

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17 May 2016		St Peters

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION
Dolce Coffee, 48 Essex road, London N1 8LR**

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
 - (i) permit the sale of alcohol on the premises from 11:00 to 22:30 Monday to Sunday
 - (ii) the opening hours for the premises would be from 07:00 to 23:00 Monday to Sunday

2. Relevant Representations

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

Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: 5
Other bodies	Yes: 2 Local Councillor and Angel Association
Planning	Yes

3. Background

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premises location.

3.2 The applicant has seen the representations and has indicated that they will be putting forward additional conditions. These had not been submitted at the time of writing the report.

3.1 The premise is located within the St Peter's Cumulative Impact Policy area, adopted by the Council on 24 January 2013.

4. Planning Implications

4.1 The application concerns the sale of alcohol at a café, which appears to be operating under use class A3. Planning records confirm that the lawful use of the site is as a shop under use class A1 - permission was refused for a change of use to A3 on 1 April 2009, under ref. P081918, although the premise appears to have been operating in this capacity, unlawfully, since this time. As such, the proposed use is not authorised from a planning perspective.

4.2 The applicant is aware that the site didn't have planning consent, so they adjourned the initial hearing in November 2015 to apply for the appropriate planning consent. The planning situation at the premises remains unresolved and will be addressed at the hearing.

5 Recommendations

5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.

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

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

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 5th May 2016

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

* required information

Section 1 of 19

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.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name If the applicant's business is registered, use its registered name.

* VAT number Put "none" if the applicant is not registered for VAT.

* Legal status

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

* Is your business registered outside the UK? Yes No

* Business name

If your business is registered, use its registered name.

* VAT number

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- 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
- Other (for example a statutory corporation)

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 Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

DOLCE COFFEE LIMITED

Details

Registered number (where applicable)

07852367

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

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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

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.

GROUND FLOOR & BASEMENT ALCOHOL ON SALES ONLY

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

Continued from previous page...

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PROVISION OF PLAYS

Will you be providing plays?

Yes No

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PROVISION OF FILMS

Will you be providing films?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

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

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

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Section 15 of 19**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

 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.

TUESDAYStart End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End

Will the sale of alcohol be for consumption:

 On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

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

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol 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.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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
- 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'.

Continued from previous page...

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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.

NONE

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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

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

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.

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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.

The DPS is fully aware of his responsibilities under the 2003 licensing act with regard to ensuring the Four licensing Objectives are being met. Detailed outlines of how this will be achieved are detailed below. The DPS has attained his level 2 APLH qualification.

The DPS will take full responsibility to ensure that all staff is fully trained with a comprehensive knowledge of challenge 25 and licensing issues under the 2003 licensing Act this training will be fully documented and refreshed every six months. The DPS also is aware that he is responsible for ensuring that any licensable activities are carried out lawfully and within all the conditions that may be imposed on the premises licence and that he is also the main point of contact for the police and licensing authorities.

b) The prevention of crime and disorder

There will always be a Personal Licence holder on the premises throughout the time that licensable activity is taking place to authorise any sales or alcohol. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Islington Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Signage is in place to inform members of the public of the CCTV system is in operation.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment

Continued from previous page...

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service

c) Public safety

The installed digital CCTV system will record for 31 days all public areas of the premises which will monitor all public safety issues. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.

The DPS will ensure that the premises operates in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.

d) The prevention of public nuisance

The DPS is responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public. He will monitor the external areas of the premises in relation to public nuisance or antisocial behavior. Deliveries and rubbish collections will only take place during normal business hours and are at the side of the premises. Any antisocial behavior CCTV recordings will be made available to the police and environmental health officers. All necessary signs will be placed asking patrons to leave quietly and to use the bathroom facilities if required before leaving.

e) The protection of children from harm

The DPS will ensure that all staff receives fully documented training in relation to Challenge 25 and the licensing Objectives. A refusal book will be kept on the premises for inspection by the authorities. All necessary signage will be displayed with regard to challenge 25 and the fact that NO ID NO SALE policy is in place.

A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of Alcohol.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand 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.

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

* Capacity

* Date / /
dd mm yyyy

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.

