



LICENSING SUB COMMITTEE A

19 February 2019

SECOND DESPATCH

Please find enclosed the following items:

Item 1 Nags Head, Covered Market, 22 Seven Sisters Road, London, N7 8AG - New Premises Licence Application 1 - 24

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**The Covered Market, 20 and 22 Seven Sisters Road and Hertslet Road, Holloway,
London, N7 6AG**

Statement in relation to Islington's Cumulative Impact Policy

Introduction

The premises, The Covered Market, falls within the Holloway Road and Finsbury Park cumulative impact area where there is a rebuttable presumption not to grant new premises licences unless the application can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The policy includes guidance on possible exceptions to this policy.

This document details how this application has considered the Islington Licensing Policy and how should the application be granted the premises will not add to the cumulative impact of Holloway Road and Finsbury Park. This information is already within the application as evidenced by the correspondence and conditions offered but it is set out in this document for completeness.

This document shows that the application has been carefully drafted with the Islington statement of licensing policy and cumulative impact in mind.

It is the experience of the operators who have run similar operations in particular "Mercato" in Elephant and Castle that the type of restaurant and bar activity proposed will not draw customers into the area but rather will attract customers who would have patronised other premises (in particular the nearby local pub) and will provide a different food offer for local residents including families and those already in the area.

In terms of the specific matters set out in the Islington Statement of Licensing Policy the Applicant respectfully refers to sub committee to the following matters:

Possible exceptions to the Holloway and Finsbury Park Cumulative Impact Policy

A) Premises that are not alcohol led:-

The primary objective of the premises is the provision of food. The vast majority of customers will be there to eat.

The premises will contain a street food market on the mezzanine level. There is also a ground floor offering with food available at all times within the small area on the ground floor.

The mezzanine level will have several different types of cuisine available. This will be the main focus of the operation and the applicant would expect customers to come to The Covered Market to eat. The drinks available include products such as fruit smoothies and compliment the comprehensive range of street food on sale.

Food is to be provided by independent operators, offering various cuisines, all promoting their culture through food, alcohol and non-alcoholic drinks.

The alcohol will be sold at a comparatively high price point throughout the premises when compared to alcohol led premises such as pubs. This will deter people from coming to the premises to binge drink and is consistent with the food led business model. Those interested in more excessive alcohol consumption will inevitably attend alcohol led premises.

It is plain that the premises will not succeed unless the operation is food led. On any view this is not an alcohol led operation.

Premises with hours of operation consistent with framework hours:-

The hours proposed are for the various licensable activities proposed either within or less than framework hours.

The proposed hours for the premises are as follows:-

Supply of Alcohol (On Sales)

Sunday to Thursday: 10:00 hours to 23:00 hours

Friday and Saturday: 10:00 hours to 00:00 hours

Supply of Alcohol (Off Sales)

Monday to Sunday: 10:00 hours to 20:00 hours

Late Night Refreshment

Sunday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 00:30 hours

Opening Hours

Sunday to Thursday: 08:00 hours to 23:30 hours

Friday and Saturday: 08:00 hours to 00:30 hours

These hours are in line with Islington's framework hours. In relation to off-sales our proposed hours are less than Islington's framework hours. The proposed hours have been reduced during the consultation period due to representations raised the licensing authority and residents. The applicant has taken on board all representations raised and has amended the hours for licensable activities so they are well within Islington's framework hours and therefore, not adding to Holloway and Finsbury Park Cumulative Impact area in this regard.

B) Premises providing live music and other cultural activities:-

The application as originally drafted included a request for regulated entertainment. We have removed this following concerns expressed from local residents.

The premises will none the less provide services for the whole of Islington's diverse community, the street food market will have a number of different cuisines available catering for many different cultures.

Within Islington's Core Strategy document dated February 2011, there is a section regarding the Spatial Strategy for the Nag's Head and Upper Holloway Road (see document 1 attached). At point 2.4.5 it states that 'potential development opportunities within Nag's Head do exist and will be important to help increase the retail offer and meet demand. A need has also been identified for more family friendly evening functions (such as restaurants) within the town centre, particularly for families and young people.'

The Covered Market is aiming to cater for all cultures and in particular expects that the street food market will be used by families for lunch and early dinners. (See document 2 attached).

In relation to point 2.4.5 of the Spatial Strategy these premises will most certainly be increasing the retail offer as there will be at least 17 different food units within the premises offering different types of cuisine. This falls squarely within Islington's Core Strategy in the area. This ties into the exception to the cumulative impact policy. This is further evidence that the premises are not alcohol led (see A above).

C) Premises implementing match and event day controls in Licensing Policy 15 where recommended by Police or Licensing Authority:-

The application fully complies with this exception.

Following consultation with Islington Police Licensing, prior to submission of the application, the applicant added the conditions set out below, to the operating schedule in relation to match and event day controls:-

On days when Arsenal Football Club are playing home matches the start time for the sale of alcohol should be 10am on Monday to Saturday and 12 midday on Sunday, unless otherwise agreed with the Police.

Unless otherwise agreed with the police on days when Arsenal Football Club are playing home matches and between the times commencing 4 hours before the advertised start of the game and until 1 hour after the game finishes alcohol may not be sold in glass containers for consumption either on or off the premises, save for in an area set aside.

