



**Resources Department
Town Hall, Upper Street, London, N1 2UD**

AGENDA FOR THE LICENSING SUB COMMITTEE A

Members of Licensing Sub Committee A are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on **23 April 2019 at 6.30 pm.**

**Yinka Owa
Director of Law and Governance**

Enquiries to : Jackie Tunstall
Tel : 020 7527 3068
E-mail : democracy@islington.gov.uk
Despatched : 15 April 2019

Membership

Councillor Gary Poole (Chair)
Councillor Michelline Safi Ngongo (Vice-Chair)
Councillor Ben Mackmurdie

Substitute

All other members of the Licensing committee

Quorum: is 3 Councillors

Welcome : Members of the public are welcome to attend this meeting.
Procedures to be followed at the meeting are attached.



A. Formal matters **Page**

1. Introductions and procedure
2. Apologies for absence
3. Declarations of substitute members
4. Declarations of interest

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meeting

1 - 14

B. Items for Decision **Page**

1. Marks and Spencers Simply Food Ltd, 201-203 Old Street, EC1V 9NP - 15 - 48
New premises licence

C. Urgent non-exempt items

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

D. Exclusion of public and press

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

E. Urgent Exempt Items (if any)

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

ISLINGTON LICENSING SUB-COMMITTEES -

PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

INTRODUCTION

TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

CONSIDERATION OF APPLICATIONS:

N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.

- 3) **The Licensing Officer** will report any further information relating to the application or representations.
Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

CASE SUMMARIES

- 12) **Responsible Authorities**
 - 13) **Interested parties**
 - 14) **Applicant**
- 2 mins each

DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

London Borough of Islington

Licensing Sub Committee A - 19 February 2019

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 19 February 2019 at 6.30 pm.

Present: **Councillors:** Poole (Chair), Ngongo (Vice-Chair) and Mackmurdie

Also Present: **Councillors:** Heather

Councillor Gary Poole in the Chair

43 **INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Poole welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

44 **APOLOGIES FOR ABSENCE (Item A2)**

There were no apologies for absence.

45 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

There were no declarations of substitute members.

46 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

47 **ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

48 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 18 December 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

49 **NAGS HEAD, COVERED MARKET, 22 SEVEN SISTERS ROAD, LONDON, N7 8AG - NEW PREMISES LICENCE APPLICATION (Item B1)**

The licensing officer stated that an update report had been provided in the second despatch. Three additional conditions had also been provided by the applicant and these were as follows:

- 1) There shall be no self-service of alcohol at the premises.
- 2) That children are not permitted on the premises after 20:00 unless they are accompanied by an adult.

- 3) At all times when alcohol is sold on the premises there will be an open food market on the Mezzanine level providing substantial refreshment.

The Planning Officer stated that there was an open enforcement case. Currently the use class was A1. It was not clear whether there would be a change of use. However, planning was a separate regime to licensing. There was baseline consent for planning permission for the area including the market. The Planning Officer advised that there were no planning issues which would prevent the determination of this application.

The Licensing Authority stated that their representation had been made on the grounds of location, C1 use, saturation, licensing hours, operating schedule and dispersal policy. Since then the composite list of conditions had been submitted by the applicant and the hours had been reduced to the framework hours, there would be no motorised vehicles after 8pm, no off sales after 8pm and only the entrance on Seven Sisters Road would be used after 8pm. The Licensing Authority had not withdrawn their representation as they were of the view that the ground floor bar should not be licensed and only the mezzanine should be licensed for use when the open food market was open.

Three residents and a ward councillor spoke to object to the application. The first resident spoke and explained that much pain and suffering was caused to residents living in the vicinity. There were four pubs within 50m of the market. Nearby there was also a 24 hour McDonald's, a KFC open until 12am, 4 small licensed supermarkets, betting shops, casinos and two large supermarkets. There were only three nearby residential roads where people could park and there had been problems with drunken revellers, drug dealing, people shouting, throwing takeaways and delivery drivers congregating, shouting and arguing. It was stated that the area could not take another large licensed premises. Concern was raised that two or three years ago the market sold goods, then it turned into a hot food market and the mezzanine was developed, both without planning permissions. It was proposed that 20 food outlets would sell alcohol. Concern was raised about this licence not promoting the licensing objectives and about the large premises being in a cumulative impact area. The resident raised further concern that the applicant had no control over the ground floor exits and would not have this without the consent of the other lessees. Similarly it had no authority to agree conditions. In addition, the resident stated that the applicant's balance sheets from other premises were weak and losses had been made. Concern was raised at the lack of compliance with Licensing Policies 1 or 3.

The second resident raised concern about the premises being in a saturated cumulative impact area. It was on the night bus route from London, had high knife crime, vandalism, theft and residents felt as if they were under attack. She outlined a number of crimes that had taken place in the area and stated that she had crime numbers for all these cases. The chair clarified that none of the incidents of crime mentioned could be directly attributable to this premises and there was no representation from the police. The resident stated that the theft of alcohol with

violence occurred on a daily basis in the area and increased alcohol consumption would lead to more problems for residents. Concern was raised that as the applicant intended to create small units, if one refused to sell alcohol to somebody, the person would move on to another unit.

The third resident raised concern about the impact on family life. Taking her children to school and back she passed rubbish, discarded cans, shouting, and illegally parked vehicles. She had witnessed her neighbour being knocked down by a vehicle travelling the wrong way down the street. She did not take her children out after dark as she did not feel safe. She was concerned about smoking areas and vehicles outside the premises making noise and her children were now unable to sleep at the front of the house due to noise. She stated that the problems in the area were not good for the community and in particular for children and advised that the headteacher of Grafton School was against the application.

Councillor Heather spoke against the application and stated that there was a petition of over 200 signatories and the premises was in a cumulative impact area. He was of the view that the business would be alcohol led and there were too many alcohol units in the area already. Alcohol consumption led to major crime in the borough and the application posed a serious risk to the promotion of the four licensing objectives. There was already a high level of drug dealing, anti-social behaviour, noise and excessive consumption of alcohol. This application would increase this as there would be up to 500 people consuming alcohol. It would also exacerbate litter and cooking fumes, increase traffic congestion and parking problems. It was stated that children should not be exposed to these problems and it was reiterated that the headteacher of Grafton School had put in a representation. Concern was raised that the premises would attract people travelling in cars, that the waste facilities and toilets were not adequate and that even though recorded music had been removed from the application, music could still be played up until 11pm.

The applicant's representative stated that the application had many supporters and some of the objections, when compared to the composite list of conditions were broadly in line. He stated that the hours were within framework hours, the premises was not going to be a bar or a nightclub and without serving food, the business would not be able to survive. The operators were experienced, the DPS had been a DPS since 2013 and was the managing director of the company which had a number of similar operations. He responded to objectors' concerns by saying that these were concerns about the area at the moment, and granting the licence would help to deal with the issues. £65,000 would be spent refurbishing the outside of the building. Concerns about drug dealing and taking were only likely to happen if there was a lack of staff or security but there would be SIA security staff on Thursday, Friday and Saturday nights which would be a deterrent. The smoking area would be at the far side of the premises away from residential buildings and the extractor had already been installed at the back of the building. He stated that the premises would not become a destination venue and that the Herslett Road entrance would be closed after 8pm.

The applicant's representative stated that Condition 31 dealt with litter as there would be no off sales after 8pm and Condition 21 dealt with noise and vibration. It was proposed that there would be no motorised deliveries after 8pm and no cyclists would be permitted to congregate after 8pm. Conditions were in place to address the premises being in a cumulative impact area and policy had to allow for exceptions. The policy stated that if certain exceptions were met, an application might not add to the cumulative impact. It was suggested that these exceptions were met as the application was for framework hours, was not alcohol led and met football match conditions. It was stated that the premises could operate with a bring your own alcohol policy and no licence conditions. The licence conditions protected residents. The food led condition showed the premises was not alcohol led. The units would also serve over 20 types of global cuisine including from the Dominican Republic, Jamaica and Bulgaria. The applicant's representative stated that a dispersal policy had been drawn up.

The applicant's representative stated that national planning guidance separated the planning and licensing regimes. The applicant considered that he had the correct permission and the planning authority was content. However, on 22 January 2019, the planning officer had confirmed that obtaining planning permission might be a requirement.

The applicant's representative stated that if the licence was granted to include the ground floor bar, this bar would be for no more than 20 customers. In response to the concerns of residents that the applicant did not have control of the exits, the applicant's representative stated that if the licence was granted, the applicant would sign into a lease giving him control.

In response to questions from members, the applicant's representative confirmed that the capacity of the first floor was 430 and the average price of drinks was significantly higher than nearby pubs and clubs as it was more expensive to run a food market than a bar. The price of food would be affordable for local residents.

