the "Regulations") requires the licensing authority to publish a notice of the Review on its website.

The existence of the Review is cited on the Council's online licensing register. However, details of the Review required by Regulation 39 are not shown on this section of the website nor anywhere else on the licensing register. Indeed, no fewer than three members of this firm searched for the notice and the application and could not find it.

Inter alia, the register does not show the grounds for review; the postal address of where the application is kept or a statement that it is an offence to make a false statement in respect of the application.

In your email dated 10 June 2014 you directed us to a link where the Review notice could be found. This, our client contends, is not publication for the purpose of the Regulations as it was not readily apparent as to where to find it. Our client is accordingly concerned that the Review notice was not 'published'. All other applications pertaining to Premises Licences are published on the register. There follows a legitimate expectation that review notices would also be displayed on this section of the Council's website.

Our client is concerned about a failure to comply with the Regulations and the validity of the Review as a result. The difficulty in locating the Review notice presents an unfair prejudice against our client. Any

COPY

person wishing to support our client in the Review may not have had a proper opportunity to view the grounds for Review nor have sufficient details to make a representation.

Was the application signed?

We note that the Review was not signed by the Police. **Section 54 of the Act and Regulation 16** require review applications to be in the prescribed form. The prescribed form includes a section for the applicant's signature and should therefore be signed, particularly bearing in mind the material contained therein.

Service of the application

We would also be grateful if you could please also confirm that copies of the Review and accompanying information were served upon all responsible authorities in accordance with Regulation 27A and on the same day the application was given to the Licensing Authority.

Please also confirm if served in electronic form, whether the application was served on all responsible authorities and the Licensing Authority in written form and if so, on which date?

Submission of Evidence

We are unable to play the DVD sent to us after the end of the consultation period. In any event, presuming the Police wish to rely upon this as evidence, Regulation 27A requires that such further document or other information must be served on the same day as notice of application is given to the Licensing Authority.

Finally, can you confirm if there have been any incidents since the review was instigated?

Clarification of the above would be appreciated.

Yours faithfully

Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

Alun Thomas

From: Forde, Niall <Niall.Forde@islington.gov.uk>
Sent: 25 June 2014 15:08
To: Alun Thomas
Cc: Conisbee, Peter
Subject: RE: Xoxo
Attachments: XOXO Review Application 25062014.pdf

Dear Mr Thomas,

Please find attached a Licensing Act 2003 review application submitted today in respect of XOXO, 74 Upper Street, N1.

A signed copy will be hand delivered to the premises this afternoon when officers do the site notices.

As advised the matter will be scheduled to be heard by the Licensing Sub-Committee on the 12 August 2014.

Regards

Niall Forde
Licensing Officer
Licensing Team
Environment and Regeneration
Islington Council
222 Upper Street
N1 1XR
0207 527 3227
Alternative contact: Terrie Lane 0207 527 3233

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed. The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 25 June 2014 11:19
To: Forde, Niall
Subject: Re: Xoxo

Noted with thanks

Alun

On 25 Jun 2014, at 11:03, "Forde, Niall" <Niall.Forde@islington.gov.uk> wrote:

Dear Mr Thomas,

I apologise for the late notice, but we have taken legal advice in relation to the contents of your letter dated the 18 June 2014.

The Council have decided to reject the application on a technicality, the hearing this evening is therefore cancelled.

I believe the Police do intend to re-submit the application today, should we receive a valid application today, the application is likely to be listed for a hearing on the 12 August 2014.

Regards

Niall Forde
Licensing Officer
Licensing Team
Environment and Regeneration
Islington Council
222 Upper Street
N1 1XR
0207 527 3227
Alternative contact: Terrie Lane 0207 527 3233

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

The information in this message is confidential and may be legally privileged. It is intended solely for the addressee.

Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 18 June 2014 17:19
To: Whitton, Daniel
Cc: Michelle Sullivan
Subject: Xoxo

Dear Dan

Please see attached.

Hard copies in the post.

Please circulate.

Many thanks and kind regards.

Alun Thomas
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

D: 020 7042 0412
M: 07956 805464
T: 020 7042 0410
F: 020 7379 6618

E: athomas@tandtp.com

W: www.tandtp.com

<image001.png>

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ISLINGTON

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I 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
--

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

I am 18 years old or over

Please tick ✓ yes

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 licensee's 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

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

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.

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 its 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 a received a statement from PC OBIJI in relation to this.

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.

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.

9th March 2014 @ 0155 hours - Crime references 2706524/14 - 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.

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, but no action plan. Mr KOHLI stated the action plan had been written but he didn't have it with him. PC HOPPE informed MR KOHLI that he had his telephone and email address and expected to have the plan later that afternoon. PC HOPPE did not receive the action plan, instead he received an email from Thomas and Thomas solicitors requesting a meeting.

Statement received from PC292NI CHADWICK in relation to incident on 9th March 2014. The statement was written after the officer had viewed the CCTV, and is a further statement to one

activities to 10.00 to 00.00 Monday to Saturday and 12.00 to 22.30 on a Sunday.

The following only if XOXO do not follow through with their proposal regarding the door team and the current DPS

- The Removal of the door team
- The replacement of Mr KOHLI as the DPS

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

David Sp...

Date

25 / June / 2014

Capacity

force licencing officer Pe 57521

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I 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
--

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Peter CONISBEE PC 575NI Police Licensing Officer Islington Council Public Protection Division 222 Upper Street London N1 1XR
Telephone number (if any) 0207 527 2323
E-mail address (optional) licensingpolice@islington.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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 licensee's 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

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Please provide as much information as possible to support the application (please read guidance note 2)

In the last twelve months, 22/3/13 to 22/3/14 there have been reported, associated with the venue, two GBH's , five ABH's, one Common Assault and one Assault of a Police Officer. There has also been one criminal damage to a vehicle.

These incidents are detailed in the following reports

18th May 2013 @ 0155hours - Crime reference 2710931/13 - A fight started inside the premises, escalated and spilt outside to the rear. On arrival of police bottles were thrown necessitating the police to withdraw. Once the incident had calmed the venue was cleared by police.

19th May 2013 @ 0110 hours - Crime reference 2710999/13 - 2711003/13 - 2711006/13 - An argument starts inside the venue between two parties, a male was punched to the head. The same incident spills onto the street whereby a female suffered injuries consistent with GBH. A male involved in the disturbances head butts another and is found in possession of a class A drug.

20th May 2013 – Detective Chief Inspector WALLACE and Licensing Officer PC425NI Steve HARRINGTON spoke to Mr KOHLI at the venue in relation to the cumulative impact area, and crimes over the previous six months. He was advised over staff training, and the Challenge 25 scheme.

7th July 2013 @ 0205 hours - Crime reference 2714800/13 - After drinking in the venue, three people suffer injuries after being assaulted outside of the venue - injuries consistent with GBH. Victim state that due to their alcohol intake, they were in no fit state to defend themselves. One of the victims (who received a chipped tooth in the attack) did not wish to substantiate the allegation. Albeit this incident happened outside the venue, it is quite possible that had they not been able to drink so much they could have, a) defended themselves b) not been a target c) been able to stop the assailant.

