



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 th September 2014		Hillrise

Delete as appropriate		Non-exempt
------------------------------	--	------------

**Subject: PREMISES LICENCE VARIATION APPLICATION
MALTHURST HORNSEY RISE, 89 HORNSEY RISE, LONDON N19 3SH**

1. Synopsis

1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.

1.2 The premises currently holds a licence allowing:

- the sale of alcohol for consumption off the premises: 24 hours a day from Monday to Sunday;

1.3 The application is to:

- Change the plan attached to premises licence and remove and replace conditions on the licence.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No - Conditions agreed
Noise	No
Health and Safety	No

Trading Standards	No – Conditions agreed
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: 3
Other bodies	No

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form and current licence;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premises location.

3.2 Three local residents have submitted representations. The Police withdrew their representation in response to additional measures proposed by the applicant.

4. Planning Implications

4.1 The Planning Service have confirmed that the proposed application has no adverse implications.

5 Recommendations

5.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.

5.2 If the Committee grants the application it should be subject to:

- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 3)
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)
- iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

6 Conclusion and reasons for recommendations

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

Background papers:

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

Final Report Clearance

Signed by



Service Director – Public Protection

Date

26/8/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

E-mail: licensing@islington.gov.uk

WK/201451753

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Malthurst Retail Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/2553-130511-AMENDED
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Malthurst Hornsey Rise 89 Hornsey Rise			
Post town	London	Postcode	N19 3SH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£59,000

Part 2 – Applicant details

Daytime contact telephone number	01992 571937		
E-mail address (optional)			
Current postal address if different from premises address	Vincent House 4 Grove Lane All correspondence to: Winckworth Sherwood LLP (Ref: EMF/29297/14/RPB) Minerva House 5 Montague Close London SE1 9BB		
Post town	Epping	Postcode	CM16 4LH

ISLINGTON COUNCIL LICENSING			
Date	3/7/14	Fee Paid	315-00
Receipt Number	051507		
Received By	AFI		

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri								
Sat								
Sun								

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

The premises sell alcohol and other age restricted products.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	2 July 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/2553-130511-AMENDED		
Postal address of premises, or if none, ordnance survey map reference or description			
MALTHURST HORNSEY RISE 89 HORNSEY RISE			
Post town	LONDON	Post code	N19 3SH
Telephone number			

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 sale by retail of alcohol

<ul style="list-style-type: none">The sale by retail of alcohol:			
Monday	00.00	to	24.00
Tuesday	00.00	to	24.00
Wednesday	00.00	to	24.00
Thursday	00.00	to	24.00
Friday	00.00	to	24.00
Saturday	00.00	to	24.00
Sunday	00.00	to	24.00

The opening hours of the premises:			
Monday	00.00	to	24.00
Tuesday	00.00	to	24.00
Wednesday	00.00	to	24.00
Thursday	00.00	to	24.00
Friday	00.00	to	24.00
Saturday	00.00	to	24.00
Sunday	00.00	to	24.00

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



ISLINGTON

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

Malthurst Retail Ltd
Vincent House
4 Grove Lane
Epping
CM16 4LH

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

03313799

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

Varatharajah Dushianthan

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

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

Jane Gibbons
Service Manager – (Commercial)

1 Aug 2011
Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
3. A CCTV system shall be installed or the existing system maintained which is fit for the purpose. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as identification standard.
4. The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions.
5. Adequate staff levels shall be maintained at all times. Such staff levels will be disclosed, on request, to the licensing authority and Police.
6. Signage shall be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
7. All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. The evidence shall be photographic, such as a passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced.
8. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

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

Annex 4 – Plans

Reference Number: ISL 4503G01-1 01-06-05

Tuesday, July 29, 2014

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

Your Ref: WK/201444787

**Premises Licence Application Variation: Malthurt (Petrol Forecourt Store), 89
Hornsey Rise, London N19 3SH**

Dear Katie Tomashevski

I have seen the application for Licence Variation from the above party and wish to object strongly to the proposed changes on the following grounds.

Prevention of public nuisance

1. The lifting of the restriction of alcohol being sold in an open container or to be consumed in the licensed premises would indicate that it will be some sort of bar. As a resident who lives directly opposite the premises I fear we will be plagued by noise, anti-social behaviour, litter and the other detritus that accompany public alcohol consumption. I have lived next door to public houses and speak from experience.
2. Removal of signage requesting customers to leave the premises quietly so as not to disturb residents suggests that the management anticipates that there will be noise late at night but offer no encouragement for patrons to consider the neighbours.
3. I am not convinced that the provision of "adequate waste receptacles in and around the premises" will do anything to alleviate problems of litter. The term "adequate" is used without any means of qualification. The same vagueness is used in reference to the staffing levels. How many is adequate? Adequate for what situation? How many customers do they expect to deal with?

