

Public Protection/Licensing  
222 Upper Street, London  
N1 1XR

Report of: Director of Community Safety, Resilience and Community

Meeting of: Licensing Sub-Committee

Date: 11/04/2024

Ward(s): Bunhill

## Subject:

# PREMISES LICENCE NEW APPLICATION

## Re: Biryani Guys, 42 Old Street, EC1V 9AE

### 1. Synopsis

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

1.2. The new application is to allow:

- The Provision of Late Night Refreshment from 23:00 until 04:00 Monday to Sunday.
- Opening Hours from 08:00 until 04:00 Monday to Sunday.

1.3. Relevant Representations:

Licensing Authority	Yes
Metropolitan Police	No - Conditions Agreed
Noise	No - Conditions Agreed
Health and Safety	No

Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Three resident representations
Other bodies	No:

## 2. Recommendations

- 2.1. To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2. This premises is located in the Bunhill Cumulative Impact Area therefore the Licensing Sub-Committee will need to consider Licensing Policy 3, which states that there is a presumption of refusal unless the Sub-Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.
- 2.3. The application form does not appear to address the Cumulative Impact Area and Policy and has not suggested suitable conditions, which would be effective in ensuring there would be no nuisance created by the premises or its patrons, in the Operating Schedule. The applicants have accepted conditions suggested by the Police and Islington Council's Noise Service.
- 2.4. If the Licensing Sub-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 5); and
  - ii. Any conditions deemed appropriate by the Licensing Sub-Committee to promote the four licensing objectives.

## 3. Background

- 3.1 The application describes the premises as being a commercial shop unit, selling day and late night food and refreshments.
- 3.2 The premises was previously licensed as an Off Licence, with a licence for the Off sales of alcohol from 08:00 until 23:00 Monday to Saturday and from 10:00 until 22:30 on Sundays. This licence was surrendered.
- 3.3 The application received three letters of representation from local residents and from the Licensing Authority.

- 3.4 On 21 March, the Licensing Authority sent an addendum to their representation, which set out a number of allegations of the premises being open and operating in breach of the Licensing Act 2003.
- 3.5 Licensing officers visited the premises at 23:40 on 22 March 2024 and noticed the hatch at the side of the building open and the premises open and operating. They also looked up the premises on Uber Eats and noticed it was advertised as being open until 04:00. The notes from the Offices can be found at Appendix 3.
- 3.6 The applicant's representative was made aware of these breaches on Monday 25th and responded to the allegations of the premises being open. The response can be found at Appendix 4.

## 4. Implications

### 4.1. Financial Implications

- 4.1.1. The Head of Finance reports that the applicant has paid the application fee of £190.00. Should the application be refused, the fee is not refundable.

### 4.2. Legal Implications

- 4.2.1. The legal implications are set out in Paragraph 2.
- 4.2.2. Legal advice will be provided at the meeting of the Licensing Sub-Committee as necessary.

### 4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

- 4.3.1. The Licensing Sub-Committee need to consider the impacts that the proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

### 4.4. Equalities Impact Assessment

- 4.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

4.4.2. An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Premises Licence application under the Licensing Act 2003.

#### 4.5. **Planning implications**

4.5.1 The Planning Authority have confirmed that there are no planning conflict in terms of established use or conditions or restrictive conditions in relation to hours. There are no planning enforcement cases open in relation to the property

## 5. Conclusion and reasons for recommendations

5.1. That the Licensing Sub-Committee determines this application.

### **Appendices:**

Appendix 1:	Application form;
Appendix 2:	Representations;
Appendix 3:	Licensing Officers Visit to the Premises;
Appendix 4:	Applicants Representative to the Breach Allegations;
Appendix 5:	Suggested conditions and map of premises location

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

### **Background papers:**

• None.

### **Final report clearance:**

Authorised by:  
Janice Gibbons  
Head of Regulatory Services

Report author: Licensing Service  
Tel: 020 75027 3031  
E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

### Agent Details

* First name	<input type="text" value="Nana"/>
* Family name	<input type="text" value="Appiah"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader  
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text"/>
Business name	<input type="text" value="Press Investments Ltd"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Director"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

*Continued from previous page...*

**Agent Registered Address**

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="42"/>
Street	<input type="text" value="Old Street"/>
District	<input type="text" value="Islington"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="EC1V 9AE"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

## Section 3 of 21

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

### Confirm The Following

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

## Section 4 of 21

### INDIVIDUAL APPLICANT DETAILS

#### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes  No



Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="British"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Commercial shop unit selling day and late night food and refreshments.

