



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

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## **AGENDA FOR THE LICENSING SUB COMMITTEE B**

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Members of Licensing Sub Committee B are summoned to a meeting, which will be held by Zoom on **15 November 2021 at 6.30 pm.**

Link to meeting: <https://weareislington.zoom.us/j/86875028817>

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Despatched : 5 November 2021

### **Membership**

Councillor Phil Graham (Chair)  
Councillor Valerie Bossman-Quarshie (Vice-Chair)  
Councillor Marian Spall

### **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

<b>B. Items for Decision</b>	<b>Page</b>
1. The Royal Oak, 250 St John's Way, N19 3RJ - Premises licence review	37 - 64

**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 REVIEW 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) **The applicant (interested party or responsible authority)** 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 applicant (interested party or responsible authority) on matters arising from their submission.

6) **Other representatives (interested party or responsible authority)** 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 other representatives (interested party or responsible authority) on matters arising from their submission.

8) **The licensee** 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) **Applicant**

13) **Other representatives**

14) **Licensee**

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 B - 20 July 2021**

Minutes of the meeting of the Licensing Sub Committee B held at on 20 July 2021 at 6.30 pm.

**Present:**      **Councillors:**      Phil Graham (Chair), Valerie Bossman-Quarshie (Vice-Chair) and Marian Spall

### **Councillor Phil Graham in the Chair**

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

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

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

None.

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

None.

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

There were no declarations of interest.

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

The order of business would be as the agenda.

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

**RESOLVED:**

That the minutes of the meeting held on 25 May 2021 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**259      GORILLA'S TECHNOLOGIES, 95 FARRINGDON ROAD, EC1R 3BT - NEW PREMISES LICENCE (Item B1)**

The licensing officer confirmed that the unit was contained within the B1 element of the building and so therefore planning permission would not be required.

A local resident raised concerns regarding the timing and the noise from deliveries. Deliveries during the week had taken place at 6am in the morning and vehicles had blocked the entrance to the residents parking area and the road. He had suggested conditions and considered that the applicant should not make any additional noise from the operation. He had proposed restricting deliveries from 9 until 4 pm on weekdays and that deliveries should not block the entry/exit. He asked that drivers

obey the Highway Code and also proposed a condition that no deliveries would take place on religious or national events.

In response to a comment from the Sub-Committee it was noted that security to the residents' car park would be the responsibility of the freeholder.

The applicant stated that this was an on-line delivery business with no public access. Orders were made from an app and there was a ten minute delivery time from the time of order. No internal combustion engines would be used and this was conditioned. The applicant stated that he would be happy to support car park security from the freeholder if the resident wished. A contact number could be provided and deliveries would not be made on Sundays. Most of the deliveries would be in small vans but one larger truck, which could not get into the loading bay, would be required once a day. This vehicle could pull to the side of Herbal Hill with minimal noise and would be unloaded which would take no more than 20 minutes.

In response to questions related to noise, it was noted that trolleys that were used could have rubberised wheels and the applicant would liaise with the resident regarding the noise from the loading bay. Deliveries from the big truck were allocated within a time slot and the applicant stated that they could make this a regular time slot. Staff on smoking breaks could be moved to Clerkenwell Road. Each driver was responsible for their own order. The big delivery vehicle was used to provide frozen stock which came in large chillers. If the larger vehicle could not pull into Herbal Hill and was unable to park safely they would have to be sent away.

In summary, the resident stated that the deliveries were a big concern and if time slots were limited to the hours of 9am to 3pm that would be a huge benefit to residents. He was still concerned about the noise from the loading bay and he considered that the conditions he had proposed were not unreasonable.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Gorilla's Technologies, 95 Farringdon Road, EC1 be granted to allow:-
  - a) The sale of alcohol, off supplies only, Monday to Sunday from 8am until midnight.
  - b) The premises to have the following operating hours:- Monday to Sunday from 8am until midnight.
- 2) Conditions detailed on pages 41 to 43 of the agenda shall be applied to the licence with the following amendments:-
  - Deliveries will be made in crates on trolleys with air inflated rubber wheels.
  - Condition 5 to read. The delivery of licensable goods to the premises shall be restricted to the hours between 9am to 4pm on Monday to Saturday. No deliveries to take place on a Sunday or Bank Holiday. The licensee is

permitted to receive one delivery per day in a large truck to unload in Herbal Hill, if space is available.

- A contact telephone number to be provided to the residents association.
- That deliveries in are only by suitably sized vehicles that can enter the loading bay area and simultaneously not block entry or exit for those using the resident's car park.
- The applicant must ensure that staff do not congregate outside the building

### **REASONS FOR DECISION**

This meeting was facilitated by Zoom.

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 Clerkenwell 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.

Objections had been received from six local residents and one Resident's Association. The Sub-Committee noted that the hours sought were outside the framework hours set out in the Policy for the Clerkenwell Cumulative Impact Area.

The Sub-Committee took into consideration the fact that no representations were made by the Licensing Authority. It noted further that conditions had been agreed between the Applicant and the Police and the Noise Team.

The Sub-Committee was informed by the Licensing Officer at the hearing that the premises did have the correct planning permission for the premises.

The Sub-Committee heard evidence from the Residents Association representative. He set out his concerns relating to noise vehicles to and from the premises and in relation to nuisance caused by the blocking of traffic and obstruction to residents caused by large delivery vehicles, especially in the early part of the day when people are leaving for work.

The Sub-Committee concluded that considering the nature of the business (delivery only and no access from the public), together with the agreed conditions with the Police and Noise Team, that the granting of the licence would not negatively impact on one or more of the licensing objectives.

To address the concerns raised by the residents, the Sub-Committee added further conditions to the license in relation to delivery times, the size of the delivery vehicles, contact details for the residents so that they could communicate any concerns directly to the licensee and it further defined where employees are not permitted to congregate.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

**260 NEZA BAR CAFE, 296 HOLLOWAY ROAD, N7 6NJ - NEW PREMISES LICENCE (Item B2)**

The licensing officer reported that two resident representations had been received. The applicant had written to them and one was now happy with the application but no response had been received from the other resident. The applicant had offered to meet with this resident. There had been an additional bundle from the applicant summarising the application sent to the Sub-Committee.

The Licensing Authority had received a revised condition relating to the outside area and was happy to withdraw with the amended wording to condition 26.

The applicant stated that this was a restaurant with normal hours and was not alcohol led. Conditions had been agreed with Trading Standards, Police, Environmental Health and the Licensing Authority and was compliant with the licensing objectives. Two representations had been received from interested parties. One resident was happy with the information that had been provided. Resident two had been provided with additional information and all conditions, the witness statement and a petition in support. He considered that all points had been addressed and the licence would not negatively impact on the area. This was a restaurant/café with modest hours. As the resident was not present they were unable to ask about their concerns but all the information provided should alleviate these.

In response to questions it was noted that there would be table service, alcohol would be sold with food, was a small part of the offer and there would be no vertical drinking. They wished to offer alcohol to those customers who wanted it with lunch and dinner. The applicant stated that they would be operating Challenge 25 and when questioned gave full details of how Challenge 25 would be operated.

In summary, the Licensing Authority informed the Sub-Committee that the plans submitted did need to be updated and a fire risk assessment needed to be carried out.

The applicant stated that the floor plans had been finalised and could be sent to the Licensing team shortly. They had recently operated under a Temporary Events Notice. They had wanted to wait until the 19 July to ascertain the latest Covid restrictions before finalising the layout but this was now able to be provided.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Neza Bar Café, 296 Holloway Road, N7 6NJ be granted to allow:-
  - a) To allow the sale of alcohol, on supplies only, Monday to Saturday from 11am until 11pm and from 12 noon until 11pm on Sunday.
  - b) The premises to be open to the public, Monday to Saturday from 6am to 11.30pm and Sunday from 8am to 11.30pm
  
- 2) Conditions detailed on pages 87 to 89 of the agenda shall be applied to the licence with the following amendments:-
  - Condition 26 to read. Customers must not consume food or drinks outside or in the vicinity of the premises, unless in an external seating area permitted by Islington Council;
  - The submission of an updated premises plan to include the location of all fire safety equipment.

**REASONS FOR DECISION**

This meeting was facilitated by Zoom.

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 and Finsbury 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. Possible exemptions apply to the Holloway and Finsbury CIA Policy where premises are not alcohol led and are within the framework hours.

Two local resident submitted representations. There had been no representations made by the responsible authorities.

The Sub-Committee heard evidence that conditions had been agreed by the applicant with the Noise Team and the Police.

The Licensing Authority had made written representations. At the hearing the Licensing Authority informed the Sub-Committee that it had withdrawn their representations as a condition (Condition 26 above) had been agreed with the applicant.

The Sub-Committee took into account that the premises would be run as a restaurant and that alcohol would be ancillary to food. It further noted that vertical

drinking would not be permitted. The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 6.

The Sub-Committee was satisfied that the operating schedule demonstrated high standards of management and that the proposed use, with the extensive conditions agreed, meant that the premises would not add to the cumulative impact.

The Sub-Committee was satisfied that granting the premises licence with the agreed and imposed conditions was proportionate and appropriate to the promotion of the licensing objectives and in the public interest.

**261 ALTERNATIVE SUPERMARKET, 360 ESSEX ROAD, N1 - PREMISES LICENCE VARIATION (Item B3)**

The licensing officer reported that the application had been amended as follows:-

The extension of hours until 01:00 on Friday and Saturday.