The chair queried how each of the 20 units would be policed to ensure the licensing objectives were upheld and whether one duty manager from Sundays to Wednesdays was adequate. The applicant's representative stated that there was overall control of the units, the DPS would be responsible for all alcohol sales, all staff would sign up to the law and licensing policy and would operate a Challenge 25 policy. If any units breached the licence, this would be a criminal offence for the DPS and there would be an immediate termination of the business's contract with the market.

The chair raised concern about the level of supervision of the units and by SIA security staff if the market was at full capacity, particularly as one security officer would be monitoring the smoking area. The applicant's representative stated that the figures in the operating schedule were the minimum levels of staffing and in reality, these were likely to be higher. The applicant was also following guidance and policy and the operator was experienced.

In response to members' questions about the directors having linked businesses in craft beer, the applicant stated that two of the directors had backgrounds in beer production but no longer had shares in it. They owned restaurants, a bed and breakfast and bakeries. The applicant also had bakeries in Italy.

Members raised concerns about the lack of a cleaning schedule in the operating schedule and suggested that cleaning once at the end of the day was inadequate. The applicant's representative stated that at the moment the market was not causing any litter and there would be no off sales after 8pm; cleaning would take place throughout the day as well as at the end of the day. The applicant's representative agreed that if required, a full schedule could be agreed with Environmental Health.

In response to members' concerns about the dispersal policy, the applicant's representative stated that a policy could be agreed in conjunction with Environmental Health and a marshal could be in place after 9pm on Fridays and Saturdays. At the close of the premises, staff could marshal private hire vehicles away from Hertslett Road.

In summary, the Licensing Authority stated that the ground floor bar should be totally food led.

In summary, Councillor Heather stated that he considered that the premises would be alcohol led. It was in a cumulative impact area which had many issues and many drinking establishments. As it was a large premises with a capacity of 430, this level of people drinking would contribute to cumulative impact. Concerns were raised about public safety and whether the entrances were sufficient and it was suggested that £65,000 would not be enough to adequately refurbish the outside of the building.

In summary, the applicant's representative agreed that there were problems with litter and crime in the area and that the premises was currently unsightly and required improvements. He stated that the nature of the business and the conditions proposed showed it was not alcohol led. He considered that the premises fell within possible exceptions to the cumulative impact. The applicant's representative stated that they had measures in place to deal with crime and disorder, public nuisance, dispersal policy and noise and if there were small areas of concern remaining, the licence could be granted as there was a robust review in process.

RESOLVED:

That the application for a new premises licence in respect of Nags Head, Covered Market, 22 Seven Sisters Road, London, N7 8AG be refused.

REASONS FOR DECISION:

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to

the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Holloway Road and Finsbury Park cumulative impact area. Licensing policy 3 creates a rebuttable presumption that applications for the grant or variation of premises licences 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.

The Sub-Committee took into consideration Licensing Policy 4. The Council has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. Licensing Policy 4 creates a rebuttable presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, 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.

Thirty seven local resident representations had been received; 21 against of the application and 16 in support. The Sub-Committee noted that the applicant had agreed conditions with the Metropolitan Police and Noise Team.

The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard evidence that the covered market had A1 use class and that on the basis of the details provided by the applicant, it was not clear if in future, it might be a change of use. It was noted that the planning authority was encouraging the applicant to engage with them should the licence be granted. The Sub-Committee heard from the planning officer that there were no planning issues which would prevent the determination of this application.

The Sub-Committee heard evidence from four objectors. The first objector spoke of the pain and suffering of residents as a result of existing crime and disorder and public nuisance in the vicinity. The Sub-Committee heard evidence that children in the area could not get to sleep due to noise, that there was already disturbance from a 24 hour McDonalds, the KFC closing at midnight, four small supermarkets, two large supermarkets, casinos and five betting shops in the area. The objector spoke of parking problems, drunkenness, shouting, food being thrown on the floor, and Deliveroo and Uber drivers shouting and arguing. He also spoke of drug use and drug dealing in the vicinity of the premises. The objector stated that the premises did not have proper planning permission and that the area was rightly designated a cumulative impact zone and such a large capacity venue would have an impact.

The Sub-Committee heard evidence from the second objector that the area already suffered from problems with drug use and dealing, street drinking, knife crime, theft, assaults and muggings. The objector stated that local residents felt as if they were under attack. The Sub-Committee heard evidence of existing problems with windows being smashed and front doors and gardens being vandalised. The objector referred to various incidents of crime over many years, although the Sub-Committee noted that none of these could be specifically linked to the premises.

The third objector spoke of the impact of the existing licensed premises on children in the area, with high levels of noise, crime and pollution. The objector stated that already her children could not sleep at the front of her house due to noise and disturbance. The objector stated that the area was at saturation point and that the grant of the licence would not be good for the area.

The Sub-Committee heard evidence from the fourth objector that this application was misguided in this area. The objector spoke of the high levels of outlet density. The Sub-Committee heard that the grant of the licence would increase traffic congestion. The objector stated that the site had inadequate waste management facilities and inadequate toilets.

The Sub-Committee heard evidence from the applicant's representative that the hours being sought were within the framework and that the premises would not be a bar or nightclub. The premises would not be alcohol led.

The proposed operators had a great deal of experience and would be spending £65,000 on redeveloping the frontage of the premises. The applicant's representative stated that the grant of a licence would help tackle crime and disorder in the area as the premises would be well looked after and well-staffed and have SIA security at busier times. The applicant's representative stated that the smoking area and extractors/plant would all be on the far side of the premises away from Hertslett Road. The applicant's representative stated that the vast majority of custom would be local and people who travelled would virtually all travel by public transport. The applicant had agreed a condition that there would be no motorised take-away deliveries after 8pm.

In relation to cumulative impact, the applicant's representative stated that the premises fell within the exceptions to the policy as they were not alcohol led, were within framework hours and match day conditions had been agreed. Any alcohol sold would be more expensive than that available at other licensed premises in the area. The applicant's representative also stated that tight conditions had been proposed in relation to noise breakout and dispersal. The Sub-Committee noted that further conditions were proposed during the course of the discussion at the hearing, including in relation to the number of SIA security staff and in relation to the capacity of the ground floor bar.

The Sub-Committee noted the position in relation to planning permission and the submissions of the objectors that the premises were already in breach of planning consent. However, the Sub-Committee was satisfied with the evidence from the

planning officer and so the planning issues were not determinative of the Sub-Committee's decision.

The Sub-Committee noted that it was the applicant's submission that the premises would not be alcohol led. The Sub-Committee was not satisfied that this would be the case, noting that there would be 15 separate units on the first floor that could potentially have an alcohol offering, as well as the 2 bar areas. However, even if the premises was not alcohol led, Licensing Policy 3 in relation to cumulative impact areas was clear that even where a premises met the possible exceptions, this only meant that they might be able to demonstrate that there would be no negative cumulative impact. The Sub-Committee was not satisfied that the applicant had demonstrated that there would be no cumulative impact in the event that the licence was granted.

Whilst the Sub-Committee noted the detailed conditions proposed by the applicant as set out in the document headed Composite List of Conditions, together with the further conditions proposed during the course of the hearing, the Sub-Committee remained concerned as to the impact that a large capacity venue would have in this area. In response to questions, the applicant's representative confirmed that the capacity of the venue was 430. Whilst a condition was offered limiting the ground floor bar capacity to 20, the Sub-Committee remained concerned that such a potentially large number of people leaving the premises late at night would add to the cumulative impact in the area.

The Sub-Committee noted that the applicant was proposing that after 8pm, entrance and exit to the premises would be via Seven Sisters Road. However, this road was a red route as was Holloway Road. Therefore, any taxi or delivery driver would inevitably stop in Hertslett Road, a highly residential area. Although the applicant had offered a condition in relation to a traffic marshal, the Sub-Committee was not satisfied that the applicant had fully dealt with the possible addition to cumulative impact from such a potentially large number of patrons leaving via one exit on a red route. Although a change to the number of SIA staff was proposed at the hearing, the Sub-Committee remained concerned that dispersal, staffing levels and traffic marshalling would not be adequate to ensure that the premises did not add to cumulative impact.

The Sub-Committee noted that the applicant had agreed standard match day conditions with the police. However, the Sub-Committee remained concerned that the conditions agreed and proposed would not deal with cumulative impact on match days if the premises were full to capacity. The Sub-Committee noted that SIA security staff would police the smoking area on Thursdays, Fridays and Saturdays, but noted that there was no mention of how many patrons could be in the smoking area.

The Sub-Committee was therefore not satisfied that the applicant had rebutted the presumption in Licensing Policies 2 and 3 that an application which was likely to add to the existing cumulative impact would normally be refused as the operating schedule had not demonstrated that there would be no negative cumulative impact.

The Sub-Committee was not satisfied that the grant of the licence, even with the conditions agreed and proposed, would promote the licensing objectives. The Sub-Committee was concerned in relation to all the licensing objectives but particularly in relation to public safety and the prevention of public nuisance.