For the sake of clarity Arsenal Football Club means the male adult first team.

On days when Arsenal Football Club are playing at home:

a) There shall be a minimum of one personal licence holder on duty at the premises whilst open for licensable activities.

b) There shall be a minimum of two SIA licenced security staff of duty at the premises whilst open for licensable activities; said members of SIA staff shall be clearly identifiable, in every case wearing suitable high visibility clothing and with SIA accreditation clearly and openly displayed.

c) A risk assessment shall be undertaken by the management to consider the need for the prohibition of alcohol sales in glass containers at any time during that matchday; said assessment will take account of any advice offered by the police and security company engaged to provide door staff at the premises in relation to that particular game as well as the licensees own knowledge of the profile of any persons likely to attend the venue during that matchday.

These conditions are in line and comply with Licensing Policy 15.

In summary, this application falls within the possible exceptions to the Holloway and Finsbury Park cumulative impact area due to the following factors:-

1. The premises is not alcohol led;
2. The proposed hours are in line with Islington's framework hours and in particular the off-sale hours are less than Islington's framework hours;
3. The whole ethos of the premises being at least 17 different cuisines, providing a street food market feel is aimed to provide a service to the many different cultures within this diverse borough;
4. In line with clause 2.4.5 of the Spatial strategy of Islington's Core Strategy the premises will increase the retail offering in the area and in particular will offer more family friendly evening functions for the whole community;
5. Following consultation with Islington Police Licensing Officer the applicant has added the event and match day controls in line with Islington Licensing Policy 15.

OTHER POLICY CONSIDERATIONS

In addition to the above, the mezzanine level of The Covered Market is currently underused land within Nag's Head. Policy CS 3 of Islington's Core Strategy document dated February 2011 (see document 3 attached) which highlights that Islington should encourage development of underused land to maximise opportunities to provide new retail premises where possible along with employment uses.

For the reasons stated above and in line with Islington's Licensing Policy and Islington's Core Strategy, the application compliments and falls within the requirements of these policies. The Nags Head Town Centre is identified as an area which would benefit from this opportunity to provide cultural diversity through the food and drinks provided. The premises will need to be staffed by at least 30 people. Each operator will provide their own different type of cuisine and will provide their own staff at The Covered Market and will be incentivized to recruit locally, for example, the proposed pizza unit will employ at least 7 staff themselves. This is further evidence that the premises could not survive unless food led.

The premises is providing new retail offers within the mezzanine level and the ground floor level, along with providing more employment opportunities. This application is not adding to the Cumulative Impact Area of Holloway and Finsbury Park however, it is assisting with

Islington's Core Strategy and the development which is required for the Nag's Head Town Centre In Islington's Core Strategy.

Documents:-

- 1. Islington's Core Strategy document dated February 2011, Spatial Strategy for the Nag's Head and Upper Holloway Road;**
- 2. Further Details relating to the Application;**
- 3. Islington's Core Strategy document dated February 2011, Policy CS 3.**

2 Spatial strategy

2.4 Nag's Head and Upper Holloway Road

- 2.4.1** The Nag's Head is a busy and vibrant major town centre offering a variety of shops and services. Nag's Head has historically developed along the A1, Holloway Road, a heavily trafficked route passing through the centre of the borough linking London with the North of England. The town centre has a large number of architecturally and historically interesting buildings including a variety of styles from Victorian, through to post-war period. Part of Holloway Road is designated as an Archaeological Priority Area, with conservation areas along and adjacent to Holloway Road.
- 2.4.2** Camden Road is a strategic road for London managed by Transport for London. It is a busy road but predominantly bordered by residential areas. Many of the buildings along the road are set back and do not face the road resulting in large stretches of inactive frontage lacking the security of 'passive surveillance'.
- 2.4.3** A town centre strategy for Nag's Head was adopted as a supplementary planning document in May 2007. This document puts forward a vision for the future of the town centre, and identifies opportunities for its improvement through its land uses and management. This guidance will remain in place after the Core Strategy is adopted. As well as Nag's Head, the area identified by the Core Strategy includes the stretch of Holloway Road towards Archway adjacent to Upper Holloway rail station. Although not part of the town centre, this stretch of Holloway Road faces similar challenges of being divided by the busy A1 road, as well as providing further important employment and residential functions which contribute to the area.
- 2.4.4** There is currently a poor physical environment along Holloway Road. The road itself creates a major barrier dividing the town centre. The amount and speed of traffic create an unsafe environment for pedestrians and act as a barrier to investment. Links across the A1 are encouraged as part of the *A1 Borough Strategy* to 'stitch' together the east and west sides of Holloway Road. This area also suffers from a distinct lack of green space and narrow footways which become congested. Improving the environment for pedestrians is therefore a priority. Opportunities for inclusion should be maximised, utilising the town centre's accessibility and topography to further increase use by disabled people.
- 2.4.5** The town centre already provides a great variety of goods and services. Potential development opportunities within Nag's Head do exist⁽⁹⁾ and will be important to help increase the retail offer and meet demand. A need has also been identified for more family friendly evening functions (such as restaurants) within the town centre, particularly for families and young people⁽¹⁰⁾. Developing these will contribute to a safer environment in the evening and expand the evening economy.
- 2.4.6** The council will seek to improve and increase the retail offer within Nag's Head.
- 2.4.7** The council's strategy for this key area over the lifetime of the plan is set out below:

9 Identified in the town centre strategy

10 Nag's Head Town Centre Strategy, 2007

Policy CS 2

Finsbury Park

A. Finsbury Park is a district town centre with main retail frontages along Fonthill Road, Stroud Green Road, Blackstock Road and Seven Sisters Road. The Development Management Policies development plan document will define the town centre area and contain detailed policies for managing development within shopping areas.