The Prevention of crime & disorder

4. The idea of people consuming alcohol at a petrol station is not a good one as it makes drinking & driving more likely. Surely the Council should not be encouraging this? There have been instances of robbery at the petrol station during the years that I have lived opposite and I think anything that encourages higher traffic of people for longer periods will attract more crime.
5. There is an existing problem of young people from the adjacent estate congregating on the low walls at the entrance to the petrol station. The proposed changes will give them more reason to be there and will almost certainly encourage under-age drinking.

Public Safety

6. The exit of the petrol station is adjacent to a zebra crossing on an extremely busy main road. It is a rather awkward siting as it is also close to a busy junction. The combination of inebriated customers leaving the premises either on foot or driving and traffic negotiating a busy junction and two zebra crossings in close proximity at the brow of a hill, is an accident waiting to happen.

Protection of children from harm

7. The Licence holder's assurances that age verification policies will be in place is again very vague and unconvincing. A statement that staff will be "trained to ask any customer attempting to purchase alcohol who appears to be under 25" to ask for identification is meaningless. Staff can be trained to do anything, whether policies are actively enforced is another matter entirely. It is notoriously difficult to ascertain the ages of some young people as teenage girls in particular can be made up to look considerably older.

I believe that the proposed variations in the premises licence will do great harm to the quality of life for residents in the area through increased nuisance as well as creating potentially dangerous situations through the combination of alcohol and road traffic.

Yours sincerely,

Licensing Act 2003 representation pro-forma

Should you wish to comment on the licence application please use this form to help you. Please feel free to attach additional sheets.

You do not have to make any comment, and comments may be made in support of as well as against the application, providing they refer to one or more of the licensing objectives (please see the guidance notes for further advice).

Premises Name and address Malthurst (Petrol Forecourt)
89 Hornsey Rise, N19 3SH

Your Name: _____

Interest: _____

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

Your Address: _____

Email: _____

Telephone: _____

COMMERCIAL LICENSING

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:

21 JUL 2014
PUBLIC PROTECTION DIVISION
222 UPPER ST, LONDON N1 1XR

Public Nuisance

Our neighbourhood (and Elthorne Park) already has quite a problem with alcohol and noise. We live opposite the petrol forecourt and at night there is already plenty of shouting and screaming of drunk people abusing staff or passers by

Crime and Disorder

Unhealthy for the area to encourage more alcohol use. Especially high number of teenagers in the area. It can only increase crime

Protection of Children from Harm

There are many young children in the area (two huge primary schools - Coleridge + Ashmant as well as McMillan Nursery). It can not be good for there to be a 24hr alcohol supplier locally. There is enough trouble as it is.

Public Safety

I can't imagine how it is in the in interest of public safety to increase alcohol use on Hornsey Rise. It is a neighbourhood where people live + sleep not a high street with clubs + bars. It can only bring trouble

I wish my identity to be kept anonymous Yes/No -

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:

[Empty box for explanation of anonymity request]

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 _____

Date 16/07/14

Please ensure name and address details completed above

Return to:

Licensing Service
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR
licensing@islington.gov.uk

or send by email to:

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 Matthurt (Petrol Forecourt Store) 89
Hornsey Rise, London N19 3SH

Your Name: _____

Interest: _____

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

Your Address: _____

Email: _____

Telephone _____

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

Removing the restriction on selling alcohol to be consumed on the premises is likely to result in increased noise and people hanging around the petrol station. This can already be a nuisance if people leave their ~~cars~~ ^{cars} on while they get petrol. Their signage about noise levels could be more visible.

Crime and Disorder

Allowing people to drink alcohol on the premises may well lead to an increase in crime - we are very vulnerable to this as we live opposite the service station

Protection of Children from Harm

Public Safety

It seems very irresponsible to allow the consumption of alcohol on the premises for a rehol station!

I wish my identity to be kept anonymous Yes ~~No~~

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:

Proximity to the service station.