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

**Section 6 of 21**

**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will you be providing recorded music?

Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes  No

### Section 13 of 21

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

### Section 14 of 21

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### Section 15 of 21

#### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes       No

#### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor

*Continued from previous page...*

As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

*Continued from previous page...*

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As below.

Also, on site safety and fire equipment such as fire hydrants.

b) The prevention of crime and disorder

The property benefits from dual window frontage so the internal area of the unit is visible to passers by which encourages incidental overlooking. The property also benefits from CCTV cameras for the safety of the staff and customers. Should an incident take place this would be reported to the police who would be able to view the footage if required.

c) Public safety

As per 'b)' above. In addition, public toilets are provided.

Th property would comply with all Environmental Health standards for the public consumption of food and would be receiving annual visits for inspection. The management of the property would also include the a continuous diligent and preventive approach to any collection of food waste and likely attraction to rodents. All staff will be trained to ensure that they have a personal responsibility to alert any hygiene issues so that they can be tackled immediately.

The storage of Refuse and recycling would be done on a daily basis with food waste and other recycling separate where possible. Refuse would be placed for collection as per Westminster City collection times.

d) The prevention of public nuisance

*Continued from previous page...*

It is unlikely that there would be significant noise or other nuisance as the unit is relatively small. However, should a crowd be gathered in front of the unit, staff will look to disburse them. Any theft or other criminal activity on the premises will also be reported to the local police service.

e) The protection of children from harm

The proposed use is unlikely to result in the harm of any children. Alcohol is not sold and no child services are provided. Also, the provision of the food and drink would be safe for children.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**



## **Licensing Authority Representation**

### **Licensing Act 2003**

Application for a new Premises Licence in respect of:

**Biryani Guys, 42 Old Street EC1V 9AE**

Licensable activities and timings applied for are for provision of late-night refreshment on and off the premises from 0800 to 0400 each day.

**The grounds for the representation are:**

Public nuisance

Prevention of crime and disorder

### **Licensing Policy Considerations**

Licensing Policy 6 - Licensing Hours

Licensing Policy 22 and 23 Public Nuisance and Noise associated with licensable activities.

Licensing Policy 25 – Noise relating to deliveries from the premises.

### **Issues of Concern**

The applicant has not put forward any mitigation or information in the operating schedule to demonstrate that these premises would not have a negative impact in an area saturated with outlets for take away and delivery of food. The area also has many late-night outlets for alcohol consumption and may attract customers from these venues who have been drinking and could cause disturbance and anti-social behaviour.

The applicant has not explained how the premises would be managed and operated in a manner that would not cause disturbance to nearby residents.

**Licensing Policy 6 - Licensing Hours-** The hours applied for are outside of the recommended policy hours for premises selling hot food and drink supplied by takeaway and fast-food premises, which is Sundays to Thursday 11pm to midnight and on Fridays and Saturdays 11pm to 1am.

**Licensing Policy 22 & 23-** The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions and controls on the premises licence to prevent public nuisance and undue disturbance to residents from licensed premises.

**Licensing Policy 25 -** Delivery drivers from this and the other food outlets close by will congregate outside while waiting to pick up orders. Islington now has several areas where delivery drivers are congregating and causing noise and anti-social behaviour, leading to complaints from residents and businesses.

### **Recommendations**

The Licensing Authority suggests that should the Committee consider granting the application, the effect of delivery drivers in the local area be taken into account and ask that all deliveries be by non-motorised vehicles, there should be a plan of where riders would wait and pick up deliveries and,

that the management of the premises monitor the behaviour of the drivers and operate a procedure for taking action on any drivers causing anti-social behaviour.

The Licensing Sub Committee should consider the application and the lack of information in the operating schedule, bearing in mind that the premises could attract customers from the many late night drinking premises in the area, who may loiter rather than leave the area and consider any resident's representations, any conditions suggested by the Council's Pollution Team and the Police and Islington Council's Licensing Policy.

Terrie Lane

Licensing Manager

Regulatory Services

0207 527 3031

[licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

27/02/2024

**Jones, Carol**

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**From:** Lane, Terrie  
**Sent:** 21 March 2024 17:10  
**To:** Licensing; Burrell, Ryan  
**Cc:** Jones, Carol  
**Subject:** Biryani Guys, 42 Old Street - additional information for LA Rep

Hi,

I wish to add to my LA representation in that we have reports and complaints that the premises has been operating beyond 2300 in contravention of the Licensing Act 2003.