B. Redevelopment of low density employment sites around Finsbury Park station is supported to provide mixed-use developments of housing, employment (office, light industrial, storage and distribution), retail and leisure. Loss of some storage and distribution floorspace on these sites may be acceptable if re-provided by intensified use of surrounding sites. These sites will provide between 500-700 units of housing.⁽⁸⁾ Self-contained conventional housing and employment uses will take priority over other uses above ground floor in this area.

C. New developments near the station will be planned to facilitate an improved, less confusing, transport interchange location and high quality public realm together with enhanced permeability.

D. Permeability and legibility of the wider area, including areas within housing estates, and access to Finsbury Park will be improved through a combination of site redevelopments and small scale interventions linked to a public realm strategy. Joint work with Transport for London will be undertaken to improve the pedestrian environment along Seven Sisters Road. These interventions will focus on creating an environment which increases people's sense of personal safety.

E. There will be improved walking and cycling routes through Finsbury Park area to Highbury Corner, and from Highbury Fields to Caledonian Park, to encourage walking and cycling for local residents, London Metropolitan University students and visitors to the Emirates (Arsenal) Stadium.

F. The historic character of the area will be protected and enhanced with high quality design encouraged so that it respects the local context of Finsbury Park and its surroundings.

⁸ The housing figures quoted in the key areas policies will make the major contribution to the overall borough housing target set out in Section 3.3. Smaller scale developments outside the key areas will also play a part in meeting the housing targets.

**Application for Premises Licence
Nag's Head, Covered Market, Seven Sisters Road**

1. A list of conditions which will attach to the premises licence if granted.
2. We have removed live and recorded music from the application.
3. The premises licence hours have been amended as set out below. Please note the off sale of alcohol is only permitted until 20.00 hours, Monday to Sunday inclusive.

Supply of Alcohol (On Sales)

Sunday to Thursday: 10:00 hours to 23:00 hours

Friday and Saturday: 10:00 hours to 00:00 hours

Supply of Alcohol (Off Sales)

Monday to Sunday: 10:00 hours to 20:00 hours

Late Night Refreshment

Sunday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 00:30 hours

Opening Hours

Sunday to Thursday: 08:00 hours to 23:30 hours

Friday and Saturday: 08:00 hours to 00:30 hours

In relation to other matters raised in the representations we can confirm as follows:-

Public Nuisance

1. We have withdrawn the application for live and recorded music. In the circumstances, our appointed acousticians confirm that since this is no longer proposed as part of the application the concerns regarding music noise are no longer valid. Given that music is no

longer proposed as part of the application the concerns regarding music noise have now been dealt with, as there will be no music escape from the premises. This will be evidenced by the acousticians report, which is attached.

2. There is concern regarding refrigeration units inside the premises and these causing a noise nuisance. All refrigeration units will be inside the premises. These are compact and there will be no units whatsoever outside the premises in relation to refrigeration. Again, the applicant has consulted in relation to this and there is no noise escape from the refrigeration units which could disturb neighbouring properties.
3. Please note there is a condition agreed with the Environmental Health Team Officer for Islington, condition 21, which reads as follows **Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties**. The conditions in relation to live and recorded music have been agreed with the Environmental Health Noise Team Officer and these are in relation to any proposal for recorded and live music. As we have withdrawn live and recorded music, this is now irrelevant.
4. Air conditioning equipment associated with the operation will require a formal planning approval. This will in turn necessitate an acoustic assessment being undertaken to the nearest residential properties from all equipment operating simultaneously. The local authority will not discharge any condition relating to the use of plant until such time as it has been demonstrated that noise from this equipment is controlled to noise levels which are lower than the prevailing noise climate.
5. There is a concern that there will be food left around the premises. This has also been dealt with by condition 31, which reads as follows **The DPS shall ensure that the curtilage and adjoining highways are cleared of any litter, glass and bottles caused by patrons of the premises**. The applicant and their team will ensure that the area around the premises is swept and cleaned each evening when the premises closes.
6. With regard to the concern of cooking odours, again this will be dealt with by extraction and this will go straight up from the premises. This will of course be within all the food safety guidelines and planning permission will not be granted for the extraction unless it can be shown that this will not cause a nuisance to nearby or neighbouring properties.
7. Also in relation to food waste and fats from the premises, this will all be dealt with by the Waste Management Company, which the applicant will retain. We attach the link of the firm

which deals with the waste in a way that is bio-degradable and will not have an impact on the surrounding amenities and properties.

<https://www.olleco.co.uk/>

8. In relation to car parking, we do not anticipate that customers will visit the premises by car. Our customers will generally be local people and students who will travel to the premises by foot or by public transport.
9. Please note there was great concern that these premises would be a nightclub. This was never the case, this is a food hall and as such the applicant has removed live and recorded music from the application. This cannot trade as a nightclub.