The Sub-Committee considered Licensing Policies 2, 3 and 4 in relation to cumulative impact, 6 in relation to opening hours and 7 in relation to the operating schedule.

50 BAGCI FOOD CENTRE, 152 CENTRAL STREET, LONDON, EC1V 8AY - PREMISES LICENCE REVIEW APPLICATION (Item B2)

There was no update from the licensing officer.

Trading Standards advised the sub-committee that there had been a small seizure of illicit alcohol, a failed Challenge 25 sale and an underage sale. At the time of the underage sale, training records had not been produced but they had been subsequently. At a visit to the premises on 9 January 2019, no further illicit alcohol was found and on 12 February 2019, four members of staff had attended training. Although since the breach of the licence, the management of the premises had engaged and co-operated with Trading Standards and better procedures had been put in place, the offences outlined had still been committed.

In response to questions from members about the purpose of a medium term suspension when this was not the first offence and there had been a catalogue of licence breaches between 2010 and 2018, Trading Standards stated that it would provide time for management issues to be resolved and although the issues were serious, management was now engaged and co-operating.

The Licensing Authority stated that a representation had been submitted to support the Trading Standards review. There was a history of non-compliance and the Licensing Authority sought to encourage high standards. These had not been shown by the licensee and the premises had not been run to the high standards expected. At a visit on 12 January 2019, the shop was busy but the licence holder and DPS was not present, a Challenge 25 notice was displayed, CCTV was working but only as far back as 5 January 2019, training records and the sale refusal log were available. On a visit on 8 February 2019, CCTV was working and recording but only back to 15 January 2019, high strength alcohol was still being sold, the licence was on display, 3 people were in the shop and the licensee's son (who did not have a personal licence) was managing the shop. There was a refusal log back to 2 January 2019 and officers were advised that the refusal log prior to this had been sent to an agent. Invoices were being kept together as were training certificates, fire fighting equipment was correct but the fire exit was blocked and there was no UV pen on the premises. Officers instructed management to resolve areas of concern and since the review had been submitted, improvements had been made. The Licensing Authority requested that a suspension be imposed.

Public Health stated that they were concerned about the impact of alcohol on children and young people. Islington had the highest rate of alcohol related hospital

admissions out of the London boroughs and half of young people who had been drunk had purchased alcohol from off licences.

Members raised concern about there being several schools in this locality.

The Police stated that they had attended when the test purchase with a 14 year old (who looked 14) was conducted. A fixed penalty notice had been issued to the person who made the sale. The visit showed there were compliance issues and although there had been some improvements made, some issues remained. A 24 hour licence was held and high standards had to be demonstrated. Concern was raised that management was only engaging now that they had no choice as the review had been submitted. The Police requested that the licensee's son should become the DPS.

The licensee's representative stated that although the premises had fallen short of expectations by selling alcohol to a 14 year old, many licensees did not engage even when a review had been submitted. The licence was granted in 2006 and the currently licence holder and DPS had been in place since 2008. He was away when the test purchase in 2010 was conducted. There were no suggestions that the licence was not sufficiently conditioned. The review process was designed to remedy problems and management had taken action and responded well to the review. He stated that the responsible authorities had spoken in positive terms about how the premises had responded. The applicant's representative stated that the anti-social behaviour issue in 2014 was not sufficiently linked to the licensable activities on the premises and the Challenge 25 test was subjective – the person was 23 and this was not much of a transgression.

The licensee's representative stated that the applicant had been unable to find the invoice for the 26 cans of illicit alcohol. It was believed it had been purchased from their regular cash and carry in error, was not a large quantity and on further occasions, none had been found. The illicit alcohol also related to just one product and it was not the licence holder nor his son who made the sale.

The licensee's representative stated that four individuals from the premises had attended the first available training session after the submission of the review, further CCTV memory storage had been purchased and was in use and a UV pen was now available to comply with conditions.

The licensee's representative suggested that an independent inspector could conduct a test purchase every 3 months and report back to the local authority and police. Also, the licensee's son was content to become the DPS and licence holder. It was hoped that the measures undertaken and suggested demonstrated that improvements had been made and that it was acknowledged that further improvements were required.

In response to a question from a member, the licensee's representative stated that the premises did not respond to the Trading Standards letter dated 15 November 2018 in error.

A sub-committee member asked the person being proposed as the DPS and licensee, how he could assure the sub-committee the licensing objectives would not be breached. He replied that he would staff had regular training, would enforce Challenge 25, ensure all products had invoices and these were kept together and that he would ensure that CCTV was working and recording for 31 days. If there were any problems, he would resolve them as soon as possible.

In summary, Trading Standards stated a Challenge 25 breach was a warning for licensees. Engagement could have taken place before the review was submitted but did not. It was recommended that a medium term suspension could help the premises address issues. A criminal offence had occurred and there was a need for regular refresher training and for records to be kept.

In summary, the Licensing Authority advised that they supported removing the DPS. Concern was raised about the suggested use of an independent consultant by the licensee's representative when there had been errors in previous information submitted by the consultant.

In summary, Public Health reiterated that they were concerned about an underage sale having been made.

In summary, the Police stated they would not give weight to checks conducted by an independent consultant and would still do checks themselves. Concern was raised about the protection of children from harm when alcohol had been purchased by a 14 year old who looked 14 years old. The Police considered the proposed new DPS and licensee to be more suitable than his father.

In summary, the licensee's representative stated that the proposed new license holder was a licence holder with Enfield Council. He stated that Trading Standards had considered a medium term suspension as appropriate when the review was submitted and since then improvements had been made. It was suggested that any suspension should be as short as possible as it should not be used as a punishment.

RESOLVED:

That the DPS be removed and the premises licence in respect of Bagci Food Centre, 152 Central Street, London, EC1V 8AY be suspended for a period of 3 months.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee heard evidence from Trading Standards that this review had been sought following a small seizure of illicit alcohol, a failed Challenge 25 sale and one underage sale. The Sub-Committee noted the evidence provided by the

Licensing Authority that there had been an underage sale in 2010 and a sale of alcohol to a visibly drunk man in 2014.

The Sub-Committee heard evidence that Trading Standards had visited the premises twice since the review was submitted and that there had been significant improvements in the management of the premises, in particular there was no illicit alcohol for sale, four employees had attended training regarding age restricted products and the licence holder and his son had engaged with Trading Standards and co-operated since the review.

The Sub-Committee heard evidence from the Licensing Authority that whenever visits had been conducted at the premises there had been no sign of the DPS/licensee. However, at a visit since the review was submitted, Challenge 25 notices had been put up, CCTV was working, training records and the refusals log were available, as were invoices for alcohol sold on the premises. The Sub-Committee noted that although the CCTV was working, it did not show the last 31 days, and the premises were still selling high strength alcohol. Although this was not a breach of the licence, it was contrary to Licensing Policy 14.

The Sub-Committee heard evidence from Public Health as to the health impact of alcohol in relation to children and young people and it was noted that there were four schools in the vicinity of the premises.

The Sub-Committee heard evidence from the police that the underage sale was to a 14 year old volunteer who did look no older than 14. The police stated that on further visits there had been other breaches of the licence that were perhaps not of such severity as an underage sale but showed that there had not been great adherence to the licensing conditions. The police stated that this was a 24 hour licence and the onus was on the applicant to demonstrate best practice. The Sub-Committee noted that Trading Standards were recommending a suspension of the licence, as were the Licensing Authority, whilst the police suggested that the current DPS should be removed.

The Sub-Committee heard evidence from the licensee's representative that the premises had fallen short of what was required and that the review process was designed to remedy any problems with the premises. The licensee's representative submitted that the licensee had already taken steps to make improvements and that there was evidence that the premises were engaging in a more purposeful way with their obligations under the Licensing Act; training had been attended, further memory storage had been purchased for the CCTV and the premises now had a UV light. The Sub-Committee heard evidence that the licensee had not been able to find the purchase invoice for the illicit alcohol but it was purchased from their regular cash and carry. It was a small quantity and was an error on behalf of the premises but it was purchased in a legitimate fashion.

The Sub-Committee noted that the licensee's representative suggested that the DPS could be removed and offered a new condition, although the Sub-Committee noted

the representative's submission that there was no suggestion that the premises were not already sufficiently conditioned.

The Sub-Committee concluded that the addition of conditions would not remedy the problems at the premises as they were already sufficiently conditioned and those conditions had been breached. The Sub-Committee noted the evidence that the DPS had never been seen at the premises by the Responsible Authorities and that it was the licensee's son who appeared to have day to day management. Although the Sub-Committee was concerned that the licensee's son had been in control of the premises at times when there had been breaches, in light of the recent improvements at the premises, the Sub-Committee concluded that the DPS should be removed so that the licensee's son could then take steps to become the DPS.