On checking noise and ASB records I have found the following:

24/12/23 0130 Taxi driver reported eating in Biryani Guys and feeling ill, denied access to toilets as told they should close at 1am. Complained to Environmental Health.

5/3/24 0124 Resident complained Biryani Guys serving food from side window to delivery drivers.

5/3/24 0216 ASB Officers responding to above, observed delivery driver on pedal bike picking up food from Biryani Guys.

9/3/24 02.35 Resident complaint stated Biryani Guys open up to 0400 and noisy delivery drivers.

16/3/24 01.45 Parkguard Nightsafe patrol reported Biryani Guys open and serving food to two males and with delivery drivers waiting outside.

In view of the above, the recommendation of the Licensing Authority is that the application should be refused, due to complete disregard of licensing legislation.

Thank you,

*Terrie Lane*

Licensing Manager  
Regulatory Services  
Community Safety, Security and Resilience  
Islington Council  
222 Upper Street  
London N1 1RX

0207 527 3233  
07522 218255

**From:** [myaccount@islington.gov.uk](mailto:myaccount@islington.gov.uk)  
**To:** [Licensing](#)  
**Subject:** We have received your request  
**Date:** 12 March 2024 15:54:04

islington banner



Reference number: [REDACTED]

Reference number:	[REDACTED]
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### Form details

Form name:	Premises licence application -
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	representation form
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## Personal details

First name:	[REDACTED]
Last name:	[REDACTED]
Home address:	[REDACTED] [REDACTED]
In what capacity are you making this submission?:	Resident
Telephone number:	[REDACTED]
Email address:	[REDACTED]
Premises name:	Biryani Guys
Full postal address of premises:	[REDACTED]
Licence application reference number (if known):	WK/230044513

## Licensing objectives

Public nuisance:	<p>My [REDACTED] is located on a [REDACTED] on Timber Street. While the cocktail bar The Gibson was open since I first moved into this apartment over 3 years ago and up to very recently, noise had never been an issue. Since Biryani Guys opened, they have kept a service window open on Timber</p>
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Street. For months, they kept it open until closing time at 4am. This led to a considerable amount of noise coming from the interactions between the restaurant and individuals working on delivery, the high number of motorcycles parking on Timber Street, the number of delivery guys hanging out while waiting to collect orders, and customers who arrived at any time, parking with loud music outside the service window. I have made multiple calls to the restaurant letting them know that much of the problem is solved if they provide services through the front door. They initially told me they had paid over GBP 50,000 per year for the premises, which they seemingly construed to mean they could produce as much noise as possible. They then suggested me to "go out" since 1.30am wasn't that late. I have submitted two complaints to Islington to no avail. As of today, I have not received any response or follow-up. After much insistence, they promised to stop serving food through the window service at 10pm, but did not really uphold it. Last week alone, I woke up four times between 1.30am and

	3.30am because of the noise outside the window. I am also uncertain as to how they've been serving food until so late in the absence of a license.
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## Anonymous identity

I wish my identity to be kept anonymous:	Yes
If you wish your name and address details to be withheld then please explain the reason::	<p>Most times I have called Biryani Guys, the owner has asked me for my exact location, and has asked me to go speak with him to the restaurant. Last week alone, I had to call four times after waking up between 1.30am and 3.30am.</p> <p>When I made them aware I would raise this as part of their premises license application, they said that I had also complained about Domino's Pizza (which is inaccurate) and that they'd find a way to push back on my concerns.</p>

## Supporting documents

By submitting this from I agree that this information shall be distributed as detailed in this form and supporting guidance notes on How to comment or complain about licensed premises:	yes
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**Jones, Carol**

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**From:** myeaccount@islington.gov.uk  
**Sent:** 13 March 2024 20:33  
**To:** Licensing  
**Subject:** We have received your request



## Reference number: 3678415

<b>Reference number:</b>	[REDACTED]
--------------------------	------------

## Form details

<b>Form name:</b>	Premises licence application - representation form
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## Personal details

<b>First name:</b>	[REDACTED]
<b>Last name:</b>	[REDACTED]
<b>Home address:</b>	[REDACTED]
<b>In what capacity are you making this submission?:</b>	Resident
<b>Telephone number:</b>	[REDACTED]
<b>Email address:</b>	[REDACTED]
<b>Premises name:</b>	Biryani Guys
<b>Full postal address of premises:</b>	42 Old Street, London EC1V 9AE



## Licensing objectives

<b>Public nuisance:</b>	The premises is on the corner of a residential street (Timber Street which my [REDACTED] window [REDACTED]) so the arrival and departure of visitors to the premise will cause a significant amount of noise particularly if they have been drinking and leave late into the evening.
<b>Public safety:</b>	The proximity of the property to residential addresses poses risks to public safety if people leave the premises heavily intoxicated and choose to "pick fights" with innocent passers-by.