7th September 2013 @ 2350 hours - Crime reference 2719757/13 - Another fight in the venue, after which the main perpetrator is ejected, and in a fit of anger then damages property at the rear of the venue (car)

12th October 2013 @ 0208 hours - Crime reference 2722565/13 - Two groups who have spent the evening inside the premises exit and a fight ensues directly outside the front of the venue - one of the victims suffers ABH injuries.

24th October 2013 – Invite to Rathiba Ltd to attend a licensing panel on the 6th of November 2013

27th October 2013 @ 0030 hours - Crime reference 2723996/13 - A fight ensues in the smoking area, victim suffers injuries consistent with that of ABH.

2nd November 2013 - CAD 337 - Staff have called police stating an ejected person has become aggressive. On arrival of police the suspect has calmed and walked away.

6th November 2013 – Mr KOHLI attends licensing panel with PC425NI HARRINGTON and council licensing officers. During which recent events are discussed and Mr KOHLI agrees to submit a minor variation to add conditions on his licence to specifically deal with the issues raised.

9th November 2013 - Full police licensing visit conducted under Operation Nightsafe.

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

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.

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 its 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 a received a statement from PC OBIJI in relation to this.

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.

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.

9th March 2014 @ 0155 hours - Crime references 2706524/14 - 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.

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, but no action plan. Mr KOHLI stated the action plan had been written but he didn't have it with him. PC HOPPE informed MR KOHLI that he had his telephone and email address and expected to have the plan later that afternoon. PC HOPPE did not receive the action plan, instead he received an email from Thomas and Thomas solicitors requesting a meeting.

Statement received from PC292NI CHADWICK in relation to incident on 9th March 2014. The statement was written after the officer had viewed the CCTV, and is a further statement to one

already written in relation to the incident and arrests made. Briefly, the officer states that there were approximately 50 people on the paved area and in the road outside XOXO. Large portions of the crowd were arguing, a fight ensued and the officer put himself between the aggressors and the crowd trying to close in on the fight. During this incident the officer recalls pushing away someone. On viewing the CCTV he notes that it was one of the door staff who he states "took no active part in assisting police" and further states in relation to the staff from XOXO, "They took no active part in trying to quell the problems outside that had clearly come from their venue leaving the police to deal with it".

In relation to this event, statements have also been received from PC149NI JONES and PC181NI FROELICH

Cad 10913 refers of 14/03/14 - Member of public calls police stating that a group of youths are cycling on the pavement in circles outside the club, causing a general nuisance and being anti-social. On arrival of police staff state that they are happy for the youths to remain.

There have only been three thefts reported at the venue during this twelve month period, all of which have been in 2014

It is noted that in October 2013 the DPS was changed to that of the present, Mr Santosh KOHLI.

In November 2013, due to a number of license related complaints Mr KOHLI was requested to attend a licensing panel held at the council offices in November 2013, in which police were present. Mr KOHLI agreed to vary the conditions on his licence to reflect some of the issues that had previously occurred. It has taken nearly five months for him to submit a variation based on these conditions that he agreed to. Whilst we are grateful for his submission, it is the opinion of the police that he has only recently submitted this as a result of the police and council interest around the large scale disorder of the 9th March 2014. It is also the opinion of the police that this disregard is neither professional or displaying adequate responsibility toward the licensing objectives.

Summary and Recommendations

XOXO seems to be a venue that attracts a very young customer base. A youthful, possibly immature base of customers, coupled with permitted excessive alcohol intake is highly probable to be the reason why there are so many violent crimes associated with the venue. The Police would expect that any DPS would recognise this and act upon it. Increase the age 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 KOHLI has been spoken to and advised by police twice in 2013 and yet these incidents are still occurring.

Police received communication from representatives of XOXO dated 16th June 2014 proposing updated conditions regarding the removal of the DPS, Mr KOHLI and the removal of the current door supervisor company along with several other updated conditions. Although the police are in agreement with these proposals we still seek a review of the current licence.

The police seek the following:

- The vast majority of violent incidents have occurred at this venue after midnight therefore we request an amendment of 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.

The following only if XOXO do not follow through with their proposal regarding the door team and the current DPS

- The Removal of the door team
- The replacement of Mr KOHLI as the DPS

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

[Handwritten Signature]

Date

26 June 2014

Capacity

Police Licensing Officer PC 575N1

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.

VIEWED AND PRINTED AT 14:03 ON 26 JUNE 2014

**LICENSING ACT 2003
NOTICE OF APPLICATION FOR REVIEW OF A PREMISES
LICENCE**

Premises	XOXO 74 Upper Street London N1 0NY
-----------------	---

Notice is given that Islington Council has received an application for a Review of the Premises Licence from Islington Council's Noise Team at the above address under section 51 (3) (b) of the Licensing Act 2003.

The basis of the application for review is:

Prevention of crime and disorder.

There have been a number of serious incidents connected with this licensed premises over the last 12 months. The regularity and nature of these incidents is unacceptable and wholly disproportionate to that of similar venues in the local area.

Anyone who wishes to make representations regarding this application must write to the: Licensing Support Team, Public Protection Division, 222 Upper Street, London N1 1XR.

Representations must be received no later than **23 July 2014**.

The application and Licensing Register may be viewed during normal office hours at the above address or at www.islington.gov.uk.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000).



ISLINGTON

**LICENSING ACT 2003
NOTICE OF APPLICATION FOR REVIEW OF A PREMISES
LICENCE**

Premises	XOXO 74 Upper Street London N1 0NY
-----------------	---

Notice is given under section 51 (3) (b) of the Licensing Act 2003 that Islington Council has received an application for a Review of the Premises Licence at the above address from the Metropolitan Police Service.

The basis of the application for review is:

Prevention of crime and disorder.

There have been a number of serious incidents connected with this licensed premises over the last 12 months. The regularity and nature of these incidents is unacceptable and wholly disproportionate to that of similar venues in the local area.

Anyone who wishes to make representations regarding this application must write to the: Licensing Support Team, Public Protection Division, 222 Upper Street, London N1 1XR.

Representations must be received no later than **24 July 2014**.

The application and Licensing Register may be viewed during normal office hours at the above address or at www.islington.gov.uk.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000).



ISLINGTON



Licence search

Please scroll to the end of this page to carry out a licence search.

Licence Registers Details

Licence for	XOXO, Basement and Ground Floor Right, 74 Upper Street, Islington, London, N1 0NY
Applicant	Police Licensing Officer
Licence Type	Premises Licence
Application Date	25th June 2014
Representations By	23rd July 2014
Status	Review Waiting Issue

Designated Premises Supervisor

Mr Santosh Kohli

Licence Conditions

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 G0: APPLICABLE TO THE KEEPING OF GOOD ORDER. c) ADDITIONAL CONDITIONS SX: FOR PARTICULAR CONTROL OVER STRIPTEASE 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

A-Z

Choose a letter below

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



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38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

FAO Dan Whitton
Licensing Team
Public Protection Division
Environment and Regeneration
Islington Council
3rd Floor, 222 Upper Street
London
N1 1XR

By post and email: dan.whitton@islington.gov.uk

Second Letter

18 July 2014

Dear Sirs

**Licensing Act 2003 - Application to Review a Premises Licence
XOXO, 74 Upper Street, N1 0NY**

We refer further to our first letter of today. Without prejudice to our contentions that both reviews served in June are invalid, please also find enclosed correspondence dated 25 June 2014 and 2 July 2014 between the parties.