The Sub-Committee concluded that a 3 month suspension would allow the DPS to be replaced and the premises to ensure that all their procedures were in line with the licence conditions, in particular in relation to CCTV. The Sub-Committee was of the view that in light of the seriousness of the underage sale, the number of breaches noted, the history of breaches, the fact that the licence was a 24 hour licence, and the need to change the DPS, a 3 month suspension was appropriate and proportionate in order to ensure that the licensing objectives were promoted.

The Sub-Committee took into account Licensing Policy 29 in relation to reviews, Licensing Policy 8 in relation to management standards and Chapter 11 of the Code of Guidance, particularly paragraphs 11.21, 11.23 and 11.29.

The meeting ended at 9.55 pm

CHAIR

This page is intentionally left blank



Report of: Service Director, Public Protection

Meeting of:	Date:	Ward(s):
Licensing Sub-Committee - A	23/04/2019	Bunhill

	Exempt	Non-exempt
--	--------	------------

SUBJECT: PREMISES LICENCE NEW APPLICATION
RE: MARKS AND SPENCER SIMPLY FOOD LTD, 201-203
OLD STREET, EC1V 9NP

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 sale by retail of alcohol, Off supplies only, from 08:00 to 23:00, Monday to Sunday
- The premises to be open to the public from 06:00 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	Yes
Safeguarding Children	No

London Fire Brigade	No
Local residents	No:
Other bodies	No:

3. Background

3.1 This property is not currently licensed.

3.2 There have been two representations submitted in respect of this application, from Islington Public Health and the Licensing Authority.

4. Planning Implications

4.1 There are no enforcement cases open in relation to the property.

5. Recommendations

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

5.2 These premises are located in the Bunhill Cumulative Impact Area therefore the Licensing Committee will need to consider Licensing Policy 3, which states that there is a presumption of refusal unless the Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.

5.3 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); and
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)

6. 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.

Appendices:

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premises location.

Background papers:

None.

Final report clearance:

Signed by:



Service Director – Public Protection

8/4/19

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

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.

Applicant Business

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

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

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

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

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

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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 Her Majesty's prerogative

Section 4 of 21

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

Details

Registered number (where applicable)

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

Continued from previous page...

Limited Company

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

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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

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.

Continued from previous page...

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](#)

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?

Continued from previous page...

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

Section 15 of 21

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.

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

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.

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

Date of birth / /

Continued from previous page...

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'.

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.

NA

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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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)

Continued from previous page...

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

The premises are in the Bunhill Cumulative impact area and also subject to the Councils cumulative impact policy for off licences. The framework hours for such premises are 8am until 11pm unless within the "close proximity" of schools which would then be 1000. Close proximity is not defined. The nearest schools are Central Foundation Boys School (6th form college) in Cowper Street and St Lukes Primary in Radnor Street. M&S are taking over the former Peacocks Store on the Old Street which is populated with commercial properties of varying business. Co-op are at 185 Old Street. There are robust measures set out in this application to promote the licensing objective of protecting children from harm. The pricing and product range of an M&S Foodhall are different in nature and are not products which would attract children in any event. The situation of the store is unlikely to be a key route for school children walking to either school. Children walking past the premises are very unlikely to see the alcohol on display.

Our Client Support Manager is named as the DPS but on the grant of the new Licence and before trading, the Licence will be varied to the day to day Store Manager for M&S.

b) The prevention of crime and disorder

CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:
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. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;
The Police must be informed if the system will not be operating for longer than one day of business for any reason;
One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
The system shall record in real time and recordings will be date and time stamped;
Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request;
At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence.

c) Public safety

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

- a. All crimes reported to the venue
- b. Any complaints received
- c. Any incidents of disorder
- d. Any faults in the CCTV system
- e. Any visit by a relevant authority or emergency service
- f. All ejections of patrons
- g. All seizures of drugs or offensive weapons
- h. Any refusal of the sale of alcohol

No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises or within the vicinity of the premises.

No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol

No miniature bottles below 30 cl shall be sold from the premises except where it is a mixed spirit with a non-alcoholic mixer.

Continued from previous page...

d) The prevention of public nuisance

In the event that an assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

e) The protection of children from harm

A proof of age scheme, such as Challenge (25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as: a driving license or passport / holographically marked PASS scheme identification cards. Where a person appears under the age of 25 and does not produce such identification the sale will be refused. A record of that refusal will be maintained and produced upon the request of a police officer or duly authorised officer of the Local Authority.

Staff will be trained in the law and their responsibilities in selling alcohol including the Challenge 25 policy and a record of that training will be kept and made available to the Police or duly authorised officers of the Local Authority upon request

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

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 your 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

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 (£)

315.00

DECLARATION

Continued from previous page...

[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

* 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 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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="JW M&S at Old St"/>
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"/>

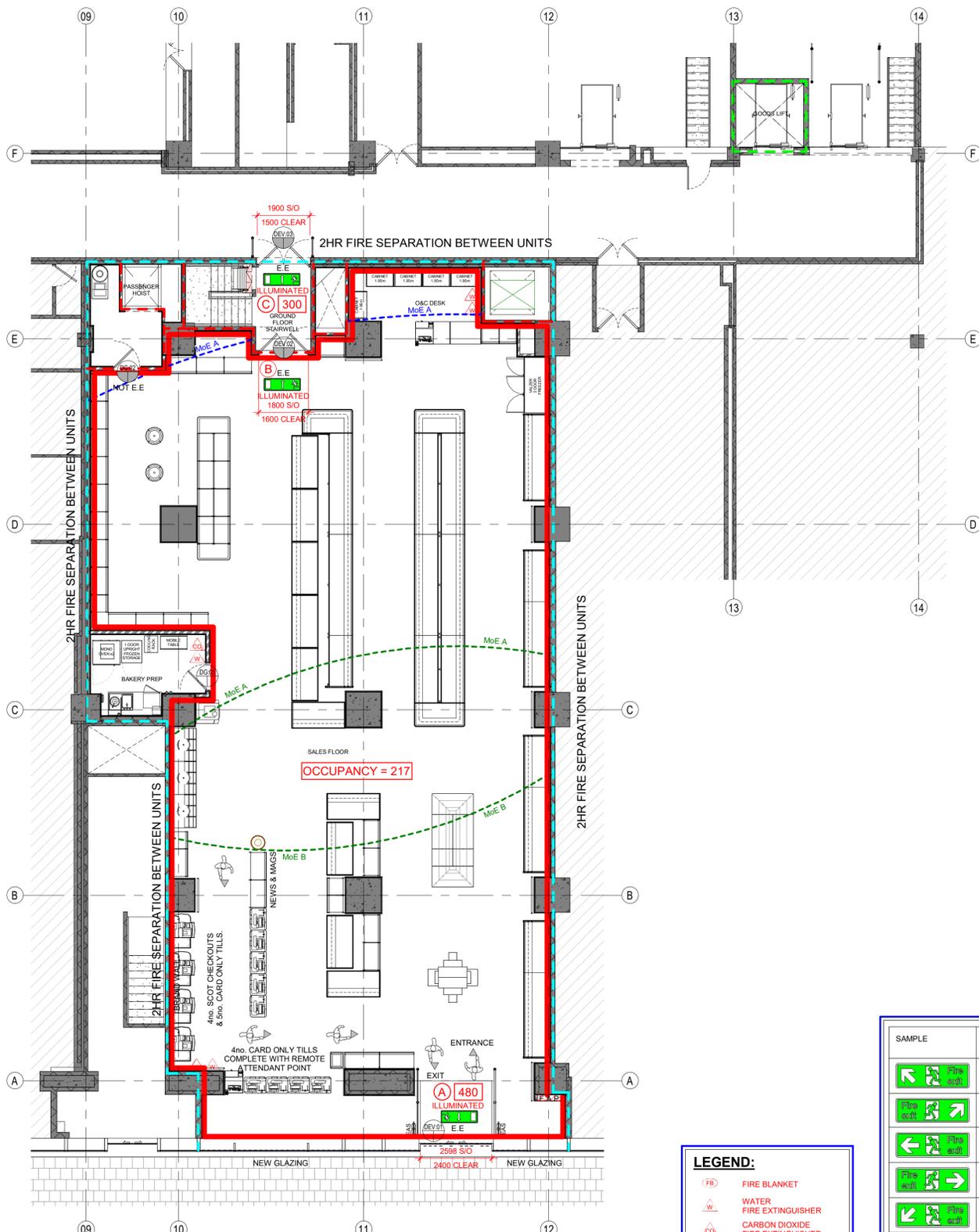
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)



DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. COPYRIGHT PROTECTED.