## Anonymous identity

<b>I wish my identity to be kept anonymous:</b>	Yes
<b>If you wish your name and address details to be withheld then please explain the reason::</b>	I would not want the applicants to know where I live given that I'm objecting to the application.

## Supporting documents

<b>By submitting this from I agree that this information shall be distributed as detailed in this form and supporting guidance notes on How to comment or complain about licensed premises:</b>	yes
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[Contact us](#)

[Comments and complaints](#)

[Privacy statement](#)

[Data protection](#)

**Jones, Carol**

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**From:** [REDACTED]  
**Sent:** 08 March 2024 13:03  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Licensing Act 2003 - Premises License Application - 42 Old Street, London, EC1V 9AE - Islington reference: WK/130044513

[External]

Dear Sirs,

I write to formalise my objection, in the strongest terms, to the application made by Biryani Guys connected to a premises licence at 42 Old Street, London, EC1V 9AE.

The application, as I understand it, seeks a licence covering 7 days a week with permitted hours of operation for between 08:00 hrs until 04:00.

This is frankly staggering and is wholly insensitive to the fact that the building is surrounded on all sides by residential occupants - residents who are already disturbed by the activity in this row of fast food outlets, including this unit.

Previous iterations of businesses in this location have been forced to close due to noise and smell complaints from neighbours and this application risks pushing residents into taking similar action again.

If permitted Islington will be giving the green light to both a public and private nuisance - one created by its licensing office, but which will ultimately end up being dealt with by its noise and anti-social behaviour team - this will come at a financial cost to the public and at a greater cost to the amenity and well being of residents (and likely the business itself).

The scheme, whilst it does not involve an alcohol licence, will unquestionably encourage public drunkenness in the area - most people looking for food at 4am in the morning are not sober.

I strongly feel that the application risks increasing criminal and/or disorderly behaviour in the immediate area, the corollary of which is that public safety will be put at risk and that a public nuisance is created.

This is not an appropriate scheme and it should not be permitted in any way, shape, or form.

Please acknowledge safe receipt.

Yours faithfully

[REDACTED]

Sent from my iPhone

Sent from my iPhone

23:40 - 22 March 2024

Biryani Guys, 42 Old Street

Hatch does appear to be in use and we noted a delivery driver waiting outside as we arrived.