You will see that on the same day the first review was rejected, we wrote to the Police asking for a meeting for their input as to the designated premises supervisor and the change in door company. No such advice or input has been forthcoming from the Police; indeed, the Police have refused to meet our client despite originally agreeing to do so, which has made the decision to appoint an appropriate DPS and door team far more difficult and less timely. In any event, the door team has now been changed and our client is in the process of identifying and appointing an appropriate replacement Designated Premises Supervisor.

Our client submits and also repeats their earlier contentions that:

1. the review(s) is/are premature having been submitted by the Police before the varied licence had been issued and given the time to take effect and promote the licensing objectives;
2. is not justified compared to other venues as set out and pleaded in the application;
3. is disproportionate and not appropriate, with the second and third reviews having been submitted immediately upon the abandonment on the First Review;

4. the review(s) is/are not being processed and managed in accordance with the Council's Licensing Service Charter.

Furthermore, we refer to the s.182 Guidance and the overarching principle of partnership working in respect of the Police's actions. In particular, paragraph 11 of the Guidance states:

"Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

You will note that our client voluntarily imposed conditions on the Premises Licence following the Police's request. Contrary to the Guidance and very shortly thereafter, the Police reviewed the Licence, soon to be followed by two further reviews. In addition, the Police have refused our client's request for a meeting.

Our client remains confused as to how the second and third reviews accord with the principles of the Council's Licensing Service Charter, the Guidance and natural justice generally.

Yours faithfully

Thomas & Thomas Partners LLP
tel: 020 7042 0412
email: athomas@tandtp.com

Encl.

Alun Thomas

From: Forde, Niall <Niall.Forde@islington.gov.uk>
Sent: 25 June 2014 11:03
To: Alun Thomas
Cc: Tunstall, Jackie; Gallacher, Simon
Subject: FW: Xoxo

Importance: High

Dear Mr Thomas,

I apologise for the late notice, but we have taken legal advice in relation to the contents of your letter dated the 18 June 2014.

The Council have decided to reject the application on a technicality, the hearing this evening is therefore cancelled.

I believe the Police do intend to re-submit the application today, should we receive a valid application today, the application is likely to be listed for a hearing on the 12 August 2014.

Regards

Niall Forde
Licensing Officer
Licensing Team
Environment and Regeneration
Islington Council
222 Upper Street
N1 1XR
0207 527 3227
Alternative contact: Terrie Lane 0207 527 3233

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From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 18 June 2014 17:19
To: Whitton, Daniel
Cc: Michelle Sullivan
Subject: Xoxo

Dear Dan

Please see attached.

Hard copies in the post.

Please circulate.

Many thanks and kind regards.

Alun Thomas

From: Alun Thomas
Sent: 25 June 2014 13:15
To: Conisbee, Peter (Peter.Conisbee@islington.gov.uk)
Cc: LicensingPolice@islington.gov.uk
Subject: Xoxo

Dear PC Conisbee

I understand that this evening's panel hearing has been cancelled. I also understand that you may be considering re-submitting the review immediately.

Please note that it is still my client's intention to change:

- a) the Designated Premises Supervisor; and
- b) the door team

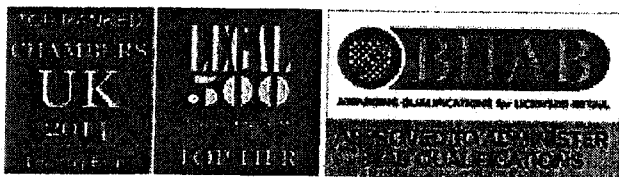
My client has already identified a new team **but would like to discuss their appointment with you and any concerns you may still have.**

Would you be available for a meeting next week to discuss all issues arising and delay re-submission of a Review until you have had my client's further proposals and discussed them with him?

Alun Thomas
Partner

Thomas & Thomas Partners LLP
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From: Conisbee, Peter [<mailto:Peter.Conisbee@islington.gov.uk>]
Sent: 02 July 2014 11:43
To: Alun Thomas
Cc: Whitton, Daniel
Subject: Cancellation of XOXO meeting

Mr Thomas,

For your information I am cancelling the meeting arranged for tomorrow. Any further communication regarding the review application please go through Dan Whitton.

Peter CONISBEE
PC575NI - 189041
Police Licensing Officer

Islington Police
2 Tolpuddle Street
Islington
London
N1 0YY

07799 133 204

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Jack Spiegler

From: Alun Thomas
Sent: 15 July 2014 12:39
To: Jack Spiegler
Subject: FW: Cancellation of XOXO meeting

From: Alun Thomas
Sent: 02 July 2014 16:51
To: 'Conisbee, Peter'
Cc: Whitton, Daniel
Subject: RE: Cancellation of XOXO meeting

Dear PC Conisbee,

We spoke earlier.

My client is obviously disappointed that the meeting has been cancelled as he was hoping to discuss further your concerns and he had changed his holiday dates and flights to accommodate it.

I understand the reason for the cancellation is your belief that the meeting will not achieve anything. Whilst I understand your frustration, my client had hoped that he could discuss the appointment of the door team with you and seek your views to make sure that decision is implemented correctly.

If you decide subsequently that a meeting would be helpful, no doubt you will let me know.

Kind regards

Alun Thomas
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

D: 020 7042 0412
M: 07956 805464
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XOXO

The following steps will be agreed at the hearing:

- A) *The removal of Santosh Kohli as Designated Premises Supervisor***
- B) *The removal of the current Door Supervision Company***

Proposed additional conditions

1. There shall be no admission or re-admission to the premises after 01:30am save for persons temporarily leaving the premises to smoke.
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. An additional door supervisor will be employed on Fridays and Saturdays whose sole responsibility will be to supervise the smoking area and the entrance to St Albans Place
4. No persons under the age of 21 will be admitted to the premises after 9pm
5. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Adrian Studd, Independent Licensing Consultant.

Introduction.

I have been instructed to carry out covert observations outside XOXO bar, 74 Upper Street, N1 0NY in relation to the licence review brought by the local authority and Islington police. I carried out these observations with specific reference to concerns that have been raised in the review papers and the conditions proposed to meet these concerns.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required.

I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together

these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Contents.