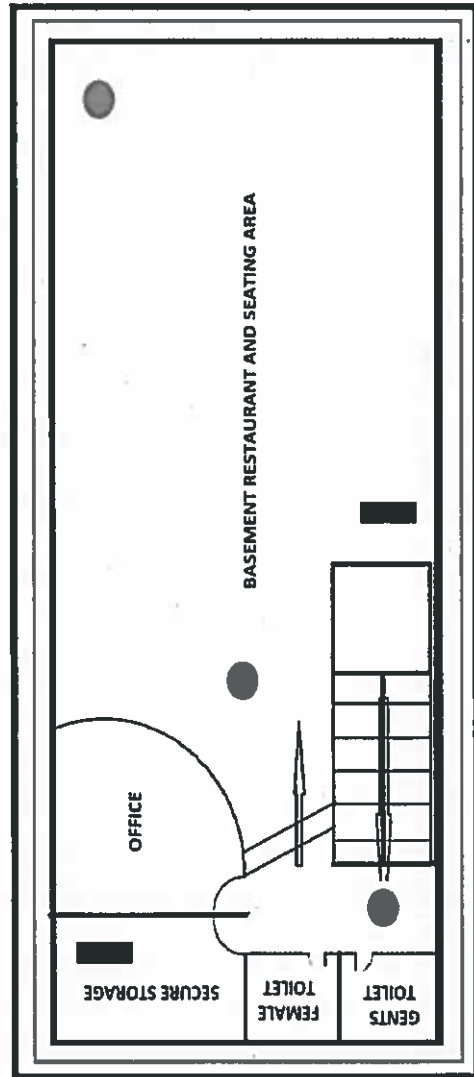
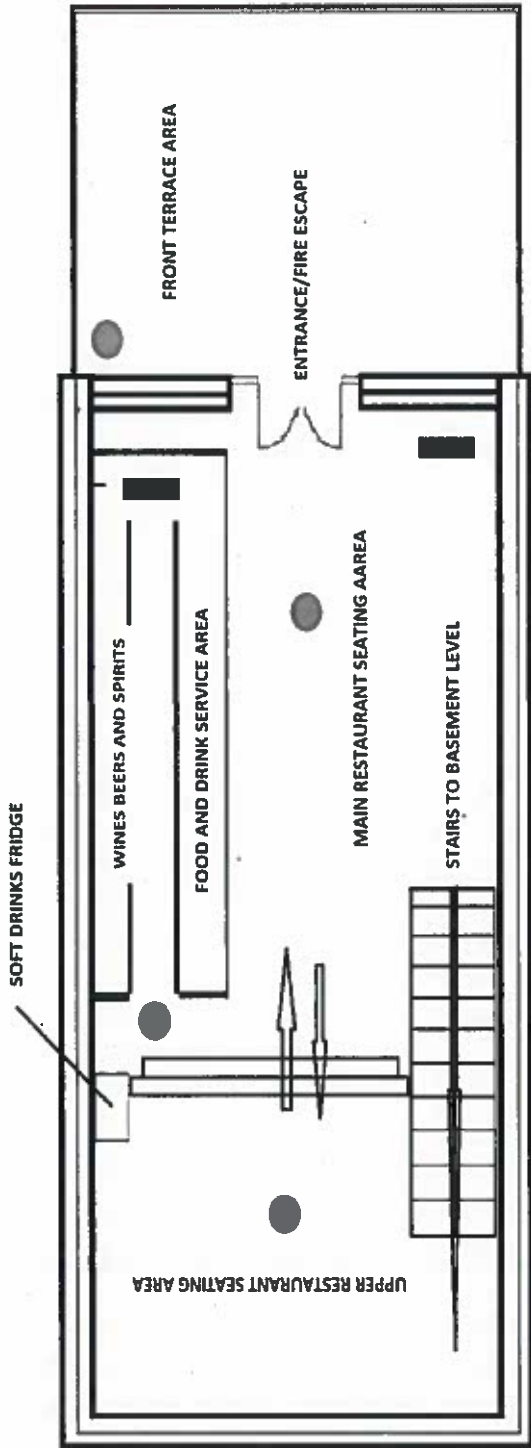
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE 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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="ntaddolcof"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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PROPOSED LICENSING PLAN

DOLCE COFFEE
48 ESSEX ROAD
LONDON
N1 8LR

KEY SCALE 1:100 ON A2

● CCTV CAMERAS

■ FIRE EXTINGUISHERS H2O

⌚ LICENSABLE AREA

Rep 1

I object to the granting of this licence application.

The property is in the cumulative impact zone and is surrounded by residential property and there are already a large number of bars in the immediate area at least 9.

The applicant appears to want to convert the premises to a bar. There is no provision for the service a substantial meal with the alcohol, no restriction on vertical drinking and no limit on capacity. There is already a history of anti social behaviour in the area and permitting these premises to operate as a bar will only add to the problem.