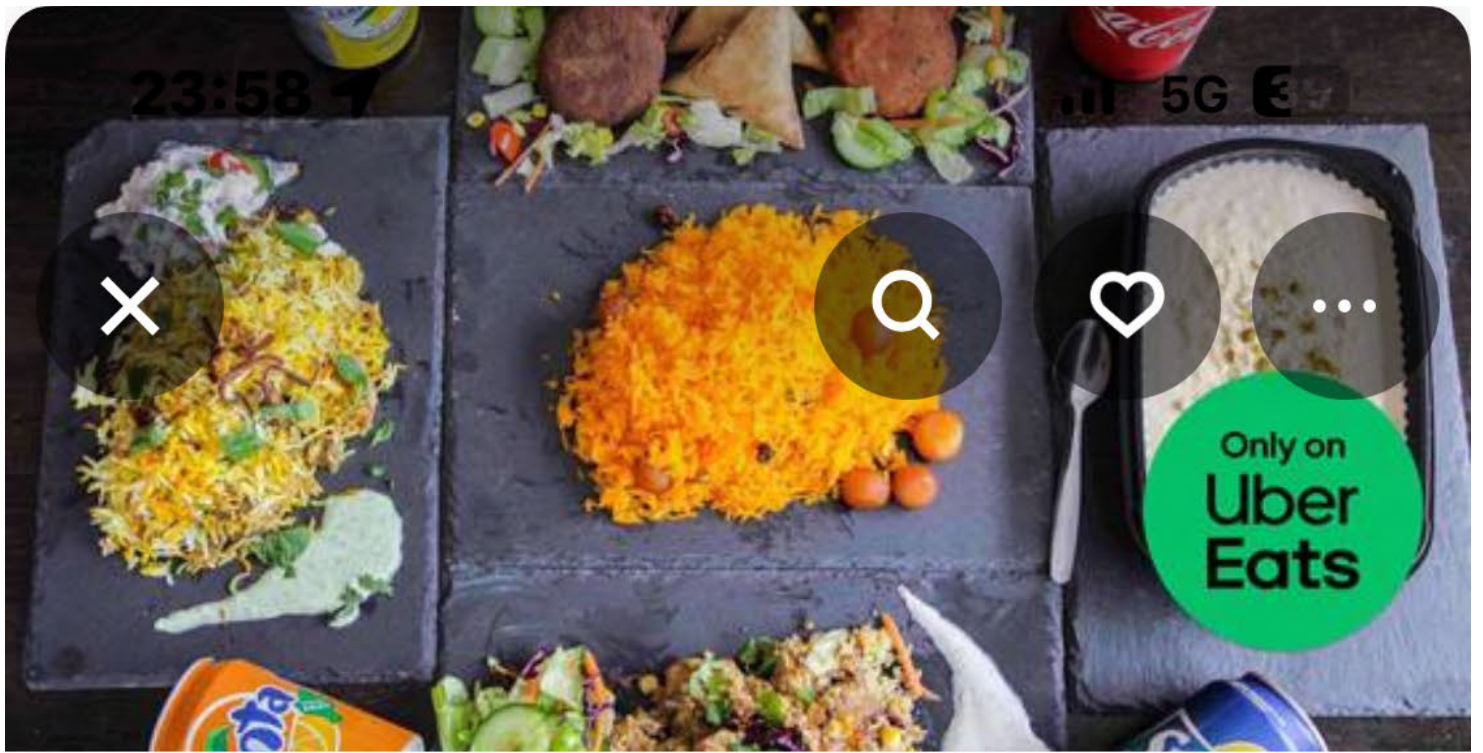


23:47 - Delivery person left the area.

DW, walked past premises and observed what appeared to be dockets for food orders awaiting completion. Kitchen extractor was running so likely food still being cooked.

NF checked UberEats which stated that food was available for delivery until 4am with a delivery charge to deliver to the council offices.

---



# Biryani Guys

4.4 ★ (200+) • £0.79 Delivery Fee • [›](#)  
📍 Uber One • 1.4 mi

Delivery

Pick-up

Eat-in

👤+ Gro

£0.79 Delivery Fee  
Pricing and fees

20–35 min  
Delivery time

Menu

11:00 AM – 4:00 AM

Karachi Ka Naas

11:00 AM – 4:00 AM

Try Uber One free for 4 weeks



Try Uber One tree for 4 weeks

Join now



## From your search

Related to "Biryani"

### Chicken Biryani

£12.99 •  86% (705)

Minimum Net weight: 450g.

Traditional South East Asian rice



23:59 - Observed a food collection from side hatch

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**Jones, Carol**

---

**From:** Press Investments [REDACTED]  
**Sent:** 25 March 2024 15:48  
**To:** Jones, Carol  
**Subject:** Re: New Application - 42 Old Street

[External]

Hi Carol

Thank you so much for speaking to me earlier.

I spoke with the applicant and he explained what actually happened. An officer came to the unit at 4:00AM. They let him in ONLY because he said he was an officer. They were not open. Actually, they did listen to the advice given and have been closing at 11:00PM sharp each evening. At that time, they do not serve any food or allow passing trade into the shop. They then come into the shop early to start the preparation for the next day. The problem is the lights in the shop are on, which may give the impression they're open.

He also explained that, due to it being Ramadan, they were pressured to take orders to those fasting via Uber and Deliveroo drivers who come and pickup the food. However they pick up the food from a side window. They do not come into the unit either when it's closed. They were under the impression that since this was a collection only operation, they didn't need a license for it. This is because during COVID, the rules had changed and they hadn't realised that this had since been withdrawn.

In addition, because it was Ramadan, they were getting pressured to deliver food to those who are currently fasting as they see it as sin not to. I appreciate this may not a licensing consideration, however, they are extremely religious so I thought it's important for me to mention.

Just clarity were not open to the public for service inside or takeaway. Only third party collections of food were taking place.