1. Background.
2. Observations.
3. Dispersal.
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1. Background.

- I. XOXO is located at 74 Upper Street, N1 in an area that has many late night bars, pubs and restaurants. Directly opposite the premises is an open space, Islington Green, and a bus stop servicing late and all night buses.
- II. There are a number of late premises in the vicinity, to the South these include the Ladybird Bar at number 70 that is open until 04.00 on Friday and Saturday and O'Neils at number 59 that is open until 02.00 on Friday and Saturday nights. To the North is the Slug and Lettuce at number 1, Islington Green that is open until 01.00 on Friday and Saturday nights.
- III. To the side of XOXO is a narrow thoroughfare that loops around and back to Upper Street called St. Albans Place, it provides vehicle access to businesses and residents and access on foot to Liverpool Road. This is currently the site of redevelopment and there is substantial building work taking place.
- IV. Upper Street was busy late into the night. In addition to customers coming and going from the bars and restaurants traffic was constantly busy, there were a large number of late night and all night busses and environmental services such as refuse collection taking place, I saw refuse collections being made at 1am and again at 2.30am

2. Observations.

- I. I conducted observations on the evening of Saturday the 31st May 2014. The evening was mild and dry. I arrived in the area at about 9pm; Upper Street was extremely busy with vehicle and pedestrian traffic. There were a lot of people on the pavement making their way to and from the many pubs, bars and restaurants through the evening.
- II. On my arrival there were four males outside XOXO who appeared to be door supervisors. All appeared to have their badges displayed but due to the covert nature of my visit I did not approach them to confirm this.
- III. There was a smoking area set out to the front of the premises, to the right of the entrance looking at the premises, with a rope barrier around it. The door to the premises was kept closed except when customers were entering or leaving. At this time it was possible to see into the front of the premises through the window although later in the evening the curtain was closed preventing this.
- IV. From what I could see through the window the premises looked fairly busy, there was a slow stream of customers going into the premises but there was very little queuing as they arrived in small groups and were admitted fairly quickly.
- V. I conducted observations from the bus stop opposite the premises and could see that door staff were conducting searches on some customers and that they were also checking ID on some customers. One Door supervisor was counting customers using a clicker.
- VI. I conducted observations during the night from St Albans Place and from an area on the footway to the North of the premises from where it was possible to get a clear view along the footway to the premises.
- VII. There were three door supervisors stationed at the front of the premises all evening, with another male, who appeared to me to be the head door supervisor, coming and going from inside the premises.

- VIII. At about 10.30pm I saw three males walk into St Albans Place and walk a short way down. They did not appear to have come from XOXO. The males started smoking and one urinated against the wall of XOXO before the three of them walked back into Upper Street, turning left and heading away North.
- IX. During the course of the evening I saw three other occasions when people walked down St Albans Place. The first was at about 11.30pm when two females walked down from Upper Street, stood by the building work and chatted and then walked around the corner and away. From their appearance they had not come from XOXO and they did not appear to be drunk.
- X. On the second occasion a male walked down St Albans Place and headed off towards Liverpool Road, he appeared to be simply someone making their way home and again did not appear to be drunk or have come from the premises.
- XI. On the third occasion, around closing time, a male who appeared drunk made his way down the alley, the XOXO steward was standing at the entrance but did not challenge him. He re-appeared a short while later and was lost to my view in the crowd outside.
- XII. During the course of the evening I kept casual observation on the smoking area. I did not see more than eight people in this area at any one time. The door supervisors were active in managing it, on one occasion when a male was stood just outside the smoking area he was approached by a door supervisor who moved him inside the cordoned off area.
- XIII. At about 1.30am I noticed a male staff member come from the premises, he put on a reflective waistcoat and took up position in St Albans Place. He appeared to be there to discourage customers from going into the alley and this appeared to be largely effective.

3. Dispersal.

- I. At about 1.50am customers started leaving XOXO in large numbers. The door supervisors were outside the premises and they were encouraging them to move away from the vicinity, though this inevitably takes a little time. For a short time there were perhaps 40 or 50 people on the footway between ladybird bar and XOXO.
- II. At about 0200 I saw the door supervisors make their way towards a group who were on the pavement close to the ladybird bar. I could not see if they were ladybird customers or customers from XOXO but there appeared to be some pushing and shoving taking place in the group on the footway.
- III. The door supervisors dealt with the incident and then made their way back to XOXO. They were followed by a male who was clearly agitated and being abusive towards them. The door supervisors went into XOXO and closed the door, leaving the male outside. A short while later the head doorman opened the door and spoke to the male who was outside. After a few minutes he was able to calm the male who then made his way away from the premises.
- IV. Overall I consider that the door supervisors dealt with this matter in a professional manner, dealing with the original incident on the footway and then returning to the premises, avoiding a confrontation and giving time for the male to calm down and leave the area.
- V. A short time later the door supervisors came back outside the premises. The customers continued to disperse, some getting into cars parked in Upper Street and some making their way off on foot or to the bus stop opposite. By 02.15 the vicinity of the premises was quiet and a member of staff from the club was sweeping the pavement outside.

- VI. At 02.20 I noticed that Ladybird bar was still busy, there were customers still arriving and being admitted and their smoking area was busy. O'Neils was closing but there were customers still inside and others making their way away along Upper Street.
- VII. At 02.40 XOXO door supervisors went inside the premises, a few minutes later they re-appeared and three walked off South in Upper Street while the fourth remained outside the premises. The premises was quiet and clearly closed, I left the area a short while later.

4. Conclusions.

- I. Having read the police and local authority evidence in this matter it appears that the key areas of concern in the past have been:
- *Crime and Disorder,*
 - *Noise and nuisance outside,*
 - *drunkenness,*
 - *noise and nuisance caused by customers smoking outside.*
- II. A number of new conditions were put onto the licence on 3rd June this year in order to deal with these issues; these have been implemented by the premises management.
- There were 4 SIA registered door supervisors at the premises during whole evening that I conducted observations, they remained outside until all customers had dispersed and the area was quiet,
 - Customers smoking were confined to the smoking area, and I did not see more than 8 customers in the smoking area at any one time,
 - Measures were in place to discourage customers from using St Albans Place and a staff member was stationed at the entrance from 01.30,
 - The doors and windows to the premises were kept closed,
 - There was random searching and ID checks taking place.
- III. I did not visit the premises in an overt capacity so I am unable to comment on the CCTV and did not inspect documents such as records of incidents or door staff.

Smoking Area and St Albans Place.

- IV. The smoking area is clearly an area that causes concern, the new condition limiting the number to 8 after 11pm had been implemented and ensured that this area was not crowded and did not cause noise or nuisance.
- V. There was a steward positioned at the entrance to St Albans Place from 01.30 in a reflective vest. Prior to this the DPS Santosh Kohli patrolled the alley every 30 minutes. Together these measures did deter people from going into the alley. However, the security presence could be increased to make this measure even more effective.
- VI. For example, placing a Door Supervisor, in a reflective jacket, at the end of the smoking area by St Albans Place would enable him to manage the smoking area and also provide a high visibility presence at the entrance to St Albans Place during the whole evening.
- VII. This presence would act as further a deterrent to casual passers-by who see the alley and may be tempted to use it for urination or other purposes. Residents are likely to assume that

anyone using the alley for such a purpose has come from XOXO, whether or not this is the case.

- VIII. I am unaware of public toilet facilities in the area at night, consideration could be given to working with the council and other premises in the area to get public facilities opened, or portable urinals put out. I am aware of other busy night time areas where certain premises, such as McDonalds, agree to open their toilets for public use. Directing passers-by to such a facility may prevent them using St Albans Place.
- IX. During my observations I noticed a male who appeared to be the head door supervisor coming and going to the outside of the premises. On a couple of occasions he stood against a bollard by the road smoking and this attracted others, presumably friends, to stand with him smoking and chatting. To residents and any passing licensing officer this would no doubt have the effect of making the pavement look congested with smokers from XOXO.
- X. There were also occasions when individuals stood by the main entrance (not in the smoking area) chatting to door staff and smoking, again this could be interpreted as customers migrating along the front of the premises smoking and would increase the potential for noise, nuisance and complaint.