Crime and Disorder

1. Reference is made in the representations to thefts of alcohol from the premises. Please note there will not be any alcohol on display such as in a supermarket for people to be able to steal easily.

Alcohol will be stored behind the counter of each of the food units where customers will not be permitted access.

The applicant is very happy to add an additional condition as follows:-

There shall be no self-service of alcohol at the premises.

2. In relation to the running of the premises the applicant will have the following people on site at all times:-

Sunday to Wednesday

Ground Floor

1 Bar Staff

1 Floor Service Staff

1 Duty Manager (supervising ground floor and first floor at all times)

First Floor

2 Bar Staff

2 Service Staff

1 Duty Manager (supervising ground and first floor at all times)

Thursday to Saturday

Ground Floor

1 Bar Staff

1 Service Staff

2 Duty Managers on duty at all times (supervising ground and first floor at all times)

First Floor

2 Bar Staff

3 Floor Service Staff

2 Duty Managers on duty at all times (supervising ground and first floor at all times)

At least 1 SIA Door Supervisor after 21.00 hours on Thursday when the smoking area is in use

At least 1 SIA Door Supervisor after 21.00 hours required at all times on Friday and Saturday

You will see that the applicant takes the running of the premises and the safety aspect of all the residents seriously. It is felt that having SIA security on the busy evenings and members of staff the whole of the time the premises is open visible, certainly at the entrance to the market off Hertslet Road, is of great benefit to the area. This would deter persons who are coming to take drugs and drink in the area by the car park, providing a much safer environment for the residents. It is certainly of benefit to have people patrolling the area who are visible, which will deter people carrying out acts of crime, drug taking and drunkenness, which are not currently monitored.

3. As explained in the meeting there will be a number of small food operators within the Food Court on the first floor of the premises. There will be an area in the centre of the first floor where people can sit down and eat their food and have their drinks with their friends and colleagues. The area is continually patrolled and the people running the food units will be trained in the licensing laws. We anticipate that a person will be able to move from one unit to the other, it will be very clear if they are incapacitated. The people running the food units will not serve customers who are intoxicated as this is also a breach of the mandatory conditions which will be added to the premises licence if granted.

Protection of Children from Harm

1. The food hall offers a range of different cuisines. It is hoped very much that it can be used by families for lunch and an early dinner. The applicant is very happy to add an additional condition as follows: ***That children are not permitted on the premises after 20.00 hours unless they are accompanied by an adult.*** These will be properly run premises with strong and affective management. This applicant already runs the premises at the Mercato Metropolitano in Elephant & Castle and has never experienced problems in relation to children. The staff are fully trained and children will not be permitted to be on the premises after 08.00 p.m. without an accompanying adult.
2. The premises must operate a Proof of Age Scheme, such as Challenge 25 at all times. No one is permitted to be served alcohol unless they provide identification on site. They will be challenged if the person appears to be less than 25 years of age.

Public Safety

1. As has been referred to in relation to crime and disorder these will be well run and managed premises and there will be a visible presence of both SIA staff at the weekends and management staff. We believe this will make the area safer.
2. It is important to note that all persons entering or exiting the premises will have to do so through Seven Sisters Road after 08.00 p.m. There will be no reason for them whatsoever to travel to Hertslet Road, as there are no travel links in that direction.

2 Spatial strategy

Policy CS 3

Nag's Head and Upper Holloway Road

A. Continue to focus and promote a mix of retail opportunities along the main 'high streets' of Holloway Road and Seven Sisters Road to provide a better range of shops. The permanent and event-focused markets in the town centre will continue to play an important part in the retail offer. The existing town centre boundary will be extended along Holloway Road and Seven Sisters Road. The Development Management Policies will define the town centre boundary, mix of uses, and related frontages policies specific to the Nag's Head.

B. Encourage development of underused land within Nag's Head, to maximise opportunities to provide new retail premises where possible, along with other employment uses. Some opportunities exist for residential development above existing retail uses. Opportunities will be identified in the Site Specific Allocations.

C. Improvement of the public realm to enhance the environment for pedestrians and cyclists is a key priority to reduce the negative impact of the significant traffic flow. The streetscape will be improved, making it less cluttered, more inclusive, attractive and safer, with increased safety of access to the Sobell Leisure Centre. Better links will be encouraged across the busy Seven Sisters Road, Tollington Road/Isledon Road gyratory systems, and Holloway Road, and, if feasible in the long term, the gyratory system will be removed. In addition, opportunities for greening this corridor will be maximised through planting, green roofs and enhancement of existing open spaces. The historic environment should be used as an asset when developing improvements to the public realm.

D. Maintaining and enhancing the provision of employment spaces, including those along Holloway Road towards Upper Holloway station, will be important in contributing to the diversity of the local economy and providing opportunities for small and medium businesses, capitalising on all key transport links.