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 _____

Date 25-7-14

Please ensure name and address details completed above

Return to:

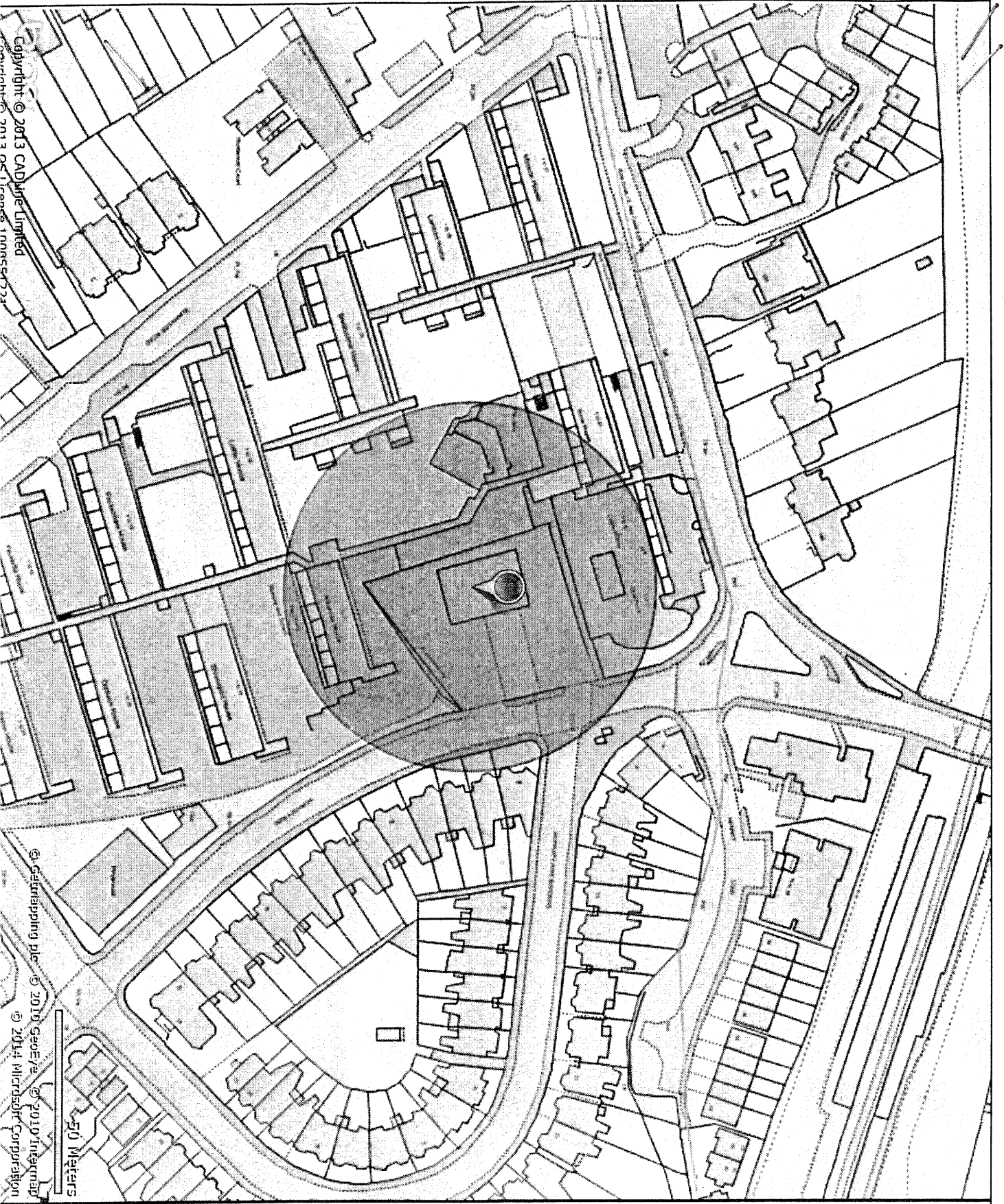
Licensing Service
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR
licensing@islington.gov.uk

or send by email to:

Appendix 3

1. CCTV shall be installed and maintained in agreement with the Police. The system will be regularly serviced (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 made available to an Authorised Officer or a Police Officer subject to Data Protection legislation) within 24 hours of any request free of charge. There shall be a member of staff on duty at all times who can operate the CCTV in order for the police or appointed officer to view the CCTV footage.
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
3. Signage shall be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
4. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
5. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
6. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing a customer's photograph, date of birth and Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
7. Prominent notices shall be displayed at points of sale advising customers that they may be asked to provide evidence of age.
8. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - i. Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - ii. Refresher/reinforcement training at intervals of no more than 6 months.
 - iii. Training records will be available for inspection by a police officer or other authorised officer on request
9. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - i. details of the time and date the refusal was made;
 - ii. the identity of the staff member refusing the sale;
 - iii. details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other authorised officer on request.



Copyright © 2013 CADLINE Limited
www.cadline.com 011 44 20 7000 511000 511000 511000

© Galenprinting plc © 2010 GeoEye © 2010 Infrared
© 2014 Microsoft Corporation

50 Meters

Title :

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
14-07-2014