INFORMATION ISSUE

ALL SALES AREAS FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES



Page 37

1 PROPOSED GROUND FLOOR LIQUOR LICENCE PLAN 143 1 : 100

LEGEND: FIRE BLANKET, WATER FIRE EXTINGUISHER, CARBON DIOXIDE FIRE EXTINGUISHER, DRY POWDER FIRE EXTINGUISHER

Means of escape: TO BE KEPT CLEAR SCREED FLOOR TO HAVE TRAMLINES PAINTED RED, INDICATES 18m DIRECT TRAVEL RADIUS, INDICATES 30m DIRECT TRAVEL RADIUS, INDIRECT ESCAPE ROUTE AND TRAVEL DISTANCE

Table with columns: SAMPLE, PRODUCT CODE, SIGN CODE. Includes fire exit signs and notes on compliance with ISO 7010 and M&S FSDP V7.

- NOTES: 1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL DRAWINGS AND SPECIFICATIONS. 2. FIRE ALARM BREAKGLASS UNIT INSTALLED AT 1200mm AFFL. 3. AUDIO / VISUAL FIRE ALARM UNIT TO BE INSTALLED AT 3200mm AFFL. 4. FIRE ALARM INTERFACE FOR BT REDCARE LINE. 5. FIRE ALARM SOUNDER INSTALLED AT 150mm BELOW CEILING / 3200mm AFFL. WHERE NO CEILING. FIRE ALARM SOUNDRERS INSTALLED IN SALES FLOOR AREA TO BE MOUNTED VERTICALLY ON SIDE OF TRAY/BASKET UNDER NO CIRCUMSTANCES SHOULD THE SOUNDRERS BE INSTALLED HORIZONTALLY ON TRAY/BASKET. 6. MX2 MAIN FIRE ALARM PANEL TO BE RECESSED 1800mm AFFL. 7. COLDROOM / FREEZER / REFRIGERATION PLANT FIRE ALARM INTERFACE JUNCTION BOX TO BE LOCATED ABOVE COLDROOM / FREEZER. FINAL LOCATION TO BE AGREED WITH REFRIGERATION CONTRACTOR PRIOR TO INSTALLATION. FINAL CONNECTIONS OF THIS JUNCTION BOX ARE THE RESPONSIBILITY OF THE ELECTRICAL SERVICES CONTRACTOR. ALL DETECTORS TO BE RATED IP65. 8. FIRE ALARM INTERFACE UNIT FOR CORDLESS TELEPHONE SYSTEM. 9. BOMB ALERT KEYSWITCH. 10. FIRE ALARM INTERFACE FOR MCC PANEL. 11. FIRE ALARM INTERFACE FOR AUTOMATIC DOORS. 12. FIRE ALARM INTERFACE UNIT FOR ACCESS CONTROL. 13. POWER SUPPLY UNIT FOR SOUNDER MODULE No. 1. POWER SUPPLY UNIT MONITORED FOR FAULT BY A CONTACT INPUT MODULE. 14. POWER SUPPLY UNIT FOR SOUNDER MODULE No. 2. POWER SUPPLY UNIT MONITORED FOR FAULT BY A CONTACT INPUT MODULE. 15. POWER SUPPLY UNIT FOR SOUNDER MODULE No. 3. POWER SUPPLY UNIT MONITORED FOR FAULT BY A CONTACT INPUT MODULE. 16. POWER SUPPLY UNIT FOR SOUNDER MODULE No. 4. POWER SUPPLY UNIT MONITORED FOR FAULT BY A CONTACT INPUT MODULE. 17. FIRE ALARM INTERFACE FOR LIGHTING CONTROL PANEL. 18. FIRE ALARM SYSTEM TO BE INTERFACED INTO THE LANDLORDS SYSTEM.

KEY TO DOORS: NO FIRE RATING, 30 MIN. FIRE RATING, 60 MIN. FIRE RATING, DOOR BY SPECIALIST MANUFACTURER, DOOR BY DEVELOPER

- NOTES: 1. ALL SERVICE PENETRATIONS THROUGH FIRE RATED WALLS TO RECEIVE MATCHING FIRE DAMPERS. 2. ALL GLAZED SCREENS & VISION PANELS IN DOORS TO COMPLY WITH PART M OF THE BUILDING REGULATIONS.

- Denoted partitions to be taken to full height as per building regulation requirements, providing 2hr separation. Denotes block wall construction wall built full height, providing 1hr separation.

RED STORE ASBESTOS STATEMENT: This building is known or has the potential to contain ACMs. You must not proceed without first checking the asbestos register. You should ensure that there are no ACMs in the planned area of work and that the survey has fully investigated this location. If no survey information is available or there is any element of doubt contact Life Environmental on Tel: 0870 446 1045. Recommendation Prior to any Refurbishment Works. Review extent of existing survey - Carry out refurbishment survey to the scope of works.

Revision table with columns: REV, DATE, DESCRIPTION, DRAWN, CHKD

M&S EST. 1884

STORE NAME: OLD STREET, COUNTRY: UNITED KINGDOM, PROJECT: NEW FOODHALL

PROPOSED GROUND AND MEZZANINE FLOOR LIQUOR LICENCE PLAN

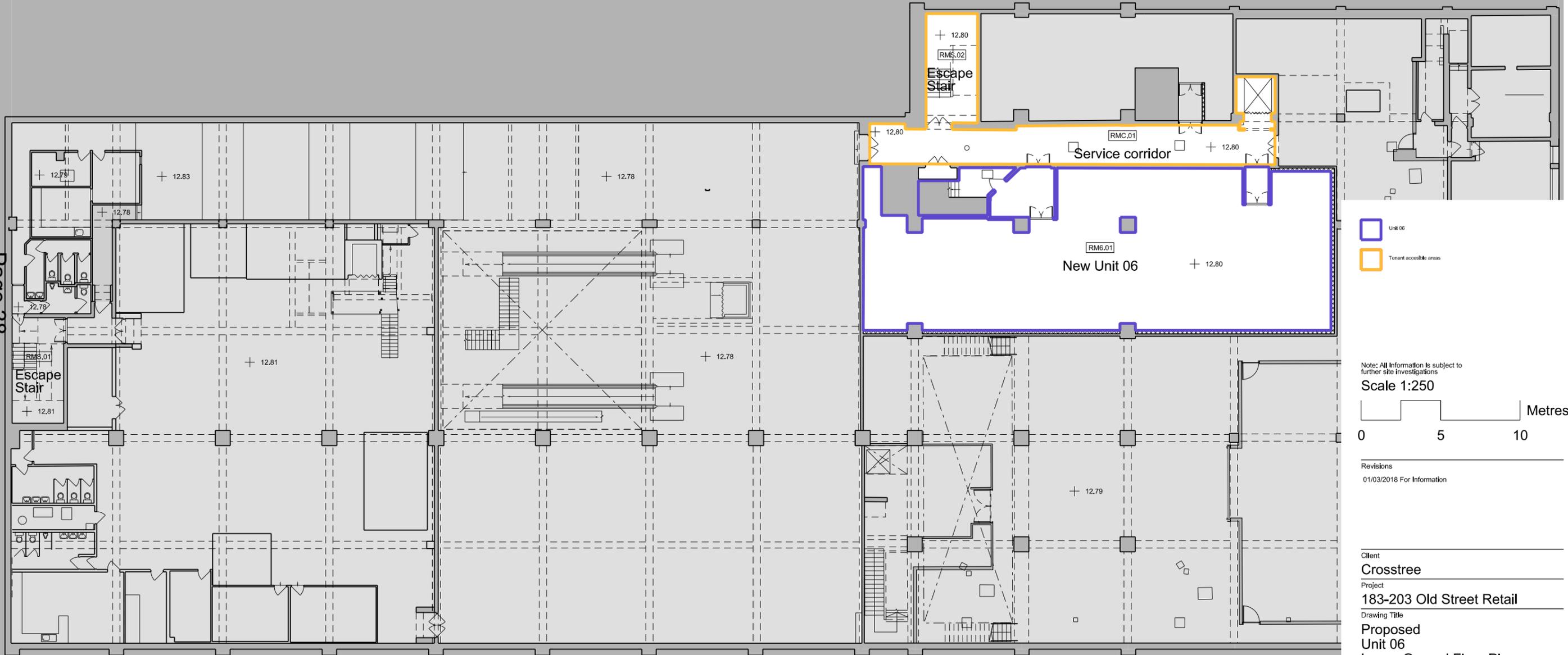
CONSULTANT: LEWIS AND HICKEY ARCHITECTURE

CONSULTANT LOGO: L&H LEWIS AND HICKEY, 18 Farnham Road, Guildford, Surrey GU1 4XA