The amendment of conditions as follows:-

Condition 1 to read:- No beers, lagers or ciders of above 6% abv shall be sold on the premises, save for premium bottled beers agreed in advance with the police or licensing authority.

Condition 2 to remain on the licence.

Condition 3 to be removed.

Following these amendments the police had withdrawn their representation however the resident had not engaged further with the licensing team.

The Licensing Authority stated that the licensee had been at the premises only for a short time, since November 2020. There had been no details given for mitigation in this area. She stated that the representation was maintained and the applicant could explain how the application would not add to the cumulative impact.

The applicant stated that he wished to provide local residents with a can of beer up until 1am. There were not many local stores that were open at this time due to the pandemic. They had received a positive resident representation.

In response to questions there would be three people in the store until 1am for staff safety. They wished to give residents an option to purchase food products or alcohol at that time of day. Some residents just required a single can of beer. They would not stock super strength alcohol that might appeal to street drinkers but wished to stock premium or beers from local brewers to give residents an option. They had got to know the local residents and what they want from their store. There was another local store nearby that closed at 11pm.

The Licensing Authority did not consider that the application had explained how they would not add to the problems that arose from selling alcohol at that time of day. They did not seem to understand the problems that were in a cumulative impact area and why the policy had been brought in.

The applicant stated that they had been in Islington for 15 years. They wished to serve local professional residents and did not think they would create more crime. They managed the premises well and received positive feedback from residents.

**RESOLVED**

That the application for a new premises licence, in respect of Alternative Supermarket, 360 Essex Road, N1 be refused.

**REASONS FOR DECISION**

This meeting was facilitated by Zoom.

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 premises concerned is a shop with an off sales licence. The licence was granted in November 2020. The application was to vary the licence, merely six months after it had been granted. The variation, following amendments to increase the licensable hours by two hours to 1am on Fridays and Saturdays.

In addition the licensee applied for the certain conditions applied to the licence in November 2020 to be removed or varied.

The applicant applied for Condition 1 to be varied to enable premium beers be sold above 6% abv, provided this had been agreed in advance with the Police and Licensing Authority. The applicant also applied for Condition 2, which in its original form prohibited spirit miniatures or other bottles at or below 33 cl being sold from the premises at any time, to be removed from the licence conditions, and thirdly he applied for Condition 3, which prohibited single cans of beers being sold from the premises, to also be removed from the conditions.

At the meeting, the Sub-Committee was informed that the Police agreed to Condition 1 being amended as applied for, and for Condition 3 to be removed. The applicant withdrew the request for Condition 2 to be removed.

The premises are not situated in a specifically designated Cumulative Impact Area. They are however covered under Licensing Policy number 4 which is an umbrella policy relating to off sales.

The Council has adopted this 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.

The Sub-Committee found that the applicant did not satisfactorily address the cumulative impact issue, either in the application itself or at the hearing. There did not appear to be a cogent reason for the extension of the hours and the relaxation of the conditions, so soon after the licence had been granted, especially considering the lockdown effects that would have had on trading in the past 6 months.

The Sub-Committee noted that the hours sought were outside the hours permitted framework hours as set out in the Licensing Policy. The Sub-Committee concluded that the applicant did not rebut the presumption that the granting of the variation as amended, would negatively impact on the licensing objectives.

The Sub-Committee concluded that the refusal of the variation application was appropriate to promote the licensing objectives.

**262**      **CRYSTALS PIZZA AND FRIED CHICKEN, 4 YORK WAY, N1 9AA - NEW PREMISES LICENCE (Item B4)**

The licensing officer reported that planning permission would be required if the premises was a takeaway. The applicant had stated that it was proposed to be primarily used as a restaurant.

The Licensing Authority stated that the hours were outside licensing policy framework hours. If the application was for a restaurant the framework hours were until midnight. The applicant had not explained why these hours were required and had not addressed the cumulative impact policy. The applicant managed the neighbouring premises and should this licence be granted it would double the trade within a small area. She stated, that in response to an email sent by the applicant's representative which had stated that this was an experienced and responsible manager, she raised concerns regarding good management standards in that a fixed penalty had been served on the neighbouring premises in October 2020 under Covid restrictions. The premises had been visited several times by council officers before it had been served. They had not stated the link with the next door premises in the original application. If the premises was to be operated as a take away the hours were outside framework hours and would be even more so if it was operated as a restaurant.

The applicant's representative stated that the applicant operated a small fast food restaurant with 20 seats upstairs next door to this premises. He had been at the premises for over ten years. The fixed penalty notice occurred when a member of staff was serving food at the door. The fine was paid immediately and the individual was dismissed. The applicant was committed to working with all the responsible authorities and conditions had been agreed with the police and the noise team. A licence could be granted if there were exceptional circumstances. This was not an application for alcohol but for late night refreshment. He raised concerns that the email regarding the fine from the Licensing Authority had only been sent the day before and he had not had a chance to respond. The applicant stated the licensing team had called at the premises on a day he was not working and after two weeks had sent a penalty fine. He had paid immediately and after that had closed before

11pm. He apologised for the penalty and said that many people had been confused over the Covid regulations. This was a one off incident and the member of staff had been dismissed.

In response to questions it was reported that training would be given to all staff regularly every three months. The applicant knew the local residents and would provide a contact telephone number. This was a good location for workers such as the police, railway workers and cab drivers who would prefer to eat in a restaurant after work rather than have a takeaway. The premises next door had two managers, one during the day and one at night, 3 staff on the counter and two in the kitchen. Approximately 7 or 8 staff. It was expected that the restaurant would have similar numbers with waiters in addition. The applicant's representative stated that Kings Cross was on the edge of a cumulative impact area. The premises was not alcohol led and sold late night refreshment only and he considered that this was an exception to the cumulative impact policy.

In summary, the Licensing Authority stated that the premises would still add to the cumulative impact and was outside framework hours and this had not been covered in the presentation. She stated that the applicant's representative had submitted that the licensee had not had any issues in ten years and in response to this she stated that a fixed penalty had been issued.

The applicant's representative stated that the local authority representation had been made on the grounds of public nuisance and the prevention of crime and disorder. No residents had made any objection to the application. The Sub-Committee should be satisfied with the high standards of management. The hours and conditions would help dispersal in the area. The neighbouring premises were already operating to these hours and would not cause additional nuisance as it would help people leaving the area.

### **RESOLVED**

That the application for a new premises licence, in respect of Crystals Pizza and Fried Chicken, 4 York Way, N1 9AA be refused.

### **REASONS FOR DECISION**

This meeting was facilitated by Zoom.

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.

This was a new licence application for a business which the Sub-Committee was informed would operate primarily as a restaurant.

The application was for a late night refreshment licence for the hours 11pm to 5am Mondays to Sundays. The Sub-Committee heard that the applicant owned and managed another restaurant with the same hours next door to the premises in

question. The Licensing Authority submitted written and provided oral submissions to the hearing. There had been no representations made by any of the other responsible authorities. The Police and Noise team had agreed conditions with the applicant.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Kings Cross 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 hours requested in the application were significantly outside the framework hours.

The Sub-Committee agreed with the Licensing Authority's representations which emphasized the fact that the hours requested were significantly outside the framework hours and that the applicant had not adequately addressed the cumulative impact issue both in the application papers and in the oral submissions to the Sub-Committee. The Sub-Committee also considered the potential noise disturbance to neighbours in the area from having a second late night venue added thereto in such close proximity to the existing one.

The applicant had raised the issue of good standard of management at the premises next door, owned and managed by the applicant. In response, the Licensing Authority produced evidence to the Sub-Committee of the fact that the applicant had contravened the Covid Regulations in 2020 and had been fined by way of a Fixed Penalty Notice.

The applicants' response was that the fine had been paid and that the person on duty that day had been dismissed.

In conclusion, the Sub-Committee was of the opinion that the applicant had not rebutted the presumption that the granting of the application would negatively impact on the licensing objectives. It was accordingly decided that the appropriate and proportionate decision would be to refuse the application.

The meeting ended at 9.00 pm

**CHAIR**



The police officer stated that a number of incidents had occurred at the premises and two officer panel meetings had been held to discuss management of the premises. It had been agreed that the licence holder submit a variation to add conditions to the licence but this had not been submitted. The police representative reported that conditions had now been agreed with all parties except one relating to SIA door supervisors. The police were asking for at least one door supervisor on Fridays and Saturdays from 7pm until closing time and a risk assessment be carried out for more if required. The premises were agreeing door supervisors for Saturday only. The police representative reported that there had been a series of incidents and there had been a loss of confidence that the premises could uphold the licensing objectives of crime and disorder, public safety and the prevention of public nuisance. These were detailed in the papers. Following the Covid lockdown there had been three visits to the premises on the 3, 7 and 9 April where there had been non-compliance with social distancing and the premises were asked to attend an officer panel on the 22 April 2020. The designated premises supervisor was not present on the 7 July. Following further incidents documented in the agenda there was a further panel meeting on the 29 April 2021 and on the 8 May the police met at the premises. On that same day a member of the public called the police to a large scale disturbance from customers outside the premises. On the 25 May staff called the police as customers were refusing to leave and staff could not deal with this issue. Body worn footage of this incident had been circulated and it had also shown the co-owner who appeared to be intoxicated. There had been a large number of issues and some agreement had been reached. It was considered that these issues would not have occurred if there had been an SIA presence.