Following your contact, they will no longer be providing any services at all after 11:00 until such time a license is agreed.

I apologise for the confusion and the error in our judgement. They were not trying to float the licensing rules. They are a new small business and, unfortunately, are still grappling with these provisions.

I appreciate you're in meetings all this afternoon, and hope to pick up with you tomorrow.

Kind regards,

Nana Appiah MRTPI  
Planning Consultant

**PIL | Planning**

[REDACTED]

[REDACTED]

**Conditions proposed by Islington's Noise Service – Agreed**

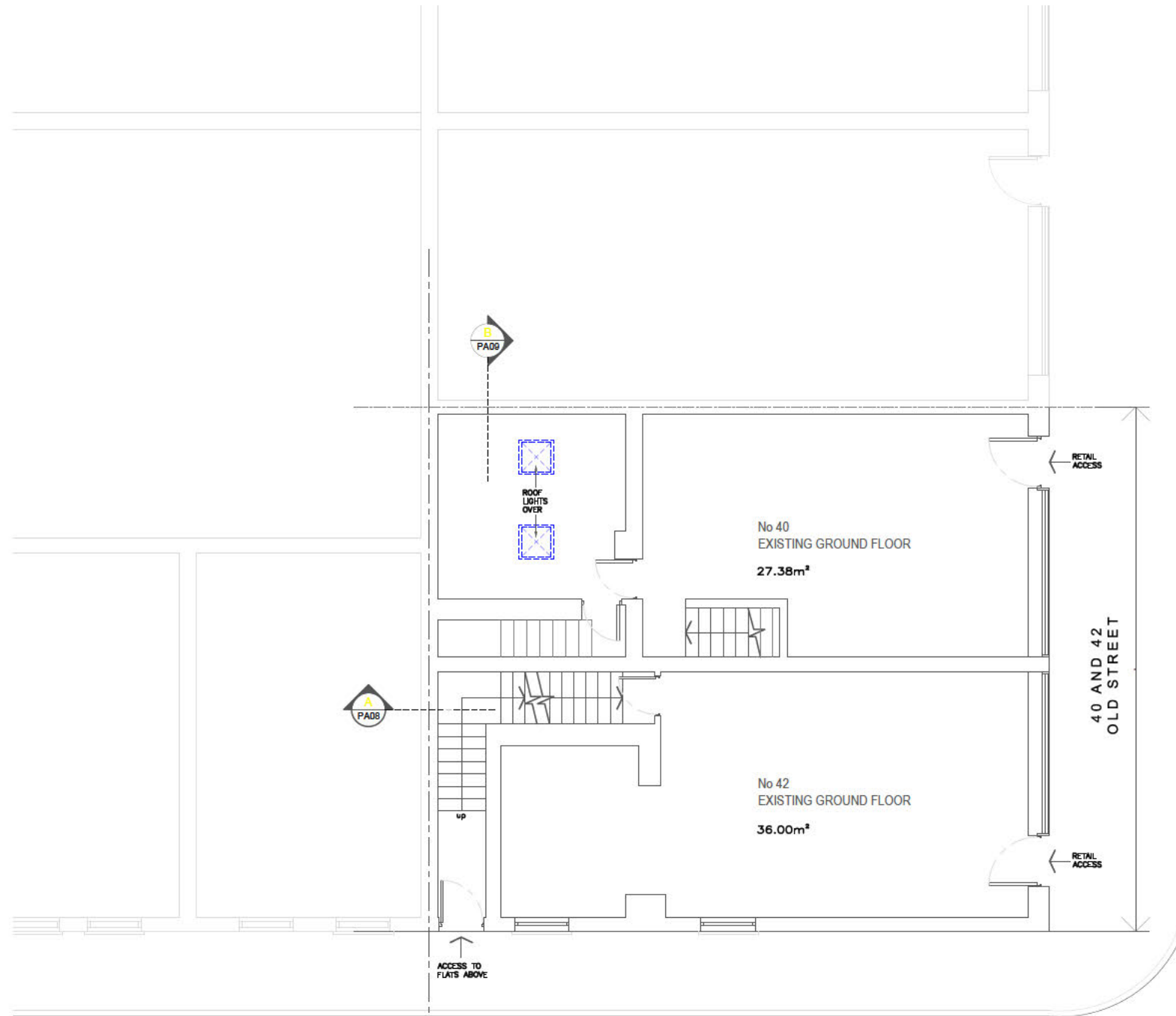
1. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. Noise, vibration or odours must not emanate from the premises so as to cause a nuisance to nearby properties.
3. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take all reasonable steps to work with the responsible authority to agree appropriate measures, if necessary.
4. Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
5. Waste collections and the delivery of licensable goods to the venue shall be restricted to the hours between 07:00 and 20:00 Monday-Saturday. No waste collections or deliveries shall be made on a Sundays or Bank Holidays.
6. No more than 5 patrons, at any one time, shall use the frontage of the premises to smoke. Signage shall be displayed to advise customers of this. Ashtrays or suitable containers/receptacles shall be provided for smokers.
7. The licensee shall take reasonable measures to ensure that no internal combustion engine vehicles are used for deliveries from the premises.
8. The licensee shall ensure that delivery drivers do not park or loiter in the vicinity of residential premises.
9. The premises will operate a no idling policy.
10. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address.
11. Drivers will abort delivery where it is believed that a sale is a 'street sale'.
12. No deliveries are to be made to an open space.