SCALE: As indicated, PAPER SIZE: A1, DATE: 13.02.19, DRAWN: CM, CHECKED: TC

STORE NUMBER: Q0000, PROJECT No: OST001, DISCIPLINE CODE: A, DRAWING No: 143

CONSULTANT PROJECT No: G4458, STATUS: I, REVISION: I



Unit 06
 Tenant accessible areas

Note: All information is subject to further site investigations

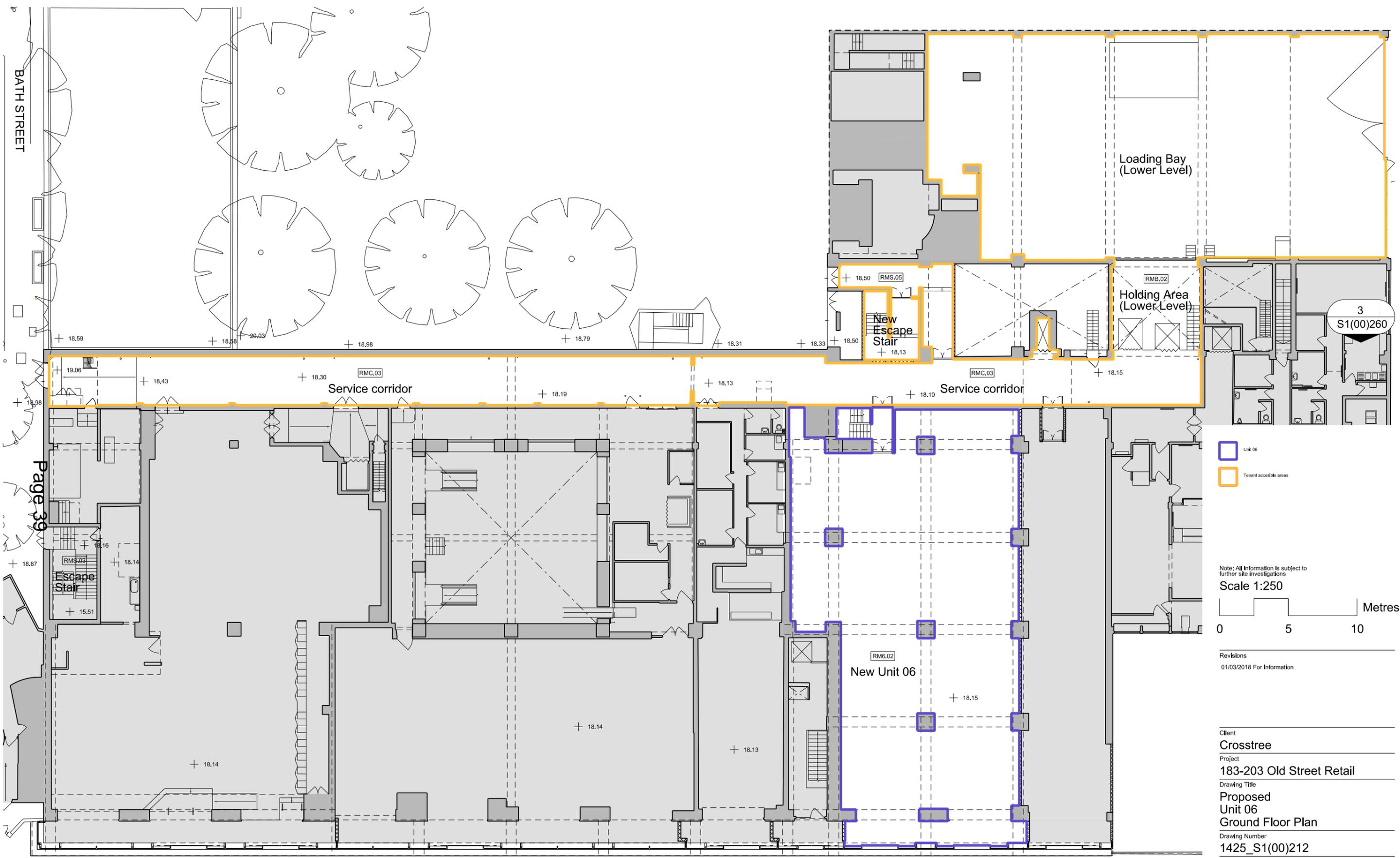
Scale 1:250



Revisions
01/03/2018 For Information

Client	Crosstree		
Project	183-203 Old Street Retail		
Drawing Title	Proposed Unit 06 Lower Ground Floor Plan		
Drawing Number	1425_S1(00)210		
Scale	1:250@A3	Status	For Tender
Drawn by	YGH	Date	02/05/2017

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of Ian Chalk Architects and is not to be reproduced without permission.



BATH STREET

Page 39

OLD STREET

- Unit 06
- Tenant accessible areas

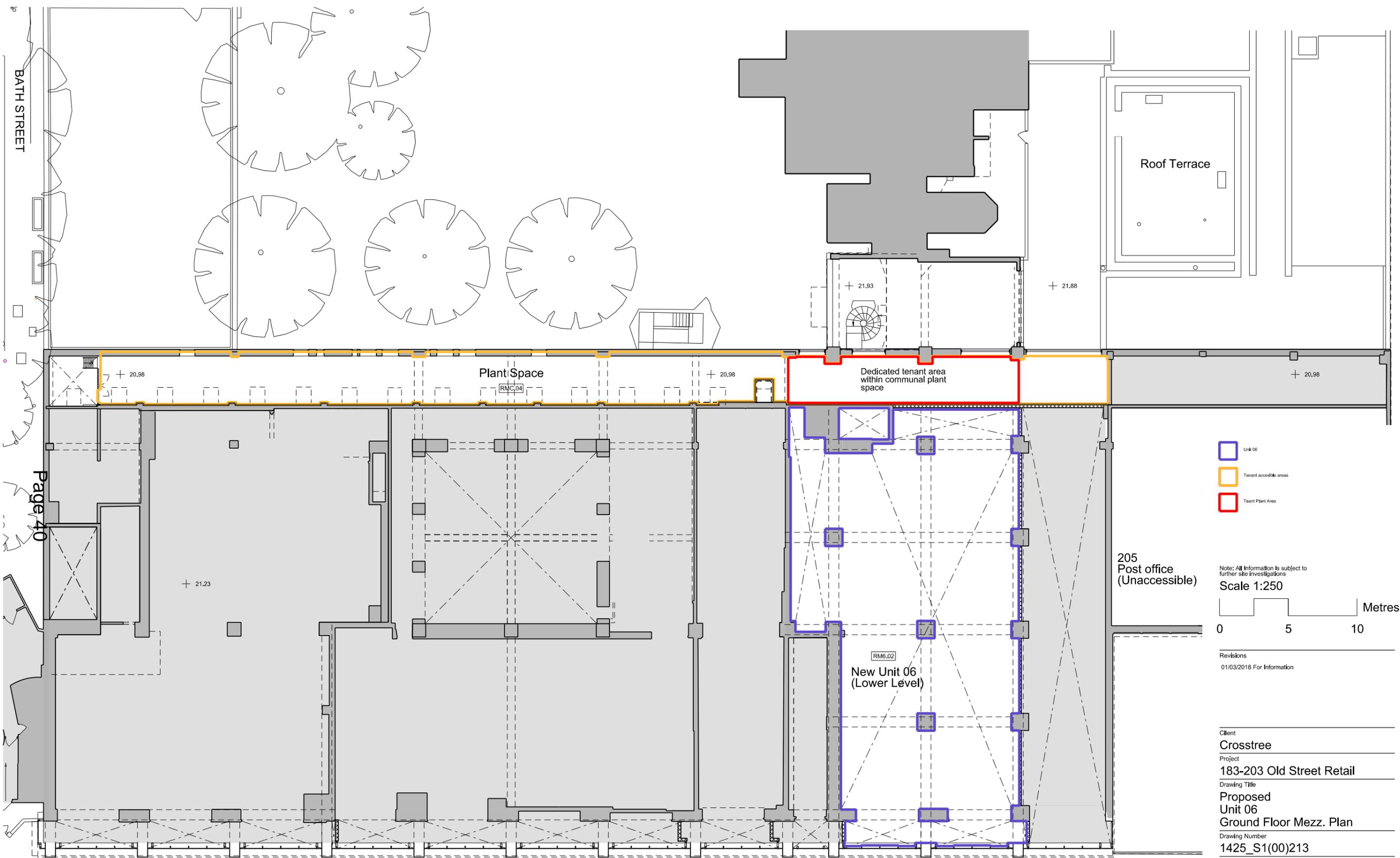
Note: All Information is subject to further site investigations
 Scale 1:250
 0 5 10 Metres

Revisions
 01/03/2018 For Information

Client
Crosstree
 Project
183-203 Old Street Retail
 Drawing Title
Proposed Unit 06 Ground Floor Plan
 Drawing Number
1425_S1(00)212

Scale 1:250@A3 Status For Tender
 Drawn by YGH Date 22.01.16

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of Ian Chalk Architects and is not to be reproduced without permission