In response to questions, it was considered that despite multiple visits things had not improved. In relation to the incidents detailed on CCTV it appeared that drinks had been provided after hours.

The Licensing Authority stated that there was a long history of non-compliance with Covid contraventions. A s80 noise abatement notice had been served in 2019 despite noise conditions on the current licence. She fully supported the need for SIA door supervisors and the extra conditions proposed and fully supported the review by the police. The officer from public health stated that she was in support of the conditions indicated by the police.

In response to questions, the Licensing Authority stated that the premises could hold over forty people and fire risk assessments would have the correct numbers involved. She considered that risk assessments on numbers should be carried out for match days or where there were any specific events. It was stated that conditions had been broken on a regular basis. There had been two panel meetings and also meetings at the premises to try and help them. There had been no improvement prior to the review but since the review had been submitted the premises had been quiet. The need for a door supervisor would be for Friday and Saturday evenings.

The resident in support of the review stated that the premises had broken the law in respect of Covid with illegal lock-ins whilst other people were staying in. The

premises had been served multiple improvement notices. He was concerned that the premises was not capable of upholding the licensing objectives. The premises had been visited almost weekly, at a higher rate than other licensed premises. He did not believe that a single doorman would change anything. He asked that the Sub-Committee consider revocation or suspension of the licence.

The resident stated that the licence holder had breached conditions numerous times and he could provide evidence of this if necessary. The resident stated where he lived in the vicinity of the premises.

Three residents spoke against the review. One resident stated that he lived across the road and had never witnessed any issues or criminal activity. He had found the premises very strict with regard to Covid compliance. Temperatures had been taken, there had been table service. On a Friday evening there may only be 5 or 6 customers and he did not see the point of having SIA door supervisors on those evenings. There were very few local pubs and this premises made you feel welcome and was a pleasant place to go. He could not make comments on issues that he had not seen. A second resident stated that he lived and worked opposite the venue. He had been a police officer for 20 years and he saw the premises adhering to the licensing hours, running very well organised football events. He had seen this local business grow, had been refurbished and decorated and offered employment to local people. A young person would regard the premises as a place of safety. He could not understand why the review had been submitted. There had been no evidence. The place was a friendly clean venue. Covid rules were enforced rigorously. During Euro 2020 there had been no issues and there had been one night of problems when customers did not want to leave the premises. A third resident stated that he was a health professional and considered that the Covid rules at the premises were second to none and he considered that they had addressed procedures very well.

In response to questions, one of the residents stated that he lived opposite and had no issues with the premises. He kept his windows open and had no issues with noise. He found staff to be friendly and efficient. It was accepted that none of the residents had been present on the days that the incidents described had taken place.

The licensee's representative stated that the issues for agreement were narrow. The only condition in dispute was one condition relating to door staff. A whole range of conditions had been agreed. On a normal non match day Thursday/Friday and Saturday they would do a risk assessment whilst the Police would like to see at least one SIA door supervisor on a Friday and Saturday evening. The independent witness had visited on two busy nights. He stated there had been issues previously but moving forward with management, additional licensing holders, conditions and door staff on a Saturday night he considered that the premises would uphold the licensing objectives.

The designated premises supervisor stated that more management structures had been put in place, there was a dispersal policy, policy regarding the pavement

licence, staff had been retrained in Challenge 25 with till recording, and there was a clear staffing structure. There were two other licensees and three other staff were working towards their licence. Friday was a traditionally quiet night and Mondays to Thursdays were busier. There was a concern that had been raised on the 8<sup>th</sup> May regarding condition 18 currently on the licence. The issue was that people gathered outside the premises when matches were taking place and there had been discussion that blinds be installed and pulled down when live sport was taking place. There were two points that required consideration: - a) it was considered that there was no need for door supervision on a normal Friday but they agreed to risk assess in advance and agreed to a door supervisor on a Saturday b) an amendment to condition 18 to allow the installation of blinds. A further resident added in support of the premises that he agreed with the other residents against the review and said that the premises had no incidents and were very compliant with Covid regulations.

In response to questions, it was noted that there was now a refusals record on the till to make it easier to record refusals. When asked about what had happened previously, the designated premises supervisor stated that if the customer had no ID, service would be refused and it wasn't recorded. They had been open for three years. When challenged, he stated that refusals had been recorded in a book. He then stated that the premises had upgraded to record on the till and an easier structure had been put in place. New policies and restructured policies had been put in place.

In response to further questions, the independent witness stated that he had made recommendations following visits to the premises. He usually attended unannounced. His report was independent. He was paid for his report but his fee was not dependant on its contents. It was noted that last orders were at 11.45pm and all patrons have left by 12.30. Glasses were collected. Door staff monitored dispersal. Regarding the incident shown on CCTV the door supervisor stated that no drinks had been passed over after midnight. Staff had tried to call Nightsafe but had no response and the issue had escalated. He was not present on that particular evening.

In summary, the police stated that the bar had a lot of support from the community but a local resident had reservations and had invited the Sub-Committee to suspend the licence. Following on-going dialogue it was considered proportionate to agree a tight package of conditions which had been offered and was supported by the Licensing Authority, with one issue outstanding regarding the SIA door staff. The licensee had offered no material evidence regarding the Friday evening and the police considered that the SIA condition be for both Friday and Saturday evenings.

The licensing authority agreed with the stance on risk assessing provision for the weekends. This should be based on numbers and special party and event days. The concerns of neighbouring residents should be taking into account.

The resident in favour of the review stated that there had been a long time line. Serving drinks after hours had been captured on video and the licensee had denied

this. The Sub-Committee had seen evidence that this was the case. The police knew that the premises were already poorly managed.

Residents in support of the premises stated that there was noise from McDonalds and the premises had recently made drastic improvements. A second resident stated that incidents had not been witnessed, businesses should be given a chance and when he had been there the premises had been more than compliant. The residents were glad to have a local and hoped that they would continue to do so.

The licensee's representative stated that the independent advisor had generated a number of updated policies. He stated that a normal Thursday/ Friday and Saturday evening would always be risk assessed and would be covered by this. There was no evidence against the new condition to replace condition 18 and it was asked that this also be considered. It was proportionate to impose conditions to limit door staff to a Saturday.

### **RESOLVED**

- 1) That the designated premises supervisor, Mr John Phelan be removed and the conditions modified in respect of Islington Sports Bar and Grill, 274-276 Holloway Road, N7 6NE.
- 2) Conditions as circulated at the meeting from the licensee's representative shall be applied to the licence with the following amendments and as detailed in full below:-

Proposed condition 2 to read.

On any Friday or Saturday and on any day where there is an Arsenal home or away match or Emirates Event/Screening, a minimum of 2 SIA registered door staff to be on duty at the venue from 1800 hours and to remain until half an hour after closing to assist with quiet dispersal of customers. The licensee shall take into account any advice offered by Police concerning the provision of door supervisors.

Proposed condition 8b to commence.

A pre-match or event risk assessment shall be undertaken by the management and completed on each occasion to consider **additional** SIA provision and any other measures deemed relevant.

- 3) Conditions detailed in full.
  1. There shall be a personal licence holder on the premises throughout the time that licensable activity is taking place. Mr Mick Doherty shall not be engaged in front of house management of the licensed premises whilst licensable activity is taking place, nor shall he be responsible for close-down procedures.
  2. On any Friday or Saturday and on any day where there is an Arsenal home or away match or Emirates Event/Screening, a minimum of 2 SIA registered

- door staff to be on duty at the venue from 1800 hours and to remain until half an hour after closing to assist with quiet dispersal of customers. The licensee shall take into account any advice offered by Police concerning the provision of door supervisors.
3. [\*to replace/update current 2.7\*] CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:
- (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.
  - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;
  - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;
  - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
  - (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
  - (f) The system will record in real time and recordings will be date and time stamped;
  - (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.
  - (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act 2018) within 24 hours of any request.
4. [\*to update current 2.14\*] The premises will operate the 'Challenge 25' proof of age scheme.
- (a) All staff will be fully trained in its operation.
  - (b) Only suitable forms of photographic identification, such as passport or UK driving licence, or a holographically marked PASS scheme cards, will be accepted.

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5. [\*to update current 2.22\*] The total number of persons on the premises, including customers and staff, shall not in any circumstances exceed the number determined on the current fire risk assessment.
6. The premises shall no open before midday on the date of any Premier League, Football League, Football Association or FIFA designated football match played within the boundaries of the M25 unless otherwise agreed with Islington Police Licensing Team and the Local Authority.  
**This condition shall not be applied to the licence.**
7. [\*to update current 2.19\*] On days when Arsenal Football Club are playing at home at the Emirates Stadium:
  - (a) The designated premises supervisor (or a personal licence holder who has been approved by the Police to deputise for the designated premises supervisor) will be present for the duration of the match day opening unless exceptional circumstances apply.
  - (b) There shall be no alcohol sales in glass containers at any time. All sales will be supplied in plastic receptacles, and any bottled drinks will be decanted into a suitable receptacle.
  - (c) A pre-match risk assessment shall be undertaken by the management and completed for every upcoming match day to consider the SIA provision cover and any other measure deemed relevant. Said assessment will take account of any advice offered by the Islington Licensing Police Team and Local Authority in relation to that particular game, as well as the licensee's own knowledge of the previous history of any fixture in past seasons and the profile of any persons likely to attend the venue during that matchday. Said assessment will be recorded in a suitable log and made available to the Police and Local Authority on request.
  - (d) There shall be a minimum of 2 SIA licensed security staff on duty at the premises from 4 hrs before kick off until closure. Said members of SIA shall be clearly identifiable, in every case wearing suitable high visibility clothing and with SIA accreditation clearly and openly displayed.
  - (e) The lead door supervisor shall wear a working body camera.
  - (f) The management will ensure security staff and other staff members assist police or local authority officers at all times with any enquiries they make in the execution of their duties.
  - (g) On match days and any other days when the management anticipate attendance approaching capacity a suitable clicker or other monitoring system shall be employed to monitor and manage capacity.