**Conditions proposed by the Metropolitan Police- Agreed**

1. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. The CCTV will comply with the following criteria
  - (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
  - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
  - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
  - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;

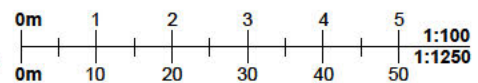
- (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
  - (f) The system will record in real time and recordings will be date and time stamped;
  - (g) The system will be specified so as to operate satisfactorily regardless of lighting conditions;
  - (h) During opening hours, at least 1 member of staff on duty will be able to operate the system sufficiently to allow Police or authorised Council officers to view footage on request;
  - (i) Recordings will be kept for a minimum of 31 days;
  - (j) Footage will be provided free of charge to the police or other authorised officers upon request (subject to the Data Protection Act 1998) within 24 hours of any request.
2. An incident log shall be kept at the premises, and made available upon request to the police or an authorised officer, which will record:
- (a) Any and all allegations of crime and/or disorder reported at the venue;
  - (b) Any and all complaints received by any party;
  - (c) Any faults in the CCTV system;
  - (d) Any visit by a relevant authority or emergency service;
  - (e) Any and all ejections of patrons;
3. In the event that crime or serious disorder is, or appears to have been, committed on the premises, the management will immediately ensure that:
- (a) The police and, where appropriate, the London Ambulance Service, are called immediately;
  - (b) As far as is safe and reasonable practicable, all measures will be taken to apprehend any identified suspects pending the arrival of the police;
  - (c) As far as is safe and reasonable practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.
4. The licence holder will at all times maintain adequate levels of staff. Staffing levels will be disclosed, on request, to the Licensing Authority and the Police. At all times that the premises is open to the public for the LNR hours there will be a minimum of 2 members of staff on duty. The licensee shall ensure that the management and staff prevent the admission of, and ensure the prompt departure from the premises of, any and all drunk and or disorderly people or other people displaying signs of other substance use, without causing any disorder.
5. The licensee shall ensure that all staff are trained on relevant matters, including the conditions of the premises licence, managing conflict and the health and safety of the public and staff and [if they are ever left in charge of the shop] the operation of the CCTV system and how to deal with visits from authorised officers. The licensee shall keep written records of training and instructions given to each member of staff, detailing the areas covered to include the Licensing Objectives. Staff shall sign to confirm that they have received and understood the training. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. The written training records kept for each staff member will be produced to police & authorised council officers on request.





Ground Floor Plan  
Scale 1:100

Notes  
Report any discrepancies.  
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mobile +44 07980447962  
e-mail: cdbuxton@me.com

Rev	Date

Planning Application

Project:  
40 - 42 Old Street  
London EC1V 9AE

Job Title: To extend and alter the existing building by virtue of rear infill extensions to enlarge existing flats and mansard roof extension to add 1 no. 1x bedroom flat (Flat 5)

Drawing Title  
Existing Ground Floor  
Plan and Entrance Lobby

Date  
07/06/22

Scale:  
1:100 @ A3

Org. No.  
PA02

Rev.



Address Search        

Address Search

SHOW LAYERS

Democracy

Islington borough boundary

Islington official addresses: non-postal and postal (LLPG points)

Islington official postal addresses (LLPG points)

Wards and councillors

Wards: 2002 to May 2022

Parliamentary constituencies

Polling districts



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