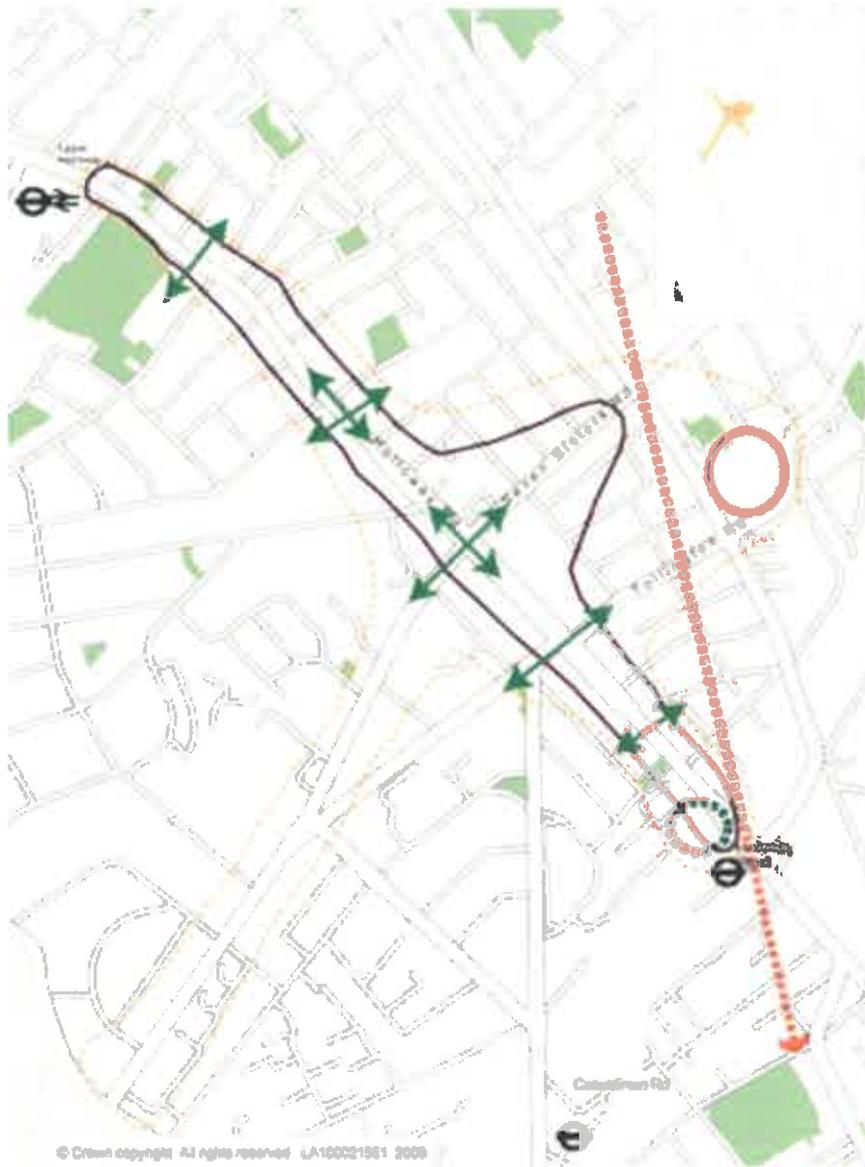
E. A supplementary planning document will be produced to create a masterplan for future development along Camden Road and the adjoining area to improve the urban design of the area and create a better pedestrian environment.

F. The educational institutions in this area (London Metropolitan University and City and Islington College) will continue to play an important role in contributing to the local economy.

G. Opportunities for evening economy and leisure activities within Nag's Head Town Centre will be encouraged to complement existing leisure and retail uses.

H. The historic character of the area will be protected and enhanced, with high quality design encouraged within the town centre and along Holloway Road through a supplementary planning document.

Map 2.4 Nag's Head key area



Key

- | | | | |
|---|---|---|-------------------------------|
|  | Key area |  | Views to St. Paul's Cathedral |
|  | Priority area for environmental and public realm improvements |  | Improved pedestrian links |
|  | Open space enhancement opportunity |  | Leisure centre refurbishment |

2 Spatial strategy

I. Links will be encouraged between the town centre and Arsenal (Emirates Stadium), to contribute to the wider commercial and tourism opportunities in the area.

2 Spatial strategy

2.5 Highbury Corner and Holloway Road

- 2.5.1** Highbury Corner and the Highbury and Islington station mark the transition from Upper Street to Holloway Road on the A1. Highbury Corner has been a hub for public transport since the early 19th century, and continues to be so. The area has also retained much of its historical character and is covered by a number of conservation areas, listed buildings and heritage assets such as the Union Chapel.
- 2.5.2** Highbury Corner is a busy traffic island with a poor pedestrian environment. The station entrance is hidden behind a post office building and the pavements leading from the station are congested. The East London Line extension will improve connections with Dalston, Canary Wharf and south London when it becomes operational in 2011. A few minutes walk from the station is Highbury Fields, Islington's largest open green space.
- 2.5.3** A council objective, in partnership with Transport for London, is to deliver major improvements to the roundabout at Highbury Corner to ensure that it is less dominated by motorised traffic and to improve the station facilities. In addition, any redevelopment along the Highbury end of the Holloway Road will be expected to improve the design and quality of the built environment.
- 2.5.4** In the north of this area is Holloway Road station, around which the pedestrian environment remains poor and the building quality is variable. Holloway Road station is near to the Emirates (Arsenal) Stadium and London Metropolitan University's main campus. The university is a major employer in the borough and important for Islington's and London's future economic success. The council will work with the London Metropolitan University as it seeks to rationalise and redevelop its core estate on Holloway Road to ensure that this continues to meet its operational needs.
- 2.5.5** The council's strategy for this key area over the lifetime of the plan is set out below:

Additional submission Rep 16

Dear Islington Licensing team/Sub Committee,

Licensing Act 2003-Application for a Premises Licence-The Nag's Head Covered Market, 20 and 22 Seven Sisters Road, and Hertslett Road Holloway N7

Thank you for sending to me the Application for a Premises Licence at The Nag's Head Covered Market and the Notice of Adjourned hearing, now to be heard before Sub Committee on February 19th, 2018

This is an additional Representation opposing the Premises Licence Application. My original Representation was dated December 4th, 2018

This Representation is focused on the licensing objectives:

- (a) preventing crime and disorder, (b) securing public safety, (c) preventing public nuisance, and (d) protecting children from harm.

Conclusions drawn from my comments below

1. License Applicant does not (or will not) have control of the ground floor of the Market. It is therefore unable (by itself) to enter into agreed conditions (or propose a valid and binding operating schedule) which relate to i) the ground floor generally, or ii) the main entrance and exit points for the Market on Seven Sisters Road and Hertslett Road or iii) any other entrance and exit points for the Market. Having control over the entrance and exit points is a key component in the Licence Applicant being able to comply with the licensing objectives.
2. The Market is currently operating unlawfully. Such unlawfulness will be further compounded and enhanced if this Application is granted.
3. The Market (as a whole) is currently under investigation for multiple breaches of planning regulation by the Islington Council Planning enforcement team. Enforcement Case ENF/2019/19. Planning Enforcement Officer: Andrew Jarratt.
4. The Market is very poorly operated under its current management. It is clear (from the multiple breaches of planning regs) that the existing Main Market Operator has little regard for the law. This needs to be considered in assessing whether there is really any point in agreeing conditions (a proposed operating schedule) with this License Applicant, whose activities will in any event be controlled by the Main Market Operator.
5. Sub Committee or the Licensing Authority (or other statutory consultees) should not properly consider this Application until the existing unlawfulness of the operations and activities at the Market are remedied.

6. The Licence Applicant is a newly formed off the shelf company. Its constituent shareholders are weak corporate, currently loss making and inexperienced entities. This is highly relevant to Sub Committee in determining whether the Licence Applicant will be able to make the necessary investment that is required to make the massive proposed operation compliant with the licensing objectives.
7. On the basis of the above points, it is submitted that the Licence Applicant and/or the Application can no longer be deemed to be credible or worthy of consideration.
8. On the basis of the above points, it is submitted that the Licensing Authority and Sub Committee can place no reliance on this Licence Applicant in fulfilling or adhering to the agreed conditions/proposed operating schedule and/or attaining the licensing objectives.
9. On the basis of the existing unlawful operations taking place at the Market, and the above points, it is submitted that Sub Committee and the Licensing Authority cannot credibly or legally entertain consideration of this application under the Licensing Act 2003

Who is responsible for the Market and main ground floor entrances/exits at the Market? These areas are not included as part of the plan of the Licensable Premises

The legal ownership structure of the ground floor of the Market (and control over the exits) is currently fragmented between a number of different legal entities (see details below). These numerous legal entities would need to be joined to an agreed “operating schedule” for it to have any legal validity.

The License Applicant has now agreed in a proposed operating Schedule a number of onerous (and potentially very expensive) conditions/assurances with statutory consultees (Police/Noise team etc) in making this application for a Premises Licence. A number of these conditions/assurances relate to the main entrance/exit points of the Market on Seven Sisters Road and Hertslett Road

Before considering the merits of this new Licence Application (proposed capacity 430 people for new first floor mezzanine and perhaps 100 people for the ground floor bar area) and whether the licensing objectives can be fulfilled by the License Applicant, it is hopefully incumbent upon Sub Committee and the Licensing Authority to try to work out who is going to be legally responsible for the Market and the licensable activities at the Market.

The plans that accompanied the Licence Application show that the premises to be licensed are outlined in red.

The red outline (licensable premises) does not cover the main entrance/exit points into and out of the Market on the ground floor from Seven Sisters Road and Hertslett Road.

From the plans submitted with the Application, it is evident that the Licence Application relates only to the first floor mezzanine level of the Market and a smaller internal section of the ground floor. The ground floor entrance and exit points of the Market and the bulk of the

Ground Floor area are excluded from the Licence Application and the description of the licensable premises.

It is not legally appropriate for the Licence Applicant to be agreeing conditions with police/others etc (relating to the licensing objectives) which focus on the main entrance and exit points of the Market, if the Licence Applicant actually has no control over them (ie are not detailed as part of the licensable premises application)? The problem with the Application currently is that the Licence Applicant has limited or no control over the ground floor of the Market.

Sub Committee and the Licensing Authority will presumably need to find out who has actual responsibility (and control) for the ground floor of the Market before being able to properly consider a premises licence application for the Market. There is clearly no point in the Licensing Authority relying on undertakings/conditions from the Applicant, if the Applicant does not have the appropriate authority re the Market to enter into such undertakings/conditions (or to propose or agree a draft operating schedule)

My understanding of the current legal/ownership/management of the Market:

Freehold/main leaseholder owner of whole Market: **Islington Holdings Limited** (incorporated offshore in Guernsey). Not currently accountable as information is concealed as offshore. Lack of accountability should be a real concern to Sub Committee/Licensing Authority.