8. On days when Arsenal Football Club are playing away or at any neutral or foreign venue and the match is being screened at the premises or when other ticketed events or boxing/UFC or MMA events are shown or the Emirates Stadium is hosting major non-football events:
  - a) The premises will not open before midday unless otherwise agreed with the Islington Metropolitan Police Licensing Team and the Local Authority.  
**This condition shall not be applied to the licence.**
  - (a) A pre-match or event risk assessment shall be undertaken by the management and completed on each occasion to consider **additional** SIA provision and any other measures deemed relevant. Said assessment will take account of any advice offered by the Islington Licensing Police Team and Local Authority in relation to that particular game, as well as the licensee's own knowledge of the previous similar events and the profile of any persons likely to attend the venue during the event or matchday. Said assessment will be recorded in a suitable log and made available to the Police and Local Authority on request.
  - (b) When the management anticipate attendance approaching capacity a suitable clicker or other monitoring system shall be employed to monitor and manage capacity.
9. Door Supervisors Register - A register, in a hardback book, shall be maintained recording all SIA door supervisors employed at the premises. Security personnel registered with the Security Industry Authority [SIA] and employed at the premises must enter their full name, valid phone contact details, SIA Badge Number in full, employing company, along with the time that they are working in the register upon commencement of their work at the premises. The Designated Premises Supervisor/manager at the time will be responsible for ensuring this is done, that working staff are in possession of their badge and for confirming the security staff details and permission to work. The book is to be endorsed by the management at the end of each night.
10. [\*to update current 2.23 ,15 ,16 ,17,23\*] The licensee shall ensure that all staff are trained on relevant matters, including the conditions of the premises licence, age restricted products, the operation of the CCTV system and how to deal with visits from authorised officers.

The licensee shall keep written records of training and instructions given to each member of staff , detailing the areas covered to include the Licensing Objectives , identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.

Staff shall sign to confirm that they have received and understood the training.

All staff who work at the premises will be trained for their role on induction and be given refresher training every six months thereafter.

The written training records kept for each staff member will be retained on the premises and produced to police or any authorised officer upon reasonable request.

11. Where the premises licence holder receives a request from a third party to hire out the whole of the premises, a risk assessment shall be undertaken and the booking shall be notified to the Police in advance of the event. Such notification to the Police shall be submitted where reasonably practicable, at least 7 days in advance of the event.
12. The premises to operate a zero tolerance policy to drugs will be adopted and enforced and posters shall be prominently displayed to this effect. Toilet cisterns shall be provided with sloping lids or similar and toilet seats without seat covers to discourage drug and psychoactive substances use, however this requirement can be waived by the Police if suitable alternative drug use prevention measures are agreed.
13. [\*to update and replace 2.38 and 39\*] The premises licence holder shall endeavour to eliminate or minimise any nuisance arising out of its licensable activities. In doing so the premises licence holder will work with enforcement authorities where any issues are identified. A complaints procedure will be maintained in order that local residents have a means of contact if necessary the contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed at the premises such that it is clearly visible without the need to enter the premises.
11. [\* to update condition 18]

The front windows of the premises shall be clear and transparent, without any form of concealing film or curtain, so as to allow an unobstructed view of the interior from the street. However, it is permitted for blinds to be installed and closed during standard hours for licensable activities when a sporting event is being shown

**This condition shall not be applied to the licence.**

### **REASONS FOR DECISION**

The meeting was facilitated by Zoom.

The Sub-Committee listened to all the evidence and submissions and considered the material provided. 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 considered Home Office Guidance, paragraph 9.12 which sets out that the police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Sub-Committee noted that the guidance sets out that it remains incumbent on all responsible authorities to ensure that their representations can withstand scrutiny.

The police review was brought in relation to three of the licensing objectives:

- 1) The prevention of crime and disorder
- 2) Public Safety
- 3) The prevention of public nuisance.

The review was brought following a number of incidents at the premises. There were various incidents in April 2021 when the premises was not complying with Covid regulations. On 8 May 2021 police received a call from a member of the public regarding a fight outside the premises. On 18 May 2021 there was an alarm call at the premises and on 25 May 2021 staff called police as there were 40 people in the bar refusing to leave. Police were concerned that alcohol had been served to intoxicated customers and that alcohol had been served outside licensed hours. Police also expressed concern that the management of the premises did not take action to tackle incidents at the premises; it was a member of the public who called police on 8 May 2021 and CCTV footage of the incident shows management observing the fight and taking no action. The Sub-Committee heard that the premises management had largely agreed conditions following the review, but that there was disagreement with regard to the use of SIA door supervisors, and the management had initially disagreed with the mandatory conditions attached to the licence.

The Sub-Committee heard that there had been two panel meetings with premises management and the police had proposed extra conditions to be added to the licence. The police were particularly concerned with the behaviour of the co-owner, who had been found on the premises clearly intoxicated.

The Sub-Committee heard from the Licensing Authority that there had been a long history of non-compliance at the premises including Covid contraventions and the service of a noise abatement notice in 2019. The Licensing Authority stated that residents are still suffering. The Sub-Committee heard from an interested party who lived above the premises that the premises were chronically mismanaged, that they had been given many chances to improve and that there were still huge failings.

The Sub-Committee heard from three neighbours speaking in support of the premises that the premises was a safe and pleasant place to go that served good food and made everyone feel welcome. The neighbours stated that they had never witnessed problems at the premises and that the premises had stringent Covid procedures in place.

The Sub-Committee heard from the licence holder's representative that the premises had agreed a range of conditions with the police and that the only real

issue remaining was the question of SIA door staff at the premises. The police were requesting that the premises employ SIA door staff on a Friday and Saturday as well as Arsenal match days. The licensee stated there was no need for SIA door staff on Fridays as this was not traditionally a busy day for the premises and the premises had agreed to conduct risk assessments to assess the need for further SIA cover. The licence holder's representative also requested an amendment to existing condition 18 so that the premises could install blinds to cover the windows.

The Sub-Committee noted the report of Mr Studd, which confirmed details of his visits to the premises and his impression of the management of the premises and the structures that have been put in place moving forward.

Upon responding to questions, the Designated Premises Supervisor (DPS) stated that the premises now had a refusals logging system on the till at the premises. The DPS stated that previously, ID would be requested and if it was not provided service would be refused but the refusal was not recorded. Upon further questioning the DPS stated that the premises did previously have a refusals book but this was now done on the till which was a better system. The DPS was asked whether any new policies had been put in place since the review, and confirmed that the policies were already in place but had been restructured e.g. the pavement licence management policy. There was also a dispersal policy, retraining on Challenge 25 and a clear staffing structure.

The Sub-Committee was concerned that there had been a history of issues at the premises and it appeared that new procedures had only recently been put in place. It appeared from the evidence that there had been multiple breaches of the licence before the review and the premises management had been given ample opportunity to rectify the problems and apply to have suggested conditions added to the licence. However, the premises management had not taken any of the recommended steps and breaches of the licence continued.

The Sub-Committee was concerned that the current standard of management at the premises was insufficient and that there was a real danger that the licensing objectives would not be promoted, particularly in respect of crime and disorder, public safety and public nuisance, if the premises was allowed to continue under the current management. The Sub-Committee agreed with the Police that the co-owner, who had been found intoxicated on the premises, should not be allowed to have any ongoing involvement with management. The Sub-Committee also concluded that the current DPS, who had been responsible for the premises throughout the period of concern, should be removed as the Sub-Committee was not satisfied that the premises would comply with any extra conditions when it had not complied with previous conditions under his management.

In light of the evidence of incidents at the premises that required police attendance, the Sub-Committee concluded that SIA door staff should be present at the premises on Fridays and Saturdays as well as match and other event days. The presence of SIA door staff would also control any customers congregating outside and so there was no need to change existing condition 18.

The Sub-Committee concluded that the removal of the DPS together with the addition of further conditions, including preventing the co-owner from having further involvement with management, was the most appropriate course of action that would balance the amenity of those local residents who found the premises a valuable community resource, and the needs of the business and amenity of those resident living immediately around the premises. The removal of the DPS and addition of conditions would promote the licensing objectives and was a reasonable and proportionate response to the Police review.

270 **MCDONALDS, 13-15 SEVEN SISTERS ROAD, N7 6AJ - PREMISES LICENCE REVIEW (Item B2)**

The licensing officer introduced the attendees for this item and stated that copies of the delivery driver reports, a licensing action plan, an expert witness report and video footage had been circulated following publication of the agenda.