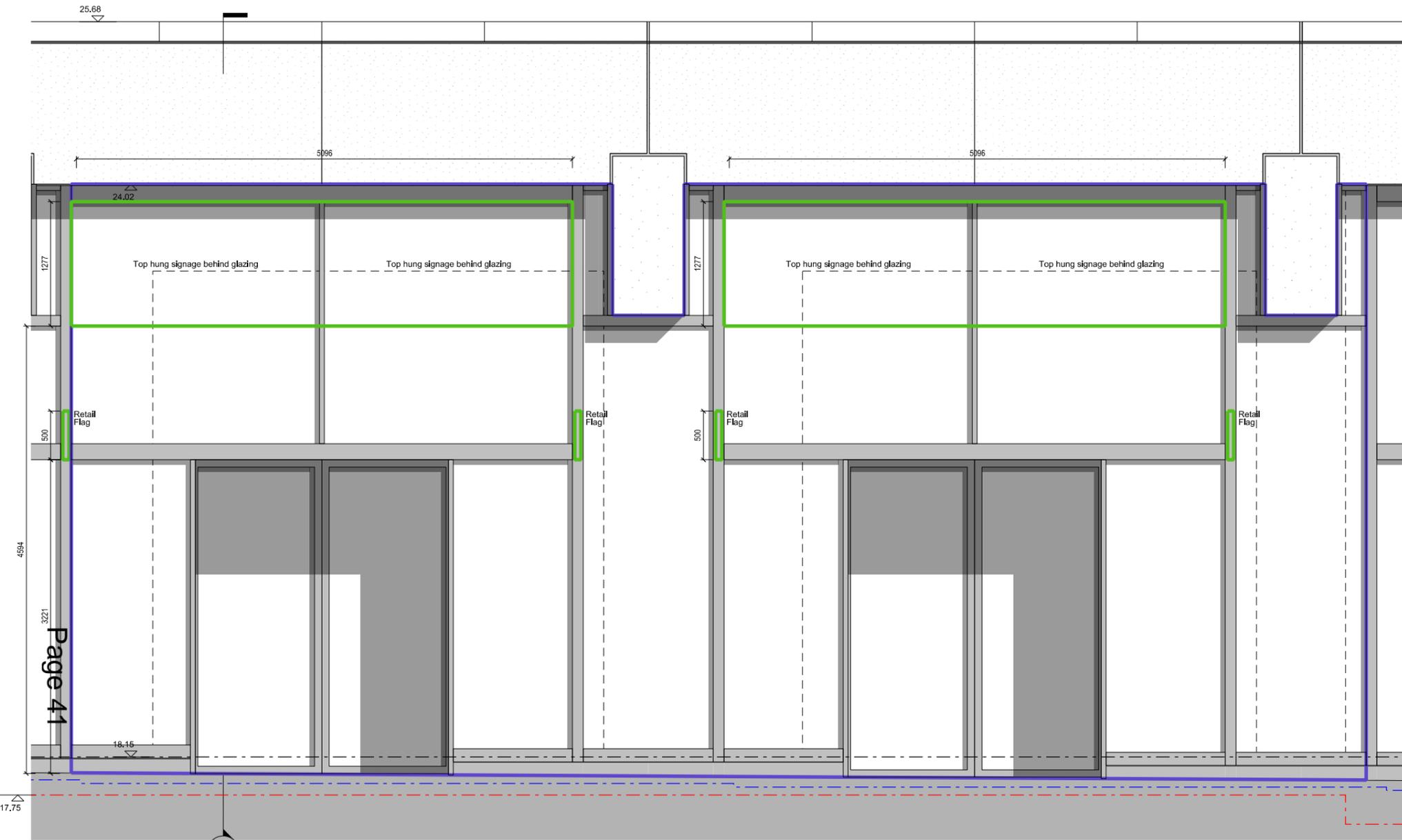
- Unit 06
- Tenant access/exit areas
- Tenant Plant Area

Note: All information is subject to further site investigations
 Scale 1:250
 0 5 10 Metres

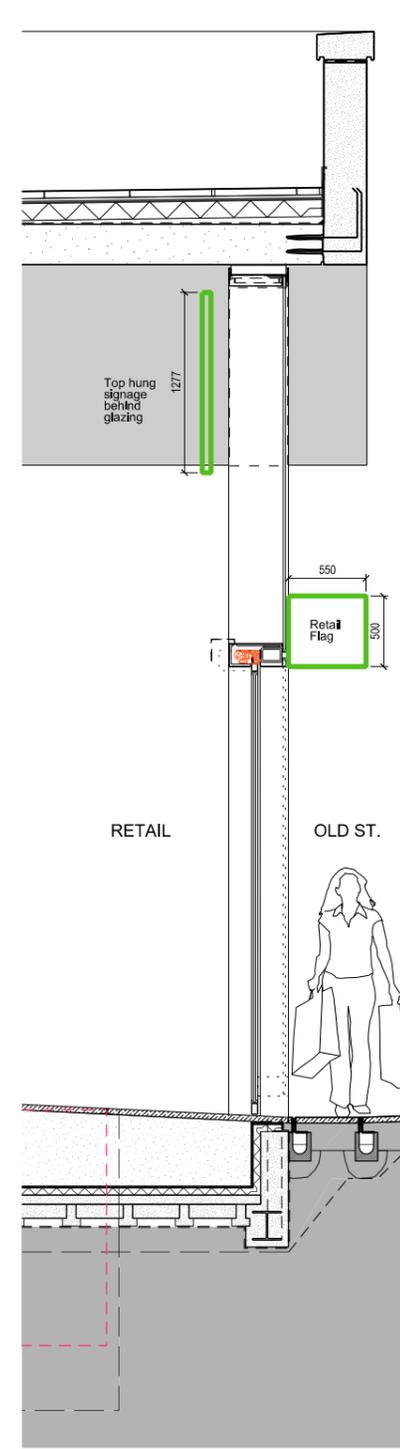
Revisions
 01/03/2018 For Information

Client
Crosstree
 Project
183-203 Old Street Retail
 Drawing Title
Proposed Unit 06 Ground Floor Mezz. Plan
 Drawing Number
1425_S1(00)213
 Scale 1:250@A3 Status For Tender
 Drawn by YGH Date 22.01.16

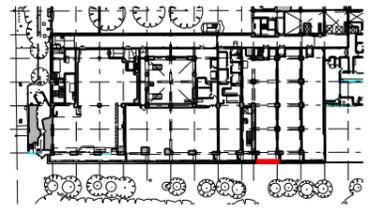
Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of Ian Chalk Architects and is not to be reproduced without permission.



02 Proposed - Shopfront Elevation
S1(32)612 1:25



03 Proposed - Shopfront Section
S1(32)612 1:25



- Unit 06
- Signage Areas

Note: All Information is subject to further site investigations
Scale 1:25
0 0.5 1 Metres

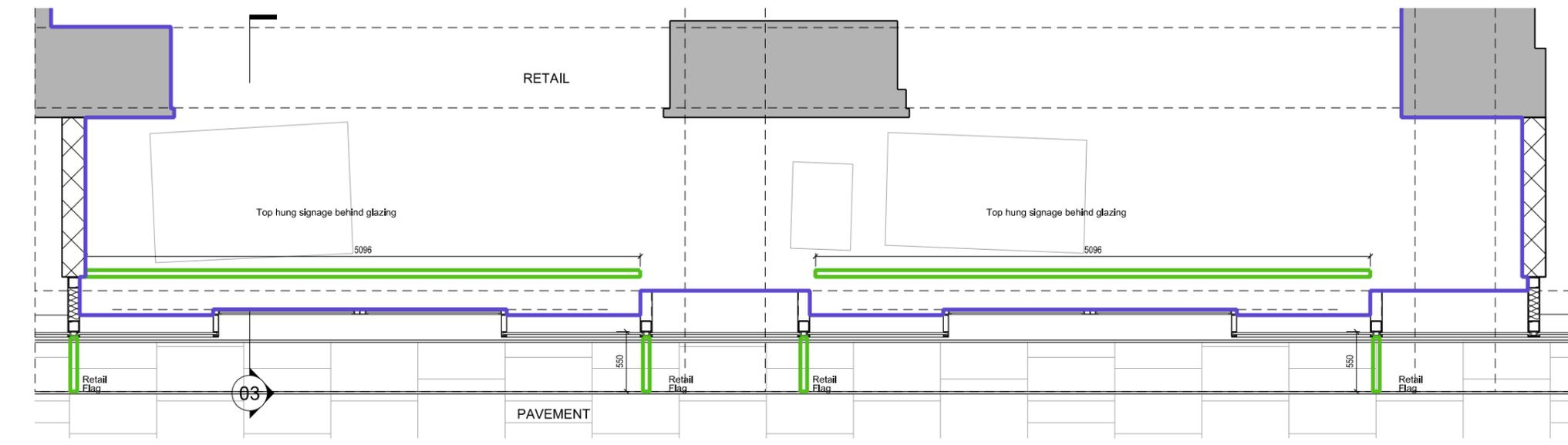
Revisions
01/03/2018 For Information

Client
Crosstree
Project
183-203 Old Street Retail
Drawing Title
Proposed Shopfront Unit 06
Drawing Number
1425_S1(32)612

Scale 1:25@A1 Status For Tender
Drawn by YGH Date 22/11/2016

Do not scale. All dimensions to be confirmed on site. Information contained in this drawing is the sole copyright of Ian Chalk Architects and is not to be reproduced without permission.

ica 70 Cowcross Street
London EC1M 6EJ
0203 7807355
ianchalkarchitects.com



01 Proposed - Shopfront Plan
S1(32)612 1:25

Licensing Act 2003**Licensing Authority Representation**

Rep 1

Premises Licence Application:**Marks & Spencer Simply Food, 201-203 Old Street EC1V 9NP**

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licence application, submitted by **Marks and Spencer Simply Foods Ltd.**

The application is seeking to allow the premises to provide the sale by retail of alcohol, off supplies only, Mondays to Sunday from 08:00 until 23:00.