Rep 2

Dear

The Angel Association would like to propose a condition that alcohol be only served with a meal. These premises are in the Angel Cumulative Impact area.

I have also seen Cllr Martin Klute's objection and have to say that having viewed the Council's website I cannot see that the Council has given consent for a change of use from A1 to A3. If that is the case, then clearly that consent ought to be sought before an application for a licence be submitted.

Regards

Rep 3

I object to the proposal on the grounds that, in line with the council's licensing policy, the premises should seek planning permission for A4 use before applying for a license. The sale of alcohol would appear to be at odds with the current coffee bar use, which is presumably operating under an A1 use.

Cllr Martin Klute

Rep 4

Dear Sir,

I write to object to the granting of an alcohol licence to the above establishment. What good it will do I don't know as the much vaunted Saturation Zone Policy seems to have sunk without trace or at best been shelved indefinitely. There is no justification for permitting the sale of alcohol [Mon. – Sun. 11.00 until 22.30] by yet another outlet in this part of Islington. Upper Street has become **Supper Street**; indeed **Sup-Up Street** would be more like it. Can you not show a bit of resolve and resist any further granting of licences in this hitherto mixed use area. Visitors will avoid this area in future if its nature is changed out of all recognition.

Yours faithfully,


Licensing Act 2003 representation pro-forma

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

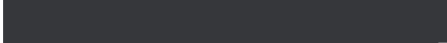
Premises Name and address: Dolce Coffee, 48 Essex Road, London, N1 8LR Ref WK/20160020

Your Name: 

Interest: Resident living directly opposite Dolce Coffee on other side of Essex Road


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

My flat  Dolce Coffee, overlooking Essex Rd. Issuing an alcohol license to Dolce Coffee will severely increase the noise disturbance I hear constantly at night, from inebriated and drunk revellers milling around the area, who shout, sing, whistle and talk loudly in groups. This noise is already stressful Thursday to Sunday due to inebriated smokers standing in groups outside The Old Queens Head pub and The Kings pub within 50 metres of me. Also nearby on Essex Rd there are: The London Cocktail Club, The New Rose, Winchester, and Wenlock And Essex which has outside drinking and is very noisy due to this. Drinking derived noise is constant mainly from Thurs to Sun at nights until 3:30am where I live. There are far too many drinking bars with late licenses in the immediate vicinity of Dolce Coffee already, and the revellers travel from one bar to another making antisocial noise and disturbing my sleep and peace of mind.

Dolce coffee currently has seating outside for 6 tables for 12 people excluding standing room for others, so everyone drinking alcohol and being raucous will clearly be heard in my flat 25 metres away, as customers are clearly already heard from The Old Queens Head and The Kings which are 50 metres away.

The license application does not exclude Dolce Coffee transforming itself into a bar in some way, which is obviously the whole point.

If granted, this licence it would be a disaster for my wife and I, it is a very residential area where Dolce Coffee is, with flats opposite and a large council block over their premises, it is not a suitable site for another bar with alcohol consumption from 11:00am They currently close at around 8pm so they will look to increase their opening hours in the future beyond 10:30pm if providing alcohol consumption was profitable.

Crime and Disorder

Drinkers from The Old Queens Head and The Kings pub within 50 metres come into our communal

entrance alleyway leading from [REDACTED] next to the Polish Pottery shop. They urinate and even defecate sometimes, others leave nightly small empty bottles of spirits and cans of lager, with nitrous oxide vials on the floor.

Dolce Coffee is directly opposite the alley entrance on Essex Road and as yet another alcohol serving venue it increases the risk of similar behaviour. I have had to report this issue to the police in recent weeks and they have done community officer patrols.

Protection of Children from Harm

Public Safety

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 would prefer no risk of repercussions or negative contact. I am not in support of negotiations on Dolce Coffee selling alcohol at any time at all. It is a popular coffee bar and I have no issue with that continuing.

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 _____

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

Licensing Act 2003 representation pro-forma

Should you wish to comment on the licence application 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:

Dolce Coffee, 48 Essex Road, Islington, London

Your Name:

Interest: Resident

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

Your Address:

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

Due to cumulative impact of already high number of licensed premises in this area.

Crime and Disorder

Due to cumulative impact of already high number of licensed premises.

Protection of Children from Harm

The above cafe is advertised and has a planning permission for internet cafe. Therefore, it has been used by minors.