The community safety officer reported that complaints relating to delivery driver nuisance had been received since 2017. These included noise nuisance, dangerous driving and intimidating behaviour and even deliveries to McDonalds at the early hours of the morning. 31% of complaints had occurred after 11pm although they did occur all times of the day and night. McDonalds had attended meetings with the council and residents. The introduction of electric bikes and marshals for the outside area were welcomed but marshals had not been effective. Displacement of this behaviour would also need to be monitored. The proposals to block Hercules Place were also welcomed although the officer was under the impression that this had already been happening for some time. The Council had arranged workshops and met with delivery drivers. Parking enforcement had carried out joint patrols with the police and dedicated parking spaces had been trialled. The council recently agreed a traffic management order for Hercules Place from 6pm and it appeared that McDonalds were asking for the local authority to do works that had already been discussed and were unattainable. This was by far the most problematic site. Other sites had been able to manage their drivers so that they did not impact residents. The community safety officer requested that the delivery service be no longer offered or, at the very least, double the number of marshals to manage the area with the other proposals put forward.

The Licensing Authority stated that they had seen the Action Plan and most of the proposals had been tried before and had not worked. Security had been put on the door for a couple of weeks and then had been discontinued. Permanent stewarding of the front door needed to be provided. There should be a system to be able to report drivers to the delivery companies if they misbehaved. This was a problematic premises and residents were suffering whilst the delivery drivers were not controlled. Officers had worked with the store but still the problems were arising. The police stated that significant efforts had been made to engage with McDonalds. There was a long history of anti-social behaviour at the venue with no improvement and management needed to improve. Security outside the venue was required to manage delivery drivers which should be SIA security staff rather than venue staff. There was the option of revoking the hours beyond 11pm. It was noted

that the moped riders caused the majority of the anti-social behaviour. The police fully supported the application for review.

Councillor Gary Heather, speaking on behalf of the Finsbury ward councillors, stated that McDonalds had not adhered to the four licensing objectives. Many issues were related to after the hours of 11pm although there were also issues throughout the day. The delivery system could not adequately be controlled with drivers they did not directly employ. Mopeds parked as close to the forecourt as possible, using pedestrian pavements. There was anti-social behaviour and public nuisance from the delivery drivers which would not stop with the use of electric vehicles. There was a concern that parking enforcement would displace the delivery driver problem to neighbouring streets. Islington Council had invested time dealing with issue. They had arranged community meetings. Parking issues regarding the 24 hour red route had been raised with TfL. Food delivery needed to be regulated in order to protect the amenity of residents. A local resident stated that he had been abused by delivery drivers and there were issues regarding criminal activity including drug dealing, abuse, fighting and speeding. Police had been called in response. There was constant loitering. Groups of riders were intimidating and were not always delivering, but just loitering. Helmets were worn so talking was louder. Deliveries to the premises took place at 1.30 am recently which was not conducive with being a good neighbour. Engines were left running and evidence was compelling that this has been since 2017. Car engines were kept running outside the premises, playing loud music. The disturbance for neighbours was constant. A second resident stated that the groups were intimidating, there was noise late at night and residents could not go into the street. Cars sat with their engines idling, horns beeping, there was a huge amount of drug dealing and recently McDonalds jet washed the outside of their shop at 3am further disturbing residents.

In response to questions, the resident stated that she had a lot of video evidence. She had a pram and she could not get along the pavement because of the groups of riders and it was intimidating. Councillor Heather stated that there was a lot of evidence of nuisance, video, many emails from residents. Regarding partnership working he had organised community meetings. There had been no recognition of the efforts made by the Council. He wanted to continue to work with McDonalds.

The licensee's representative stated that 28 minutes had been given in support of the review and requested a time extension. This was refused by the Chair and the licensee's representative asked that it be minuted that the request had been made and refused.

The licensee's representative accepted that residents had been disturbed over a long period. The licensee took over the licence in December 2019 and problems had existed before then. Since then, the licensee had been managing the premises under Covid. There had been an large increase in home delivery services from March to November of 164%. The delivery drivers were there to serve all residents including key workers and people with disabilities. These residents had the overwhelming majority of deliveries. He stated that there was a more proportionate step than to stop deliveries after 11pm and these were detailed in the Action Plan

detailed in the bundle. His client had taken the exceptional step of using bicycles after 11pm. He had taken steps to block delivery drivers in Hercules Place and these steps had been proven to be effective and had worked. The independent expert witness, whose report had been separately circulated, stated that he had seen progressive improvements with the implementation of the Action Plan over the course of three visits. On the 7 August 2021 and after 11pm he had witnessed no drivers outside the front of McDonalds. There was only one pedal cyclist and one food collection on the Saturday. No other drivers seen were in relation to McDonalds. He had seen other bad behaviour, not related to McDonalds, and could understand the frustration of residents. The supervisor present was proactive. He watched him with customers and talking to drivers. He was not able to control members of the public but he had informed customers that they were at risk of a parking ticket. The front was clean, tidy and quiet. If the premises continued to be managed in this manner he was confident that there would be no problem. The licensee's representative highlighted the police response on page 129 of their supplementary pack which stated that the police was happy with the Action Plan and had nothing further to add. He stated that if deliveries were stopped at 11pm it would only punish residents and the proposals in the Action Plan had been working and were proportionate and appropriate.

In response to questions, the licensee stated that he had not been aware of the jet washing to the windows at 3am and would look into this. He had met with the distribution company and deliveries to the premises would take place between the hours of 8am and 5pm. The licensee had signed up to the Mayors Night Safety Charter. He took his business very seriously. The Action Plan had been sent to the Licensing Authority prior to the review and no response had been received. There were no parking spaces for delivery drivers which was an issue. Only non-motorised bikes would be used after 11pm. The licensee stated that he used Uber Eats and Just Eats and any driver who did not follow the rules would be excluded from delivery from this premises permanently. There was an anti-social behaviour log in the restaurant. They were unable to control the other businesses and McDonalds was one of many. The policies they now had in place after 11pm had dealt with the issues and these would be expanded to 24 hours by the 1 October. Much of the noise disturbance was from moped activity. Action had been taken and this had now stopped after 11pm and non-motorised vehicles would be used throughout the day from October. Parking spaces were allocated on Seven Sisters Road. Drivers were allowed to come into the restaurants now. The premises took identification from each courier. Cameras were in Hercules Place and Bowmans Mews and so the licensee could see if they had parked illegally. The licence numbers were then taken and drivers were excluded from delivering to the premises. He had spoken to the delivery providers and they were in agreement with this. There were records available if required. The majority of deliveries were made to Islington residents and residents would be harmed if the licence was revoked.

In summary, the community safety officer reported that this was by far the most problematic location. The council had been working with the licensee since he had taken over the premises. There had been 114 complaints about delivery drivers since January 2021 and 43 of these had been after 11pm. The need for a delivery

service would grow and this was even more reason to provide respite for residents. Delivery orders for local residents would be provided by another McDonalds. There had been a two week period of quiet before the review was heard but issues had been going on for a number of years.

The police stated that they were shown the Action Plan and considered that if this was actioned properly it could go a long way to relieving issues for residents. If it was not, then they would like to see the hours cut as this is not fair for local residents. The Licensing Authority agreed with the Community Safety officer and the Police and stated that it would be interesting to see the exclusions for deliveries that had been made so far. The Action Plan sounded as though it should be an improvement but she stated that the authority had been in this situation before.

Councillor Heather was concerned that measures had taken so long. He did not consider that measures were working. The platform system did not control the drivers and with the lack of parking, the location could not cope. He did not consider that the Action Plan had been proven in two weeks. The licensing objectives were not being upheld. A local resident stated that nobody seemed to be accountable for the drivers, they could not be controlled and other McDonald sites could better facilitate deliveries.

The licensee's representative stated that the Action Plan had been working for two weeks and this was the evidence as to how it was working now and would be in the future. The best evidence was in the reports from the expert witness. He considered that there was a transformation in the environment. If there was any slippage the premises would be reviewed again.. This gave the chance to the licensee to demonstrate the steps worked. 50% of business were deliveries, there were 65 employees and the premises served 1000s of residents. Solutions through the Action Plan had been found to be effective and could be imposed as conditions rather than to ban all deliveries after 11pm.

**RESOLVED**

- a) That the premises licence in respect of McDonalds, 13-15 Seven Sisters Road, N7 6AJ be modified and the following conditions be added to the licence:-
  - There be no collection for delivery services from the premises between 11pm and 5am.
  - The premises licence holder shall employ at the premises at least 2 SIA door supervisors on Friday and Saturday and 1 SIA door supervisor on Sunday to Thursday from 23:00 until 05:00 or 30 minutes after the end of licensable activity for walk in customers if earlier.
- b) The following conditions in the Action Plan numbered 2d, 2e, 4a, 4b, 4c, 5a, 6a and 11 shall also be applied to the licence as detailed below.

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- 2d. A contact telephone number of the on-duty manager shall be prominently displayed at the premises and made available to local residents to enable issues to be resolved swiftly.
- 2e. The licence holder shall be responsible for the installation and maintenance of CCTV cameras to the side of the building in Hercules Place and, with the permission of the landowner, in Bowman's Mews.
- 4a. The licence holder shall set up an Anti-Social Behaviour ("ASB") log and regularly report to the local policing team and via the Metropolitan Police Service website including any supporting CCTV evidence.
- 4b. A manager who is fully trained in McDonald's procedures on ASB shall be deployed at the premises whilst it is open to the public.
- 4c. At all times the premises shall risk assess the need for security provision.
- 5a. No deliveries by vehicles of food and consumables to the premises shall take place outside the hours of 08:00 – 17:00hrs.
- 6a. The licence holder shall facilitate quarterly resident meetings at the premises to discuss any issues arising out of the operation of the restaurant.
- 11. Proposal to re-start consultation with local residents who are affected by the matters raised in the review application with the purpose of discussing the points of this action plan and their feedback.