The grounds for the representation are:

- Prevention of Crime & Disorder;
- Protection of Children from Harm; and
- Prevention of Public Nuisance.

Licensing Policy Considerations

Licensing Policies 2 & 3 *Location, Cumulative impact and saturation*

Licensing Policy 4 *Shops selling alcohol;*

Licensing Policy 5 & 6 *Licensing hours;*

Licensing Policy 7 *Operating schedule; and*

Licensing Policy 14 *Alcohol induced Crime, Disorder and Antisocial Behaviour*

Issues of Concern

- The premises are located within the Bunhill Cumulative Impact policy area (LP's 2&3). The main issues of concern in the Bunhill Cumulative Impact area is the large number of premises selling alcohol, in particular off licences operating in the area and the impact that widely available alcohol is having on local residents and visitors, in terms of nuisance, antisocial behaviour and alcohol related harm.
The onus is on the applicant to demonstrate that these premises will not add to the cumulative impact.
- The applicant has not mitigated the local area concerns in relation to shops selling alcohol (LP4) and how it could add to the cumulative impact of such premises on local area problems, such as the high level of problem street drinkers and the premises being at an extremely busy transport hub. The operating schedule (LP7) put forward within the application has not referenced these issues or put forward appropriate controls.
- Licensing Policy 6 for Premises selling alcohol for consumption off the premises in close proximity to schools or high risk areas, states that licensable hours should be between 10am and 11pm. The premises are in close proximity to two local schools, the area suffers from high levels of street drinking, alcohol related harm and anti-social behaviour.

- **Summary**

- The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects this to be demonstrated through the operating schedule. The operating schedule offers very little in the way of controls and does not include the level of detail expected for an application seeking the sale of alcohol within a cumulative impact area for hours in excess of those suggested within the Policy.

While the operating schedule does reference some controls there is little detail in areas of operational policies, staff training on alcohol sales and supervision, management support or recognition of the potential for harm and crime and anti-social behaviour linked to the sale of alcohol.

The Licensing Authority cannot recommend that a premises licence is granted for the hours being sought and recommends that the Licensing Sub Committee considers our concerns when determining the application.

Terrie Lane
Licensing Manager
Islington Council
020 7527 3233

28 March 2019

Licensing Act 2003

Representation from Islington Public Health department on behalf of health bodies providing services in Islington concerning:

Marks and Spencer, 201-203 Old Street, Islington, London EC1V 9NR

We are submitting a representation following the application for a licence to permit the sale of alcohol outside framework hours from the above premises. This representation is on behalf of Islington's Public Health Department, which is a responsible authority.

The impact of alcohol is particularly great in Islington with some of the greatest levels of alcohol-related problems in London¹, including:

- The fourth highest rate of alcohol-specific hospital admissions in London 2017-18
- The third highest rate of alcohol-related hospital admissions in London 2017-18
- The eighth highest rate of alcohol-specific mortality of all London boroughs 2015-17

The premises are located on Old Street, which is located in Bunhill ward. The location is within the Bunhill Cumulative Impact Area described in Islington's Licensing Policy 2018-2022. There were 97 alcohol-specific hospital admissions in Bunhill ward between April 2017-March 2018.

The grounds for the representation are:

- Public safety
- Crime and disorder

The relevant policies in Islington's Licensing Policy²

- Policy 3: Cumulative impact and saturation
- Policy 4: Shops selling alcohol
- Policy 6: Framework hours

We are concerned that if this application for extended hours is granted, it will increase the availability of alcohol for consumption off premises. This could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those buying and consuming the alcohol but also the health of others who come in contact with them.

Alcohol and health

Alcohol misuse imposes a major preventable burden to health and the effect of this in Islington is felt across all health services. There is a growing body of evidence that an increased number of alcohol outlets results in significant increases in both alcohol consumption³ and alcohol-related harm, including injury, violence and medical harm. Evidence from a number of countries indicates reducing alcohol outlet density can have an impact on reducing violence and problem drinking⁴. There is also evidence that changes in hours or days of trading can have a significant impact on volume of alcohol consumed and rates of alcohol related problems⁵.

¹ LAPE Data <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

² Islington Licensing Policy 2018 <https://www.islington.gov.uk/business/licences-permits-registration/alcohol-and-entertainment-licences/islington-licensing-policy>

³ The Relationship Between Alcohol Availability and Injury and Crime http://www.alcoholpolicymd.com/alcohol_and_health/alc_availability.htm

⁴ Change in alcohol outlet density and alcohol-related harm to population health <https://bmcpublihealth.biomedcentral.com/articles/10.1186/1471-2458-12-428>

⁵ UK institute of Alcohol Studies

https://www.ias.org.uk/uploads/pdf/IAS_reports/IAS

Impact of alcohol on health in Islington

The impact of alcohol on health in Islington is particularly severe. Alcohol-specific hospital admissions are those which are wholly related to alcohol (e.g. alcoholic liver disease or alcohol overdose). Islington has the third highest rate in London for hospital admissions where alcohol is the specific cause of admission⁸. The rate is also significantly worse than England.

Conclusion

Islington experiences some of the highest levels of alcohol-related harm in London and the cumulative availability of alcohol is one area that is likely to be impacting on this.

There is already good availability of alcohol in the area around Marks and Spencer, 201-203 Old Street, Islington, London EC1V 9NR. There is evidence that increased availability of alcohol, both in terms of the time period in which alcohol is available (hours of sale) and number of premises from which alcohol is available, results in an increase in alcohol-related harm. One effect of this is increased pressure and costs to the NHS. The impacts are also felt across a range of groups including the council, policing and the community as a whole.

Recommendation

Islington's Public Health Department recommends that the application for a licence to permit the sale of alcohol outside framework hours at Marks and Spencer, 201-203 Old Street, Islington, London EC1V 9NR is to be refused on the grounds that there is already sufficient supply in an area which already experiences alcohol-related harm.

Suggested conditions of approval consistent with the operating schedule

1. CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to 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, shall be kept and made available to Police or authorised Council officers on request;
 - c) The Police must 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 shall record in real time and recordings will be date and time stamped;
 - f) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request;
 - g) At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised
 - h) Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence.
2. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:
3. All crimes reported to the venue
 - a) Any complaints received
 - b) Any incidents of disorder
 - c) Any faults in the CCTV system
 - d) Any visit by a relevant authority or emergency service
 - e) All ejections of patrons
 - f) All seizures of drugs or offensive weapons
 - g) Any refusal of the sale of alcohol
4. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises or within the vicinity of the premises.
6. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol
7. No miniature bottles below 30cl shall be sold from the premises except where it is a mixed spirit with a non-alcoholic mixer.

8. In the event that an assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
9. A proof of age scheme, such as Challenge (25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as: a driving license or passport/holographically marked PASS scheme identification cards.
10. Where a person appears under the age of 25 and does not produce such identification the sale will be refused. A record of that refusal will be maintained and produced upon the request of a police officer or duly authorised officer of the Local Authority.
11. Staff will be trained in the law and their responsibilities in selling alcohol including the Challenge 25 policy and a record of that training will be kept and made available to the Police or duly authorised officers of the Local Authority upon request
12. Any spirits which are not displayed behind a counter will have an electronic tag which will activate an alarm if not removed by a member of staff.
13. The premises licence holder shall carry out a risk assessment on the need to employ security at the premises to deter theft of alcohol and keep such assessment under review.



- SHOW LAYERS
- Base Mapping
 - MASTERMAP +
 - VECTORMAP LOCAL +
 - Islington and surrounding Borough Boundaries
 - Islington Borough Boundary
 - LLPG Points (Postal)
 - LLPG Search
 - NLPG Points 100m Buffer to Islington (Postal)
 - LLPG Points (Non-postal and Postal)
- Borough Wide +
- Parking +
- Housing +
- LBI Organisations +
- Planning - Policies Map +
- Planning - Other Constraints +
- Historical Maps +