Dispersal.

- XI. The dispersal from the premises started at about 01.50 when customers started leaving in large numbers. This inevitably leads to a period where they are loitering outside in groups, often talking loudly and behaving boisterously, and can lead to disturbance and nuisance to neighbours. As I was not in the premises at this time I am unaware of any 'wind down' period but it appeared from the manner of exodus that this had not taken place.
- XII. If this is the case I recommend that consideration be given to a gradual wind down from about 01.30, with a more relaxing style of music and gradual bringing up of the lights, to encourage a more gradual dispersal and give customers an opportunity to 'come down' from the evening. This would help reduce the numbers outside and encourage customers to move away more quickly.
- XIII. ***The door supervisors were outside during dispersal and vigilant for any incidents that could develop. However, while I was a little way away so not able to hear what was being said, they did not appear to be very pro-active in encouraging customers to keep quiet and move away quickly. They mainly stayed by the entrance to the premises and had limited interaction with customers leaving.***
- XIV. ***I recommend considering re-training of door supervisors, or replacing them with an experienced door team, who could provide a higher profile presence at St Albans place and take a more pro-active approach to dispersal and customer behaviour as they leave the premises.***
- XV. There was an incident outside that required the intervention of the door supervisors, I did not see the start of this but they appeared to deal with it promptly and in a professional manner. A male subsequently became agitated and directed this anger to the door supervisors. In my view they responded well by going back into XOXO and closing the door, thereby preventing any further potential escalation of the incident.
- XVI. A further, overt, visit would be required in order to assess areas of the operation such as Searching, challenge 25, CCTV, wind-down period, drunkenness inside the premises, signage and record keeping.

- XVII. Concerns have been raised in the review process about violent incidents and underage drinking. If the measures implemented to date are not considered adequate consideration could be given to the introduction of ID scanning equipment which proves effective in reducing violent incidents and assists enforcement agencies to identify suspects where incidents do occur.
- XVIII. A further visit would be required to identify if there are issues of drunkenness in the premises, if this is the case it may be necessary to consider additional staff training and the introduction of initiatives such as project aqua which has proved successful in other premises in encouraging individuals to consume water during the evening and therefore reduce the likelihood of them becoming excessively drunk.
- XIX. *Overall I consider that the premises and location is challenging, however the key elements to ensure it runs professionally are in place and the implementation of the agreed conditions have led to improvements; action on the above points will ensure this continues and further improvements can be achieved where necessary.***

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd

Independent licensing Consultant.

Clubsafe Services Ltd.

4/6/14.

Adrian Studd, Independent Licensing Consultant.

- I. I have been asked to provide an additional statement in connection with the licence review at XOXO, 74, Upper Street, Islington. I conducted a further visit to the premises on Saturday the 21st June 2014 in order to observe the operation of the premises.
- II. I arrived in the vicinity of the premises at about 10pm. The weather was fine and warm and the Upper Street area was very busy with people frequenting the restaurants, bars and other facilities in the area.
- III. There were four door supervisors outside XOXO; all were displaying their SIA badges. I observed as they admitted customers, all bags were searched and customers were randomly selected for a pat down search. Customers who looked under 25 were being asked for identification and I observed some being refused entry when they did not have ID with them.
- IV. I introduced myself to the owner and DPS Mr Santosh Kohli and he showed me around the premises. The premises were not busy but there were some customers at the bar drinking, some seated and a few dancing.
- V. The premises are laid out with seating and tables and a dance floor by the DJ at the far end. There is a long bar which was well staffed. Toilets are in the basement and were in a good and clean condition. The kitchen is in the basement but was locked and I was informed that it closed at 9pm.
- VI. I noticed that customers were drinking from polycarbonate drinking vessels but that there were also glasses behind the bar. Mr. Kohli informed me that they used glass during the day when the premises operate as a restaurant, but at 9pm they changed to polycarbonate to reflect the more bar style of operation.
- VII. I inspected the CCTV system which had 16 cameras and covered all the key areas such as entrance, bar area and fire exits. It also covered the immediate outside of the premises. The CCTV provided good quality images; these can be burned to as disc by either Mr Kohli or a number of his staff to ensure there is always someone on duty able to do so.
- VIII. I observed the door staff throughout the evening and found them to be thorough in their searching and requesting of ID. The head door supervisor was present outside the premises and ensured that another was always at the entrance to St Albans Place and I saw them challenge members of the public who were making their way towards the alley on a number of occasions.
- IX. I did not see any customers from the premises use the alleyway; however when I walked down there at about 11.30pm there was the sound of shouting and music that appeared to be coming from one of the flats and from a vehicle parked by them at the bottom of St

Albans Place. People were going from the vehicle to the flat and back shouting and calling to each other. This was not connected to XOXO.

- X. The smoking area was set out using rope barriers outside the premises. It was supervised by the door supervisors at the entrance who ensured no drinks were taken outside. I saw no more than 5 customers using the smoking area at any one time.
- XI. The premises were very quiet all night with no more than 30 – 40 people inside. At closing time at 2am the door supervisors were more pro-active than I had seen previously in asking customers to keep quiet and to move away from the area quickly, which they did. By 2.20am the premises were empty, staff were sweeping the pavement and clearing up inside.
- XII. As previously Upper Street was still busy, with people leaving the other late night premises in the area and making their way to the nearby all night bus stops and minicabs.
- XIII. It was a quiet night at the premises but overall I found that it was well run. I did not see any drunkenness and customers left in a quiet and orderly manner. The door supervisors were more pro-active than I had seen previously, particularly at closing time when encouraging the customers to leave the area quickly and quietly.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,

Independent licensing consultant

22/06/14



XOXO 74 Upper Street N1 0NY

DISPERSAL POLICY

1. INTRODUCTION

- 1.1 The objective of this Dispersal Policy is to ensure a quiet, controlled and swift dispersal of our customers – particularly at night.
- 1.2 By following this Dispersal Policy we can ensure customers are managed professionally and responsibly. This will help ensure customers make their journey home without any adverse impact on our neighbours or the local area.
- 1.3 The Policy prevents public nuisance and crime and disorder from the following risks:
 1. Noisy or anti-social behaviour by customers leaving the premises
 2. Customers drinking outside.
 3. Large numbers of people leaving the premises at the same time.
- 1.4 This Policy must be followed at all times. Under no circumstances do we tolerate nuisance, crime, disorder or anti social behaviour caused by our customers.

2. LOCATION

- 2.1 The premises are situated on Upper Street in Islington's Special Policy Area.
- 2.2 Despite the High Street location staff are reminded that local residents live close by and a number of other nearby licensed Premises continue to operate late at night.

3. HOURS OF OPERATION

- 3.1 The premises operate between 10.00am and midnight Sunday to Wednesday and between 10.00am and 2.00am Thursday to Saturday. This Policy must be followed throughout these times and after closing, although particular attention should be paid to customers leaving at night.