### **REASONS FOR DECISION**

This meeting was facilitated by Zoom.

The Sub-Committee listened to all the evidence and submissions and considered the material provided. 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 the Community Safety Officer that since 2017 there had been multiple complaints regarding delivery drivers collecting deliveries from McDonalds, including complaints of noise, littering, urinating and defecating, dangerous driving and violence. The Community Safety Team had been monitoring the complaints since January 2021 and 30% of the complaints were after 11pm, although the problems were at all times of the day. The Sub-Committee heard that no other restaurants in the area have an equivalent late licence. The Community Safety Team had been in contact with the premises and welcomed the Action Plan put in place but questioned why this had not been done earlier. The Community Safety Team was concerned that the use of electric bikes rather than motorised vehicles would not tackle the problem of groups congregating, and that marshals had previously been used but were not effective. The Community Safety

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Team was concerned that the problems would be displaced to other areas. The Sub-Committee heard that the Community Safety team had done a great deal of work with McDonalds, the delivery platforms, the drivers and residents to try to tackle the problems but there was still a negative impact on residents. The Community Safety Team wanted to balance the competing needs of the business and local residents but was seeking the removal of the licence or, if this was not considered proportionate, extra marshals to be added as a condition.

The Sub-Committee heard evidence from the Licensing Authority that many of the actions set out in the Action Plan had already been tried and had not worked. The Licensing Authority suggested that the premises required permanent security and policing of the front door and drivers and questioned whether there was any way to report drivers to the delivery platforms to get rid of rogue drivers. Residents were suffering and drivers were not controlled, Community Safety had done so much work but problems were still arising.

The Sub-Committee heard evidence from the Police that since June 2020 there had been a number of calls to police involving delivery drivers and/or the premises. The police were of the view that the venue management needed to improve significantly and that SIA security could assist but another option could be the revocation of hours beyond 11pm.

The Sub-Committee heard from a Ward Councillor that problems occurred all day and night and that McDonalds had no control over delivery drivers. There was noise, crime and disorder and traffic offences and the use of electric vehicles would not stop this. It was important not to displace the problem elsewhere. Much partnership working had been done but the amenity of residents must be protected. The Sub-Committee heard that the area was not suitable for this kind of delivery service as there were no parking spaces for drivers. The Sub-Committee heard from two local residents that problems caused by delivery drivers were relentless day and night. There was noise, intimidation, loitering, blocking the pavement, idling engines, screaming and shouting and, most recently, McDonalds staff were jet washing outside the premises at 3am.

The Sub-Committee heard evidence from the licensee's representative that it was agreed that residents had been disturbed over a long period. The current licensee only took over the franchise in late 2019 and three and half months later, the Covid pandemic hit and there was an extraordinary explosion of requests for home delivery. Drivers were there to serve Islington residents including key workers and residents with disabilities. The proportionate response to the review would be to implement, as conditions, the Action Plan put forward by the premises. The Sub-Committee heard that the police had stated in an email that they agreed with the steps in the Action Plan and had nothing further to add.

The Sub-Committee heard evidence from Mr Bamber that, over the course of three visits to the premises, he had observed the progressive implementation of the Action Plan. Mr Bamber stated that the current environment at the premises was

clean, tidy and quiet and that if the premises continued as it was on his last visit there would be no further problems for residents.

The Sub-Committee heard from the licensee that he took the issues seriously and personally and that he had made a note of the issue regarding jet washing and would look into this. He had met with the distribution company regarding deliveries to the premises and had changed the window of delivery to 8am to 5pm only. The licensee took the issue of women's safety very seriously. He was trying to create a long term solution for delivery businesses that could be used as a future blueprint. The licensee confirmed that whenever a driver collected a delivery from the premises the driver had to show an ID number, and that any driver causing ASB was reported to the delivery platform and would not be allowed to collect from the premises again. CCTV was in place to allow the premises to see if drivers were parking in Hercules Place. The licensee's representative confirmed that the premises only deliver within a one and a half mile radius and that it would not just be the premises that would suffer if the licence was revoked, it would also be the thousands of residents who order deliveries.

The Sub-Committee noted the concerns of the responsible authorities that the steps set out in the Action Plan had previously been tried and had not worked. The Sub-Committee was therefore not satisfied that the imposition of the proposed conditions would be sufficient to tackle the problems caused by the delivery drivers, and promote the licensing objectives. Although the Sub-Committee noted the evidence of Mr Bamber that the premises had been quiet following the implementation of the Action Plan, the evidence of the local residents, the Ward Councillor and the responsible authorities was that the issues were continuing despite the implementation of the Action Plan. The Sub-Committee therefore concluded that it was necessary and proportionate to remove the premises' ability to have deliveries, whilst allowing them to continue to serve late night refreshment to walk in trade. The Sub-Committee was concerned that there could still be noise and other issues from the premises even without delivery drivers, but concluded that the addition of conditions would tackle any such issues and promote the licensing objectives.

**271 VIVA LA PIZZA, 367 HOLLOWAY ROAD, N7 0RN - PREMISES LICENCE REVIEW (Item B3)**

The licensing officer reported that an additional statement from the licensing holder and an additional statement from the police had been circulated separately.

The police representative reported that on the 25 June three young women stopped off at the venue and staff invited themselves back to their flat nearby. On the 26 June an ambulance was called by one of the women requiring medical assistance as one of the women had been seriously sexually assaulted by one of the staff members. A police investigation ensued however, throughout this, the venue seriously undermined the police investigation and revocation was sought for the following key reasons:-

- 1) The serious nature of the criminal offence. It is alleged that a member of staff seriously sexually assaulted a female customer. Staff members had

drinks at the premises, went back to their flat and later that morning an ambulance was called to a serious sexual assault. One incident alone was sufficient to link the premises to crime and disorder.

- 2) The obstruction of investigation by the premises relating to the identity of the suspect. This included active steps taken to obstruct the police by warning off the suspect. The venue turned a blind eye and did nothing to prevent future crime and disorder. The police knew that staff, including the designated premises supervisor, had been in touch with the suspect.
- 3) The owner initially stated he would end the tenancy, however, then decided to give consent to transfer the licence to a company owned by the current designated premises supervisor. His failure to oversee the premises and his active role in attempting to transfer this licence to the same designated premises supervisor showed it was necessary to revoke the licence.
- 4) Where crime was involved revocation could be considered as a deterrent, and this was a valid basis to revoke the licence.

In summary, the premises did not co-operate with the authorities contrary to the licensing objectives and assisted with serious crime leading to a risk of further serious crime which would be addressed with revocation of the licence.

The Licensing Authority stated that this was a very serious incident and the licence holder had taken no responsibility. Islington premises should be committed to promoting the safety of women and vulnerable people. There had been no demonstration of good management. The premises were serving alcohol to intoxicated customers, obstructing the police and it was recommended that the licence should be revoked. The noise officer reported that there had been a pattern of bad management with a pattern of noise disturbance with complaints from neighbours. He supported the revocation of the licence.

The licensee's representative stated that it was disputed that the key person in the investigation was linked to the premises. This was denied and any link to the premises was tenuous. There had been no serious crime on the premises and if anything had happened it had been at the home address. He had seen nothing to suggest that any staff had been charged with obstruction. If the police had considered that this was the case they would have taken action and little weight should be given to this. In reality, there had been no attempt to book an appointment to speak to staff but police had shown up at the premises in a heavy handed manner. He stated that to expect staff to neglect their customers was remarkable. If the police had booked an appointment, staff would have been happy to comply. He had seen nothing regarding a pattern of bad management about noise complaints set out in the papers. The issue about serving customers whilst intoxicated was only an allegation and not proven. This was a vague application. There was no over-riding duty to co-operate with the police where a crime occurred off the premises. The designated premises supervisor (DPS) denied suspect engagement and had stated that he was not a member of staff. The man of interest had been in the premises that evening but had not worked at the premises.

He response to questions, the licensee's representative stated that there were three men who had met three women. One of whom misbehaved but he had no link to

the premises or to the other two men. There was a skeleton staff at the premises, one waitress and one chef, and it was difficult to answer whether it was more important to answer police questions or to serve customers. He was aware of a code of conduct for staff but did not know about which code of ethics was referred to. It would be difficult to conduct police inquiries when there were only two members of staff present at the premises and he would have been more patient than the police when asking questions of the staff.

In summary, the police asked that the interim steps remain in place if the Sub-Committee revoked the licence. The Licensing Authority and the Noise Team agreed with the police.

The licensee's representative stated that the person of interest by the police was nothing to do with the premises. He was the one who met with the three females on the evening and not the DPS. There was no clear breaches of the licence or pattern of bad management. It was disproportionate to suspend the licence for a one off incident, involving someone off the premises. The review application was scant. Not giving answers to the police was not a breach of the licence. The incident happened off the premises. The DPS stated that nobody had called him. The women invited the men to their home and the police had his details.