Main Market Operator- **Kawal and Nancy International Limited (Director: Mr Satpal Singh Sethi)**-a licensee operator (no registrable legal interest). This is the entity that has been making planning applications for the Market since 2006 and it is assumed that this is the Main Market Operator. A small corporate entity with a tiny balance sheet. Assume that most of units on the ground floor of the Market are sub-licensed from the Main Market Operator. It is not clear which entity is currently receiving the income from the let units at the Market.

Let Units on Ground Floor-presumably are let through sub licence from the Main Market Operator.

Leased units (long leases-Units A, B & C) on the Ground Floor-I assume that these are not controlled by the Main Market Operator. I assume that these lessees will also have rights vis a vis the Freeholder/main leaseholder in their long leases as to access and egress through the main entrances to the Market on Seven Sisters Road and Hertslett Road. These entities will probably also need to be joined to any undertakings given regarding the main entrances to the Market (ie closing Hertslett Road entrance at 8pm). It is not enough for the Licence Applicant alone to give such undertakings as it has no legal authority (by itself) to give such undertakings

Empire Visions (Licence Applicant)-assuming that the areas detailed in the premises licence application are also sublet (or are going to be sub-let) via sub licence from the Main Market Operator.

It is essential that Sub Committee has an understanding of how the Market is owned, managed and operated in assessing the licensing objectives...and which entity will need to be involved in giving appropriate undertakings to achieve the licensing objectives.

It is presumably not enough for the Licence Applicant to give verbal assurances (or to agree written conditions in the proposed Operating Schedule) to Council officers, the police or anyone else on dispersal policies/other fundamental police conditions (positioning of CCTV cameras/age checks/security guard positioning etc) if it is not yet known who has control (from a legal perspective) over the main exit/entrance points to the Market and the ground floor generally. As the main entrance/exit points are not part of the licensable premises, Sub Committee and the Licensing Authority will presumably need to know who has control over them please and who can enter into agreed "conditions" with police and other statutory consultees in relation to them.

As an absolute minimum, the Licence Applicant must provide to the Licensing Authority clear legally verifiable assurances from all other relevant entities operating (and with a legal interest) at the Market that the Licence Applicant has the legal power (on behalf of those other entities) to control the main entrance/exit points to the Market on Seven Sisters Road and Hertslett Road. If reliance is to be placed on the gated roadway at the rear of the Market for entrance/exit, then again all parties with a current legal interest in the roadway must be joined to any relevant undertakings/conditions which are to be provided to meet the licensing objectives.

My suspicion is that the vast majority of the food unit holders/and long leased units (with their own legal interest) on the ground floor of the Market will vehemently object (and the long leaseholders will have legal rights to object) to having the Hertslett Road entrance closed at 8pm. It is through this exit that all the Deliveroo food deliveries flow in the evenings (it is busy until 11pm) to motorbikes waiting on Hertslett Road. There is no parking outside the Seven Sisters Road exit of the Market as it is a red route (no parking at any time).

Market is currently being Operated Unlawfully

Please see the attached legal opinion from a specialist planning barrister following a review of the recent planning history for the site/Market.

The opinion confirms, inter alia, the following points:

- 1. The Market is currently being operated unlawfully.***
- 2. The activities contemplated by the sale of alcohol in the Licence Application will be unlawful***

Specific recent breaches of Planning Regulations (to make the premises viable for the Licence Applicant) at the Market for which enforcement action needs to be considered also include the following:

1. Development of the first floor mezzanine level which is material and includes significant alterations to the external appearance of the building: a) addition of new double glazed windows across the entirety of the first floor of the Market (previously plywood boards enclosed), b) addition of a new

brick wall around the entirety of the first floor -nine courses of brickwork to support the new double glazed windows for the first floor/mezzanine level, b) the addition of a very large extractor vent at the rear of the Market on the first floor to facilitate the new food outlets operating, c) the addition of a new large exterior ballustraded platform/ balcony on top of a shipping container at the rear of the Market.

2. Development of the ground floor of the Market by adding a new row of large shipping containers at the rear of the Market to increase the size of the units on one side of the Market to make them viable in size for new hot food sellers
3. Change of use of certain of the units at the Market which face onto Seven Sisters Road. They have permitted use as offices but some of the units are currently being used for residential use.

Weakness of Licence Applicant from a company commercial perspective

The Licence Applicant (a newly formed off the shelf company which provides no evidence of corporate history or experience) is a weak applicant/corporate entity with no experience in the running of such a proposed sizable operation as is contemplated in the Application

The Licence Applicant (through its shareholders/directors) is currently concerned solely with the running of two small pubs in Chiswick and Notting Hill and a small market bar in Elephant & Castle. Their main offering at all three venues is Italian craft beer:

<https://www.theitalianjobpub.co.uk/>

The three individuals (Giovanni Campari, Simone Moroni, Manuel Piccoli) detailed as shareholders/directors of the Licence Applicant have, according to Companies House data, only been operating in the UK since 2014. Giovanni Campari and Manuel Piccoli are detailed at Companies House as still being resident in Italy. No evidence has been provided as to the ability of these individuals to operate such a sizable operation as is proposed. Two of the companies with which these directors are currently associated: Italian Beer Connection and Birrificio Del Ducato London Limited are currently showing significant operating losses in their publicly filed accounts at Companies House. These are the companies that are currently responsible for the two pubs and the market bar in Elephant & Castle:

<https://www.theitalianjobpub.co.uk/>

For such a sizable proposal/application to be remotely viable, Sub Committee might expect to see viable corporate entities behind it with strong balance sheets. This licence applicant clearly does not have these qualities: limited experience, not local to Islington and extremely financially weak. Probably a recipe for disaster.