4. ENTRANCES AND EXITS

- 4.1 The main entrance/exit of the premises is on to Upper Street. This entrance is managed by staff inside the premises and SIA supervisors during busier periods.

5. DISPERSAL

- 5.1 The primary point of dispersal is the main Upper Street exit. From this exit customers can disperse directly down Upper Street towards local transport links.

- 5.2 A closing down procedure is employed. Towards closing time the following measures are taken to ensure a gradual and quiet closure of the premises:
2. Lighting to gradually increase from 1.30am. Full beam reached by the end of this period.
 3. Music levels lowered and a slower tempo of music played during this period.
 4. Politely reminding customers that the premises is about to close, to suggest calling cabs so they can leave as soon as possible.
- 5.3 Members of staff and SIA supervisors must comply with the conditions of the Premises Licence to ensure customers are managed professionally and leave quickly and quietly. They will also politely request any customers loitering outside the premises to continue their journey home.
- 5.4 Managers are to supervise the door staff, the door staff are to remain outside and engage with the customers until they have left the vicinity.
- 5.5 SIA supervisors have a very important role when managing the dispersal of customers at night. Dispersal must be controlled at all times to ensure no nuisance is caused and no crime or disorder results from customers dispersing.
- 5.6 A log book is to be kept by the door supervisor/s, and regular entries made of any patrols of St Alban's Place (see point 5.8 below) and of any incidents that occur.
- 5.7 Rowdy behaviour must be proactively monitored and recorded in the log book. If such behaviour is repeated, the customers involved are to be barred from the premises.
- 5.8 The entrance to St Alban's Place is to be monitored to prevent customers from entering it and causing a disturbance. It is to be regularly patrolled at half hourly intervals from 10pm onwards to ensure anti social behaviour is avoided. A record of the patrols should be noted in the log book, as well as any incidents that occur.
- 5.9 If staff are confronted by aggressive behaviour, where necessary the police are to be contacted. Incidents that occur outside the premises are not within the powers of staff to 'police' themselves. However, staff remain responsible for engaging with the public to ensure they disperse from the area without causing a disturbance. Staff are required to proactively monitor and record the situation.
- 5.10 Customers must be made aware of local transport links (see below).

6. TRANSPORT

- 6.1 The Premises is very well serviced by public transport links, as set out below. All staff must be familiar with these transport links so they can advise customers where required.

6.2 RAIL

1. The closest national rail station is Kings Cross St Pancras. This station is within walking distance or easily accessible by bus or taxi.
2. Other nearby over-ground stations include Old Street and Essex Road. These stations are accessible by foot, bus or taxi.

6.3 TUBE

1. The nearest tube station is Angel. The station is within easy walking distance.
2. It is expected many customers will make their way to Angel stations in order to continue their journey home during the station opening times. Staff and SIA supervisors must be aware of last tube times to advise customers accordingly.
3. Where necessary customers will be given directions to the station and will be reminded to reach the station as quietly and as quickly as possible.

6.4 BUSES

1. The Premises is extremely well serviced by public buses. TFL bus services, including night buses, are accessible by numerous nearby bus stops which go to a variety of destinations throughout London.
2. Please refer to the appended list of local bus services. A copy of this schedule must be made available to customers.
3. Staff will be familiar with the local bus services and will advise customers accordingly.

6.5 TAXI

1. Black cabs are available right through the day and night on Upper Street.
2. Staff will assist customers calling a taxi if required.
3. Customers can also be directed towards local licensed mini-cab operators and provide details accordingly.

TRANSPORT
FOR LONDON

NEARBY

74 Upper St

Showing all **bus** results near 74 Upper St

B Islington Green

Towards Barbican, Holborn, Kings Cross or Moorgate

4 19 30 43 N19 N41

D Islington Green

Towards Barbican, Holborn or Kings Cross

38 56 73 341 476 N38 N73

Y Angel Station

Towards Highbury and Islington Station

4 19 30 43 N19 N41

X Angel Station

Towards Dalston Junction or Newington Green

38 56 73 341 476 N38 N73

G Angel Station

Towards Barbican or Old Street

4 43 56

F Angel Station

Towards Chancery Lane, Holborn or Kings Cross

19 30 38 73 341 476 N19 N38 N41 N73

Chapel Market

C Islington Green

Towards Dalston or Newington Green

38 56 73 341 476 N38 N73

Z Theberton Street
Towards Highbury Corner
4 19 30 43 N19 N41

Cloudesley Place (N1)
812

Cloudesley Place (N1)
812

A Packington Street
Towards Barbican, Holborn or Kings Cross
38 56 73 341 476 N38 N73

Theberton Street Gibson Sq
812

V Chapel Market
Towards Camden Town or Holloway
153 274 812

Theberton Street Gibson Sq
812

W Liverpool Road / Chapel Market
Towards Angel Islington, Barbican or Hoxton
153 274 394 812

U White Lion Street
Towards Highbury Corner or Newington Green
30 73 476 N73

H Angel Islington / City Road
Towards Barbican, Hoxton or Old Street
4 43 56 205 214 274 394 N205

J Angel Islington
Towards Highbury Corner or Kings Cross
43 205 214 394 N205

K Packington Street

Towards Dalston or Newington Green
38 56 73 341 476 812 N38 N73

N St Mary's Church

Towards Barbican, Holborn, Kings Cross or Moorgate
4 19 30 43 812 N19 N41

Packington Street Cruden St

812

UT Angel Islington

Towards Highbury Corner, Essex Road or Camden Town
4 56 274

S Angel Station

Towards Old Street
205 214 N205

Packington Street Cruden St

812

P St John Street / Goswell Road

Towards Barnsbury, Highbury or Essex Road Station
19 38 153 341 N19 N38 N41

R Pentonville Road / Baron Street

Towards Kings Cross
30 73 205 214 394 476 N73 N205

Z Penton Street / Islington Police Station

Towards Camden Town or Holloway
153 274 812

M St John Street / Goswell Road

Towards Barbican, Holborn or Holborn Circus
19 38 153 341 N19 N38 N41

T Baron Street / Chapel Market

Towards Highbury Corner or Newington Green
30 73 476 N73

E Cross Street

Towards Barbican, Holborn or Kings Cross
38 56 73 341 476 812 N38 N73

EA Cross Street

Towards Dalston Junction or Newington Green
38 56 73 341 476 812 N38 N73

Tolpuddle St / Islington Police Station

394 812

P St Mary's Church

Towards Highbury Corner
4 19 30 43 812 N19 N41

Y Barnsbury Road

Towards Angel or Smithfield
153 274

Cross Street Dagmar Terrace

812

G Copenhagen Street

Towards Camden Town or Holloway
153 274

Cross Street Dagmar Terrace

812

Penton Street White Lion St

812

Penton Street White Lion St

812

PN Penton Street / Chapel Market

Towards Kings Cross

30 73 205 214 476 N73 N205

UL **Rosebery Avenue / Sadler's Wells Theatre**
Towards Barnsbury
153

UV **Central Street**
Towards Hoxton, Liverpool St or Moorgate
43 205 214 394 N205

PK **Penton Street**
Towards Highbury Corner, Old Street or Essex Road
30 73 205 214 476 N73 N205