### **RESOLVED**

- 1) That the licence in respect of Viva La Pizza, 367 Holloway Road, N7 0RN be revoked.
  
- 2) That the interim steps of suspension to remain in place pending the final determination of any appeal.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and considered the material provided. 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 considered Home Office Guidance, paragraph 9.12 which sets out that the police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Sub-Committee noted that the guidance sets out that it remains incumbent on all responsible authorities to ensure that their representations can withstand scrutiny.

The police summarised the reasons for bringing the review under three headings in respect of an incident that occurred on 25 June 2021:

- 1) The serious nature of the criminal offence that occurred;
- 2) Obstruction of a police investigation;
- 3) The action of the premises licence holder in attempting to transfer the licence.

## Licensing Sub Committee B - 12 August 2021

The Sub-Committee heard that on 25 June 2021 three women had been out drinking and stopped at the premises for food on the way home. They had more drinks and were talking to three members of staff who invited themselves back to the home of the women. The following morning an ambulance was called to the home of the women as one of the women had been seriously sexually assaulted. Police have been investigating the identification of the suspect which had been undermined by staff and management at the premises. The Sub-Committee heard that the police believed that staff at the premises had been in contact to warn the suspect of the police investigation.

The Sub-Committee heard from the licensing authority that Islington was committed to promoting the safety of women and vulnerable people and that the police evidence showed that standards of management at the property were woeful. The Sub-Committee heard from the Noise Team that there had been a pattern of nuisance and poor management at the premises and that the Noise team was in favour of revocation.

The Sub-Committee heard from the Licence Holder's representative that it was hotly disputed that the individual wanted by the police in connection with the incident was linked to the premises at all. It was wholeheartedly denied that the individual was a member of staff. Nothing is known about this man other than that he was at the premises on the night. It was denied that anyone at the premises had been in contact with the suspect. The alleged offence was not supposed to have happened at the premises; if there was a crime at all then it took place at the home of the complainant. There was no evidence that anyone had been interviewed or charged with obstruction and it was a bone of contention that the premises were not co-operating or were actively obstructing the investigation. The Sub-Committee heard from the Licence Holder's representative that the police had attended at the premises heavy-handed while the restaurant was open. The customer must come first and to expect staff to neglect customers was remarkable. The premises management had asked the police to book a mutually convenient appointment to ask whatever questions they wished to ask of staff but this had not been done. This was not obstruction. The Licence Holder's representative had not seen any evidence of a pattern of bad management causing nuisance over a period of time. It was against natural justice for the premises to have to respond to so vague an application and there was no over-riding duty on the licence or in the policy requiring the Licence Holder to assist in any police investigation.

The Licence Holder's representative submitted that the individual of interest to the police was nothing to do with the premises and that there was nothing to justify revocation. It would be disproportionate to suspend the licence let alone revoke it. The police application was very scant. The representative was not arguing that the premises management did not have to co-operate with the police, but that this was not a breach of the licence.

The Sub-Committee decided that it was proportionate and appropriate for the licence to be revoked.

The Sub-Committee considered the option of imposing additional conditions but concluded that there were no conditions that could have been applied that would have tackled the issues raised by the police in respect of the obstruction of their investigation.

The Sub-Committee also considered the option of suspension but concluded that in circumstances where the management of the premises did not accept that the incident had any connection to the premises and did not accept that they have failed to co-operate with the Police, a suspension would not have served to resolve the problems identified by the Police and would not be sufficient to promote the licensing objective of crime and disorder.

The Sub-Committee referred to paragraph 11.20 of the Home Office guidance and was satisfied that the appropriate and proportionate remedial action was for the licence to be revoked. Whilst the Sub-Committee noted the submissions made on behalf of the licence holder, the Sub-Committee considered Home Office Guidance, paragraph 9.12 which sets out that the police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective and concluded, on the basis of the police evidence, that revocation was required to promote the licensing objectives.

The Sub-Committee considered whether it was appropriate for the promotion of the licensing objectives for the interim steps to remain in place, or if they should be modified or withdrawn. For the reasons as detailed above, the Sub-Committee decided that it was proportionate and appropriate for the suspension to remain in place until any appeal was finally determined.

The meeting ended at 11.00 pm

**CHAIR**

**Licensing Sub Committee B - 22 October 2021**

Minutes of the meeting of the Licensing Sub Committee B held by Zoom on 22 October 2021 at 4.00 pm.

**Present:**      **Councillors:**      Phil Graham (Chair) and Bossman-Quarshie (Vice-Chair) and Anjna Khurana.

**Councillor Phil Graham in the Chair**

- 272      **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Phil Graham welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.
- 273      **APOLOGIES FOR ABSENCE (Item A2)**  
Apologies for absence were received from Councillor Marian Spall.
- 274      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Anjna Khurana substituted for Councillor Marian Spall.
- 275      **DECLARATIONS OF INTEREST (Item A4)**  
There were no declarations of interest.
- 276      **URGENT ITEM (Item )**  
An application for an expedited review under Section 53A of the Licensing Act 2003 was received on the 20 October 2021. The Licensing Authority must consider whether to take interim steps, pending a full review hearing, within 48 hours. Due to the short timescale, this item was put forward as urgent in order to comply with the Licensing Act 2003.
- 277      **THE ROYAL OAK, 250 ST JOHN'S WAY, N19 3RJ - EXPEDITED REVIEW (Item C1)**  
The licensing officer reported that there was no further information to add to the report.
- The police reported that there had been a serious incident on the 16 October at the premises and it was considered that an expedited review was the only option open to them. Four males had attended the venue in search of the victim. The victim was located outside the premises and after stabbing him several times, the suspects ran off. The victim's father then took him to hospital. The police had concerns regarding the venue staff. The venue did not call the police and staff then cleaned the crime scene with the intention of destroying any trace of forensics. It was a

condition of the licence that the police should be called in such circumstances. This delayed the investigation of the crime. The designated premises supervisor was present in the venue at the time. The actions were contrary to the licensing objectives. There had been a similar incident in 2019 where actions taken by the venue had been identical and where the victim had died. The police had no faith that the venue was a safe operation and strongly recommended suspension of the licence pending a full review.

In response to a question from the Sub-Committee, it was noted that the CCTV, that captured post incident events, would be available at the full review hearing.

The premises licence holder stated that he agreed that staff had acted totally inappropriately. He had questioned staff, who had no response and they had been dismissed. He stated that the area that they were cleaning was not where the crime had taken place and the four males had not gone through the bar but had found the victim outside the premises. This was a community pub and 90% of patrons were not involved in any trouble. The designated premises supervisor and the bar staff had been completely wrong. He had another designated premises supervisor ready to take over the running of the premises.

In response to questions, the licensee accepted that the crime scene could extend to some distance and not just where the stabbing took place. The incident itself was not covered by CCTV. Smokers stood outside the premises, there was no definitive smoking area. The licence holder stated that he considered that the crime took place by the bins of nearby council flats.

In summary, the police stated that the crime scene extended all around the pub where blood splatters would have been located. It was clear that the decision making in the venue was deep rooted and the police could not risk this continuing.

The premises licence holder stated that this was the only premises where local people could go and they would be penalised. He considered that staff could not have prevented the crime but the cleaning of the outside area afterwards was wrong.

### **RESOLVED**

That the premises licence, in respect of The Royal Oak, 250 St John's Way, N19 3RJ be suspended with immediate effect and until a full review hearing has taken place.

### **REASONS FOR DECISION**

This meeting was facilitated by Zoom.

The Licensing Sub-Committee considered whether it was necessary to take interim steps pending a full licence review. The Sub-Committee took into account the oral and written representations from the police. It was alleged that a male customer at the premises had been attacked just outside the premises and stabbed several times. The male victim had entered the premises following the attack and members of staff had failed to call for an ambulance, nor had the police been called. The

police only became aware of the incident because staff at the hospital where the victim was treated informed police of the injuries. CCTV from the premises shows members of staff and customers at the premises cleaning the crime scene with water, kitchen cleaner and a broom before police arrived. The members of staff had actively destroyed forensic evidence which may have been available to police at the crime scene. The police expressed concern with the deep-rooted decision making throughout the management structure.

The licence holder attended the meeting and agreed that staff acted inappropriately. The DPS and other member of staff involved had been dismissed. The licence holder questioned whether the area outside the premises, that was captured on CCTV as being cleaned, was part of the crime scene, and stated that the perpetrators did not enter the premises. The licence holder stated that the premises was a community pub and if it was closed local people would have nowhere else to go.

The Sub-Committee was concerned with the explanations provided by the licence holder in light of the police concerns regarding the management of the property. In light of the serious nature of the crime and the alleged deliberate nature of the actions taken by staff to frustrate any police investigation, the Sub-Committee considered that a suspension of the premises licence was necessary while investigations took place, and to ensure the safety of the public.