Public Safety

The above coffee shop hasn't got permission to cook food on the premises.

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 do not wish anyone approaching me regarding my objection.

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: 26.10.2015

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

Forde, Niall

From: Shaxted, Andrew
Sent: 01 October 2015 16:15
To: Licensing
Subject: 48 Essex Road

The Planning & Development section have the following comments to make in relation to the above:

The application concerns the sale of alcohol at a café, which appears to be operating under use class A3. Planning records confirm that the lawful use of the site is as a shop under use class A1 - permission was refused for a change of use to A3 on 1 April 2009, under ref. P081918, although the premise appears to have been operating in this capacity, unlawfully, since this time. As such, the proposed use is not authorised from a planning perspective.

Please note that these comments are based solely on the information provided on the licensing application form and do not constitute a guarantee that planning permission is not required. If the applicant requires formal confirmation that no planning permission is needed for the activities described in the licence application, they are recommended to submit an application for a certificate of lawfulness under Sections 191-2 of the Town and Country Planning Act 1990 (as amended).

Andrew Shaxted
Planning Officer (Enforcement)

Planning Service
Planning and Development
Environment and Regeneration Department
Islington Council
Municipal Offices, 222 Upper Street, London, N1 1XR
Tel: 020 7527 2448
Fax: 020 7527 2731

www.islington.gov.uk

Advice given at officer level is informal only, and is given without prejudice to any future decision by the Local Planning Authority.

Licensing Act 2003- Representation from the Licensing Authority
Application: Dolce Coffee, 48 Essex Road, London, N1 8LR

I am submitting a representation on behalf of the Licensing Authority with respect to the new application to permit the alcohol sales Mondays to Sundays from 11:00 to 22:30.

The grounds for the representation are:

- Public nuisance
- Crime and disorder

Licensing Policy Considerations

Licensing Policy 1 Location, Cumulative Impact and Saturation
Licensing Policy 2 Cumulative Impact Areas
Licensing Policy 11 Mixed use premises

Recommendation and Reasons

The premises is located in the Angel and Upper St Cumulative Impact area which means that the council has determined that the area is already saturated with licenced premises and any licence applications need to be carefully examined to ensure that the proposed activities, opening hours, style of operation and management arrangements contained in the operating schedule will not add to the cumulative impact to such as extent that the licensing objectives are undermined.

The Licensing Authority has considered the style and hours of operation proposed by the applicant, the management arrangements described in the operating schedule and note that the proposals to sell alcohol have not been restricted by the applicant.

The Licensing Authority is concerned that this is application by stealth to turn the premises into a bar and therefore believe the application in its current form should be refused.

It should also be noted by the Committee for information that should the premises be granted a licence as applied, it would be contrary to the planning consent at the premises.

The Council's licensing policy recommends that applicants ensure that they have the correct planning consent before applying for a licence which isn't the case in this application.

Janice Gibbons
Service Manager
Islington Council
Public Protection Division
222 Upper St
London N1 1XR

27 October 2015

Suggested conditions of approval consistent with the operating schedule

1. The DPS shall ensure that all staff is fully trained with a comprehensive knowledge of challenge 25 and licensing issues under the 2003 licensing Act this training will be fully documented and refreshed every six months.
2. There will always be a Personal Licence holder on the premises throughout the time that licensable activity is taking place to authorise any sales or alcohol.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Islington Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
4. Signage shall be in place to inform members of the public of the CCTV system are in operation.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open.
6. This staff member shall be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or
8. the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
9. c) Public safety
10. The installed digital CCTV system will record for 31 days all public areas of the premises which will monitor all public safety issues.
11. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.
12. The DPS will ensure that the premise operates in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
13. The DPS is responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public.
14. The DPS will monitor the external areas of the premises in relation to public nuisance or antisocial behaviour. Deliveries and rubbish collections will only take place during normal business hours and are at the side or the premises.
15. Any antisocial behaviour CCTV recordings will be made available to the police and environmental health officers. All necessary signs will be placed asking patrons to leave quietly and to use the bathroom facilities if required before leaving.
16. The DPS will ensure that all staff receives fully documented training in relation to Challenge 25 and the licensing Objectives.
17. A refusal book will be kept on the premises for inspection by the authorities. All necessary signage will be displayed with regard to challenge 25 and the fact that no ID no sale policy is in place.
18. A personal Licence holder will be on duty throughout the time of licensable activity is taking place to authorise any sale of Alcohol.