UM **Hall Street**
Towards Barbican
4 56

Claremont Square
812

UW **Central Street**
Towards Highbury Corner or Kings Cross
43 205 214 394 N205

Claremont Square
812

UB **Sadler's Wells Theatre**
Towards Highbury or Essex Road
19 38 341 N19 N38 N41

UC **Sadler's Wells Theatre**
Towards Holborn or Holborn Circus
19 38 341 N19 N38 N41

UE **Friend Street / Sadler's Wells Theatre**
Towards Barbican
153

Cruikshank Street Amwell St
812

Cruikshank Street Amwell St
812

X **Copenhagen Street**
Towards Smithfield
153

EB **Essex Road Station**
Towards Dalston or Newington Green
38 56 73 341 476 N38 N73

U **Hemingford Road**
Towards Holloway Nags Head
153

T **Hemingford Road**
Towards Angel Islington
274

H **Hemingford Road**
Towards Camden Town
274

Amwell Street River Street
812

Amwell Street River Street
812

UN **Spencer Street**
Towards Barbican
4 56

R **Islington Town Hall**
Towards Holloway, Dalston or Finsbury Park
4 19 30 43 N19 N41

- US **Spencer Street**
Towards Essex Road or Highbury Corner
4 56

- M **Islington Town Hall**
Towards Angel Islington
4 19 30 43 N19 N41

- V **Richmond Avenue**
Towards Holloway Nags Head
153

- EC **Essex Road Station**
Towards Holloway Nags Head
271

- W **Richmond Avenue**
Towards Angel Islington
153

- EP **Essex Road**
Towards Archway
271

- UA **Hardwick Street**
Towards Angel Islington
19 38 341 N19 N38 N41

- ED **Essex Road Station**
Towards Hoxton
271

- UK **Spencer Street / City University**
Towards Angel Islington
153

- EK **Ecclesbourne Road**
Towards Moorgate
271

EN **Elizabeth Avenue**
Towards Highbury Corner
271

R **Carnegie Street**
Towards Euston or Chancery Lane
17 91 259 N91

Penton Rise

PM **Penton Rise**
Towards Camden Town or Euston
30 73 205 214 476 N73 N205

EJ **Essex Road Station**
Towards Angel Islington
38 56 73 341 476 N38 N73

UF **Spencer Street / City University**
Towards Barbican
153

L **Carnegie Street**
Towards Holloway Nags Head
17 91 259 N91

K **Canonbury Grove**
Towards Hoxton
271

Q **Caledonian Road / Copenhagen Street**
Towards Angel Islington or Kings Cross
17 91 259 274 N91

PH **Murray Grove**
Towards Hoxton
394

Percy Circus Peel Centre

812

EL **Basire Street**
Towards Moorgate
271 812

PG **Penton Rise**
Towards Highbury Corner, Old Street or Essex Road
30 73 205 214 476 N73 N205

Amwell Street Merlin Street
812

UP **Percival Street**
Towards Barbican
4 56

UD **Finsbury Town Hall**
Towards Holborn or Holborn Circus
19 38 341 N19 N38 N41

Amwell Street Merlin Street
812

N **Caledonian Road / Copenhagen Street**
Towards Camden Town or Holloway Nags Head
17 91 259 274 N91

XS **Baring Street**
Towards Highbury Corner
271

L **Canonbury Square**
Towards Holloway Nags Head
271

XK **Baring Street**
Towards Moorgate
271

PJ Bletchley Street

Towards Hoxton

394

K Killick Street

Towards Holloway Nags Head

17 91 259 N91

S Killick Street

Towards Euston or Chancery Lane

17 91 259 N91

Elizabeth Ave Rotherfield St

812

Elizabeth Ave Rotherfield St

812

Skinner St Exmouth Market

812

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Thomas & Thomas

Partners LLP

Your ref:
Our ref: AT/RAT.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Metropolitan Police
Logging and Allocations Team
Public Access Office

By email only: peter.deja@met.police.uk and foi@met.police.uk

18 June 2014

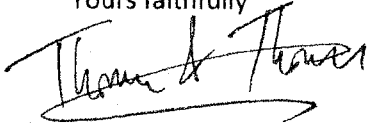
Dear Sirs

Freedom of Information Act 2000 (the "Act")
Freedom of Information Request Reference No: 2014060001654

We act for Rathiba Limited and refer to the above request for information and your email dated 17 June 2014 (copy enclosed).

Please note the original request for information was sent to the Police almost 3 months ago. We enclose the original requests for reference.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

Encl.

Jack Spiegler

From: peter.deja@met.police.uk
Sent: 17 June 2014 15:32
To: Jack Spiegler
Subject: FOIA: Acknowledgement (Logging Team)

Dear Mr Spiegler

PLEASE NOTE; Your 4 requests below have been aggregated into one request and will be delt on case ref 2014060001654.

Your requests were passed to the Public Access Office - on the 17 June 2014.

Freedom of Information Request Reference No: 2014060001654

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 21/03/2014. I note you seek access to the following information:

- *Dear Sirs*
-
- *Please provide details of all recorded incidents of anti-social behaviour and crime and disorder occurring over the preceding 6 month period, relating to or emanating from the above Premises. Thanks and kind regards;*
-
- *The Angel 3-5 Islington High St, Islington, London N1 9LQ (the "Premises") - Crime*
-
- *The Winchester 2 Essex Rd, London N1 8LN (the "Premises") - Crime*
-
- *O'Neill's 59 Upper St, London N1 0NY (the "Premises") - Crime*
-
- *XOXO Bar 74 Upper St, London N1 0NY (the "Premises") - Crime*

Your request will now be allocated to the relevant unit within the MPS and will be processed in accordance with the Freedom of Information Act 2000 (the Act).

You will receive your response directly from the relevant unit within the statutory timescale of 20 working days as defined by the Act.

In some circumstances the MPS may be unable to achieve this deadline. If this is likely you will be informed and given a revised time-scale at the earliest opportunity.

COMPLAINT RIGHTS

Your attention is drawn to the attached sheet, which details your right of complaint.

If you have any further enquiries concerning this matter, please contact us at foi@met.police.uk or on the phone at 0207 161 3500, quoting the reference number above. Should your enquiry relate to the logging or allocations process we will be able to assist you directly and where your enquiry relates to other matters (such as the status of the request) we will be able to pass on a message

and/or advise you of the relevant contact details.

Yours sincerely

Peter Deja
Logging and Allocations Team
Public Access Office

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

Complaint

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint
Public Access Office
PO Box 57192
London
SW6 1SF
foi@met.police.uk

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

The Information Commissioner

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

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Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

Jack Spiegler

From: Jack Spiegler
Sent: 12 June 2014 15:25
To: LicensingPolice
Cc: Alun Thomas
Subject: FW: Freedom of Information Act Request - The Angel 3-5 Islington High St, Islington, London N1 9LQ (the "Premises") - Crime

Importance: High

Dear Sirs

Please respond to the request for information below as soon as possible.

You will note the deadline for responding under the Freedom of Information Act 2000 passed some time ago. As a result we look forward to hearing from you as a matter of urgency.

Kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M: 07720 975272
D: 020 7042 0413
T: 020 7042 0410
F: 020 7379 6618
E: jspiegler@tandtp.com
W: www.tandtp.com



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From: Jack Spiegler
Sent: 21 March 2014 10:18
To: 'foia@islington.gov.uk'; 'LicensingPolice'
Subject: Freedom of Information Act Request - The Angel 3-5 Islington High St, Islington, London N1 9LQ (the "Premises") - Crime

Dear Sirs

Please provide details of all recorded incidents of anti-social behaviour and crime and disorder occurring over the preceding 6 month period, relating to or emanating from the above Premises.

Thanks and kind regards

Jack

Jack Spiegler
Solicitor

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

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Jack Spiegler

From: Jack Spiegler
Sent: 12 June 2014 15:24
To: LicensingPolice
Cc: Alun Thomas
Subject: FW: Freedom of Information Act Request - The Winchester 2 Essex Rd, London N1 8LN (the "Premises") - Crime

Importance: High

Dear Sirs

Please respond to the request for information below as soon as possible.

You will note the deadline for responding under the Freedom of Information Act 2000 passed some time ago. As a result we look forward to hearing from you as a matter of urgency.

Kind regards

Jack

Jack Spiegler
Associate

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London WC2H 9EP

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From: Jack Spiegler
Sent: 21 March 2014 10:18
To: 'foia@islington.gov.uk'; LicensingPolice
Subject: RE: Freedom of Information Act Request - The Winchester 2 Essex Rd, London N1 8LN (the "Premises") - Crime

Dear Sirs

Please provide details of all recorded incidents of anti-social behaviour and crime and disorder occurring over the preceding 6 month period, relating to or emanating from the above Premises.

Thanks and kind regards

Jack

Jack Spiegler
Solicitor

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Jack Spiegler

From: Jack Spiegler
Sent: 12 June 2014 15:24
To: LicensingPolice
Cc: Alun Thomas
Subject: FW: Freedom of Information Act Request - O'Neill's 59 Upper St, London N1 0NY (the "Premises") - Crime

Importance: High

Dear Sirs

Please respond to the request for information below as soon as possible.

You will note the deadline for responding under the Freedom of Information Act 2000 passed some time ago. As a result we look forward to hearing from you as a matter of urgency.

Kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

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From: Jack Spiegler
Sent: 21 March 2014 09:58
To: 'foia@islington.gov.uk'; LicensingPolice
Subject: Freedom of Information Act Request - O'Neill's 59 Upper St, London N1 0NY (the "Premises") - Crime

Dear Sirs

Please provide details of all recorded incidents of anti-social behaviour and crime and disorder occurring over the preceding 6 month period, relating to or emanating from the above Premises.

Thanks and kind regards

Jack

Jack Spiegler
Solicitor

Thomas & Thomas Partners LLP
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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.

- Licensee's proposed conditions.

ii.

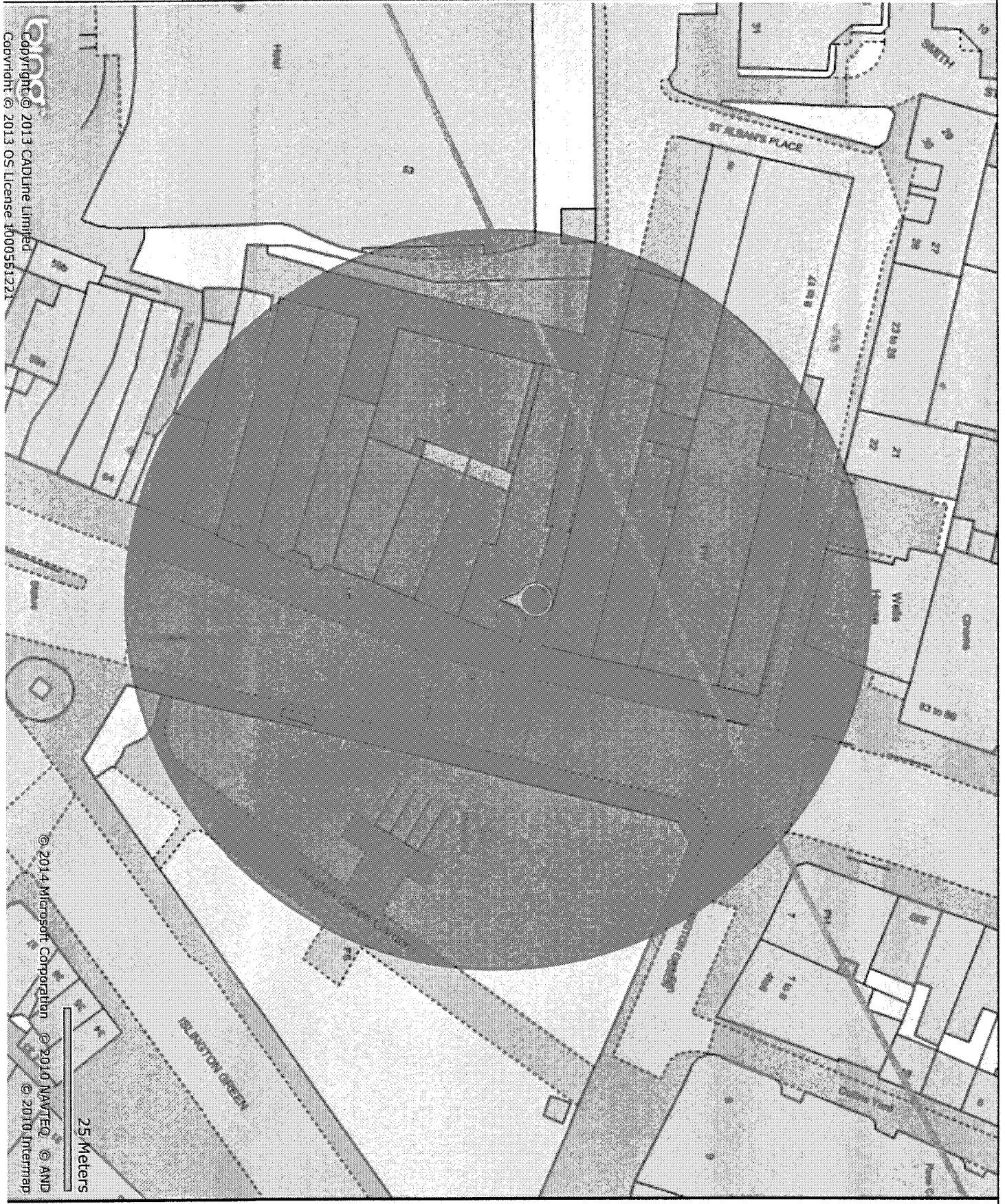
XOXO

The following steps will be agreed at the hearing:

- A) The removal of Santosh Kohli as Designated Premises Supervisor**
- B) The removal of the current Door Supervision Company**

Proposed additional conditions

1. There shall be no admission or re-admission to the premises after 01:30am save for persons temporarily leaving the premises to smoke.
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. An additional door supervisor will be employed on Fridays and Saturdays whose sole responsibility will be to supervise the smoking area and the entrance to St Albans Place
4. No persons under the age of 21 will be admitted to the premises after 9pm
5. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.



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25 Meters

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