The financial weakness and failings of the constituent parts of the Licence Applicant company might be significant. How on earth are they going to be able to manage this sizable operation (and comply with an operating schedule to meet licensing objectives) when they are lossmaking in their other current businesses. This Licence Application (because of its

scale) demands significant investment to be able to comply with the proposed operating schedule/agreed conditions.

Please see second attachment showing company Accounts of the directors/shareholders. Shareholders of Empire Visions (Licence Applicant) are tiny corporate entities showing losses (and very sizable outstanding creditors) in their operations for the last 3 years. Sub Committee should probably want to see a strong established brewery/catering company making a Licence Application for this size of venue viable. This Licence Applicant does not have these qualities. It will probably struggle to comply with any conditions/operating schedule. It does not have the resources to make this proposal viable or to comply with attaining the licensing objectives.

Is this the type of entity that Sub Committee or the Licensing Authority want running an alcohol led venue with a capacity for 500 plus people? The Market is currently out of control.

The Licensing Authority (and other statutory consultees) must please try to look in more detail at the site (and the ownership structure) and the nature of the Licence Applicant (particularly bearing in mind the size of this Application), BEFORE embarking upon agreeing conditions and agreeing a draft operating schedule.

Please would you also add Islington Council Licensing Policy 1 (taken from the attached Islington Council Statement of Licensing Policy 2018-22) to my Representation Against for the benefit of the Licensing Authority/Sub Committee.

*“Licensing Policy 1- The Licensing Authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, **before** making an application for a premises licence.”*

Best wishes

Representation on Cumulative Impact:

“The Sub Committee would, because of prior Cumulative Impact designation for the area, be well within their rights presumably (in accordance with the ***Islington Council Licensing Policy document 2018-2022***) and acting reasonably to accordingly dismiss this very significant alcohol licence application for such an enormous site at first instance and on the basis of the very large number of opposing Representations (and the petition) which it now has before it?

The Applicant has failed in paperwork submitted to the Licensing Authority to establish that there will be no further cumulative impact by the granting of such an Application. In fact, it would be quite impossible in any event for the Licence Applicant to be able to establish that a new licensed premises at the Market (with the primary business objective of selling alcohol) and with a capacity for probably over 500 people plus would not have a considerable detrimental and cumulative impact on this area.

Islington Council’s published ***Statement of Licensing Policy 2018-22*** makes the position very clear on matters to be considered when a licence application is made in a Cumulative Impact Area:

CUMULATIVE IMPACT POLICY AREAS

Licensing Policy 3

The Licensing Authority has adopted a special policy relating to cumulative impact in relation to the supply of alcohol in: • Clerkenwell • Bunhill • Kings Cross • Upper Street and Angel • **Holloway Road and Finsbury Park** • Archway.

“ This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impact on one or more of the licensing objectives” [NB: I cannot find anything in the Applicant’s paperwork that acknowledges a need to establish “no negative cumulative impact” on the licensing objectives]

13. Applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule. [NB:

Again, there is no mention of an awareness of the need to mitigate cumulative impact in the Applicant's proposed Operating Schedule or the Composite List of Conditions that you have sent to me. It is a standard simple Operating Schedule (with the addition of limited provisions contemplating Arsenal playing at home to provision of plastic cups before each game) that would be attached to any new premises licence application]

15. After receiving representations in relation to a new or variation application the licensing authority will consider whether it would be justified in departing from this special policy in the light of the individual circumstances of the case. [NB: Can the Sub Committee make this fundamental determination on "special policy" at the outset of the hearing upon the basis of the very large number of written representations (and petition) that it now has before it opposing the Application and prior to us all spending a very long evening on this?]

"Possible exceptions to the Holloway and Finsbury Park Cumulative Impact Policy 56. Applications with comprehensive operating schedules that meet all the following criteria may be able to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives: a) Premises that are not alcohol led" [NB: The Licence Applicant is solely in the business of selling alcohol and this is an alcohol led application] b) Premises with hours of operation consistent with framework hours [NB: Application is not within framework hours-extra 30 minutes opening time requested] c) Premises providing live music and other cultural activities [NB: not contemplated] d) Premises implementing match and event day controls in Licensing Policy 15 where recommended by the Police or Licensing Authority [NB: plastic cups]

On the basis that the Applicant has clearly failed to comprehensively demonstrate that there will be no negative cumulative impact by this Application (in fact seems unaware of this need!), and the Application is in stark contrast to any of the exceptions listed for consideration of a licence in the Holloway and Finsbury Park Cumulative Impact area, I am really hoping that the Sub Committee will feel well within its rights that it is able to make an early determination tomorrow evening (and prior to what might be a very lengthy hearing) that this Licence Application should be refused.