The meeting ended at 4.40 pm

**CHAIR**

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

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Licensing Sub-Committee -	15/11/2021	Hillrise

	Exempt	Non-exempt
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### **SUBJECT: PREMISES LICENCE REVIEW APPLICATION** **RE: THE ROYAL OAK, 250 ST JOHN'S WAY, N19 3RJ**

#### **1. Synopsis**

- 1.1 An application for an expedited review of the premises licence under Section 53A of the Licensing Act, was made by the Metropolitan Police on Wednesday 20<sup>th</sup> October 2021 on the grounds of Serious Crime. A copy of the review application is attached as Appendix 1.
- 1.2 The application was received at 17:02 hours on 20<sup>th</sup> October 2021
- 1.3 It is reported that an incident of GBH occurred on Saturday 16<sup>th</sup> October 2021 18:21 hrs, outside the Royal Oak public house, 250 St John's Way, N19 3RJ.
- 1.4 A male self-presented himself at the Whittington Hospital with multiple stab wounds. Owing to the nature of the incident, the hospital informed the Police.
- 1.5 It is believed, at this stage that the victim suffered one stab wound to the back, one to the thigh and two to the calf. He also sustained a minor wound to the chest. This is believed to have been caused by a knife however further injury prevented through self-defence. Had the victim not defended this strike, the outcome could have been fatal.
- 1.6 The victim's injuries are deemed non-life threatening or life changing. The venue did not call the Police.
- 1.7 Police attended the venue upon receiving the call from the hospital and initiated a scene. However, the scene had been thoroughly cleaned prior to Police arrival.

- 1.8 Within 48 hours of receipt of the chief officer's application, the Licensing Authority must consider whether it is necessary to take interim steps.
- 1.9 At 16:00 on Friday 22 October 2021 Members of the Licensing Sub Committee determined to suspend the premises licence as an interim step pending the full review hearing.
- 1.10 At the time of writing the report, the Metropolitan Police have scheduled a meeting with the Legal Representative of EI Group Ltd who are the freeholder of the premises.
- 1.11 On 1st November 2021 a premises licence transfer application was made by EI Group Ltd.
- 1.12 The grounds for review is related to the following licensing objectives:
  - i) The prevention of crime and disorder.

## 2. Relevant Representations

Licensing Authority	Yes:
Metropolitan Police	Applicant
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 The premises licence is currently held by James Waters, who transferred onto the Premises Licence in September 2014.
- 3.2 In October 2019, an application to vary the Designated Premises Supervisor was made and the current Designated Premises Supervisor is Richard Foran, however on 1st November 2021 Mr Foran has notified the Metropolitan Police and Licensing that he is no longer the DPS at the premises.
- 3.3 On 17<sup>th</sup> July 2019, the Metropolitan Police submitted an application for an expedited review following an incident at this premises in the early morning of Saturday 13<sup>th</sup> July 2019.

- 3.4 A male customer, had been assaulted outside the premises rendering him unconscious, the only member of staff on duty was made aware of the incident but did not call for medical assistance.
- 3.5 The expedited review was heard before the Licensing Sub Committee on 18<sup>th</sup> July 2019 where it was determined that the Licence would be suspended as an interim step and with immediate effect pending a full review hearing.
- 3.6 Following the full review hearing on 13<sup>th</sup> August 2019 the Sub-Committee decided to modify the premises licence in respect of the Royal Oak, 250 St John's Way N19 3RJ, as follows:
- a) To reduce the hours for sale of retail of alcohol to 10am to 11pm on Sunday to Thursday and 10am to 12.30 am on Friday and Saturday.
  - b) To remove off sales provision from the licence.
  - c) To remove the DPS from the premises licence.
  - d) To add or amend the further conditions to the licence

#### **4. Recommendations**

- 5.1 To determine the application to review the premises licence under Section 53C of the Licensing Act.
- 5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;
  - c) to remove the designated premises supervisor;
  - d) to suspend the licence for a period not exceeding three months;
  - e) to revoke the licence;
  - f) the Committee also have the option to leave the licence in its existing state;
  - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

#### **5. 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 and certificate

Appendix 2: current premises licence;  
Appendix 3: representations;  
Appendix 4: map of premises location.

**Background papers:**

None.

**Final report clearance:**

**Signed by:**



Service Director – Public Protection

Date 4/11/2021

Report author: Licensing Service

Tel: 020 75027 3031

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

## PROTECTIVE MARKING



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Form 693A

## Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:  
serious crime**

**Premises** (include business name and address and any other relevant identifying details):

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

Royal Oak Public House, 250 St John's Way, Islington

**Post town:** London

**Post code:** N19 3RJ  
(if known)

**Premises licence number (if known):**

LN/4150-081019

**Name of premises supervisor (if known):**

Mr Richard Foran

**LBI Licensing**

**20 OCT 2021**



**I am a Superintendent\* in the Metropolitan Police Service.**

\*Insert rank of officer giving the certificate, which must be superintendent or above.

**I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:**

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

**This application relates to an incident involving serious crime, namely the (multiple) stabbing of a male patron resulting in serious injuries.**

**The matter has been recorded as GBH with intent and is being investigated as such.  
CRIS 2722178/21 refers.**

**This incident is directly linked to the Royal Oak Public House, 250 St Johns Way, N19.**

**At 1822hrs on 16/10/21, 4 males on have attended the venue, apparently seeking a specific male. Having located that male, the suspects have stabbed him several times before making off. One of the stabs was to the chest of the victim, an act that, had the victim not been able to in part deflect, could clearly have had grave consequences.**

**The 2 staff members on premises, one of whom being the manager and DPS, did not witness the assault but have almost immediately become aware, as the victim has staggered inside to locate his father and ask to be taken to hospital.**

**Staff members did not call an ambulance or the Police at any time. Staff have, however, assisted in almost immediately cleaning the crime-scene, making repeat visits to fill a bucket of water and ensure that any blood was fully washed away.**

**The Licensing Team have obtained an incident pack relating to the incident and have fully reviewed CCTV evidence, confirming the above actions. The CCTV evidence is damning, showing staff and customers frantically identifying blood splatters and washing them away using water, kitchen cleaner and a broom.**

**Both of the above acts, (ie failing to call the emergency services, and intentionally destroying the crime scene in an effort to conceal the incident), constitute direct attempts to frustrate the police investigation and are absolute breaches of the premises licence.**

**I have considered authorising a standard review of the premises licence, however I do not feel this step to be appropriate in the circumstances.**

**This incident was so serious, and actions by the venue so grave and concerning, that in my view the case should be put before a licensing committee as soon as possible in order for measures to be put in place to address the risk that this venue poses.**

**I have serious and immediate concerns regarding the management of this venue and no confidence that they can operate without posing a risk to public safety.**

**It is my view that such critical failings and actions by management and staff constitute ongoing risk of serious crime.**

**Signature**



Signature:

*David Mann* *SMPT*

Date:

20/10/21

Retention Period: 7 years  
MP 147/12

METROPOLITAN  
POLICE

TOTAL POLICING



ISLINGTON Form 93

**Form for Applying for a Summary Licence Review**  
**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
 (premises associated with serious crime, serious disorder or both)

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**

Name: Islington Council

Address:

222 Upper St

Post town: Islington

Post code: N1 1XR

Ref. No.:

I PC 2533CN - Adam Peace

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

The Royal Oak, 250 St Johns Way

Post town: Islington

Post code:  
(if known) N19 3RJ

**2. Premises licence details**

Name of premises licence holder or club holding club premises certificate (if known):

Mr James Waters

Number of premises licence or club premises certificate (if known):

LN/4150-081019

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

**4. Details of association of the above premises with serious crime, serious disorder or both**  
(Please read guidance note 2)



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**Venue Background:**

The Royal Oak services the local area of Mulkern Rd, Holland Park, and the Elthorne Estate and is what would have historically have been termed an 'Estate Pub'. Prior Knowledge of the premises suggests that clientele is primarily composed of local, regular, known patrons.

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**Incident:**

- CAD 6071/16Oct
  - CRIS 2722178/21
  
  - At 1839hrs on 16<sup>th</sup> Oct 21 Police receive a call from the Whittington Hospital stating that they have a male stab victim in reception and wish to notify police.
  
  - At 1850hrs Police arrive at the hospital. Officers locate the victim, and determine that he has several stab wounds following an incident at the Royal Oak Pub some time earlier. It is apparent that the male self-presented at hospital.
  
  - At 1856hrs a second unit arrives at the pub and attempts to conduct initial actions, foremost of which being to locate and preserve the crime scene.
  
  - Enquiries at the scene determine that the assault took place some time earlier, at just after 1820hrs.
  
  - At no stage did the venue contact either ambulance or Police.
  
  - Officers find no scene to preserve and enquiries reveal that immediately after the incident staff have hurriedly located and washed-down the area in question.
  
  - There are 2 staff present, a female member of bar staff, [REDACTED] and the DPS and Manager Mr Richard Foran.
  
  - Medical staff state that the victim has sustained 1 stab wound to the back, 3 to the legs, and 1 to the chest. It is apparent that the chest wound was limited in its impact due to self defence by the victim.
  
  - CCTV and other enquiries now show that at 1822hrs 4 males on attend the pub and, having looked inside the venue, apparently seeking their victim, locate the male outside smoking a cigarette and stab him (repeatedly as per above injuries), then make off from the venue. The victim staggers inside to find his father (who was inside getting drinks), and shortly later is driven to hospital. The CCTV supplied by the venue shoes the outside space by both entrances. The footage shows a member of staff, Lisa, working with customers to thoroughly clean the outside areas which would have been the crime scene. The staff and customers use 12 large jugs of water, kitchen cleaner and a broom to wash the scene. The CCTV clearly shows the rush to clean this scene before it can be identified and linked to the venue.
  
  - At the time of writing the victims injuries are deemed by medical staff to be non life threatening.
- 

**Submission:**

Having been belatedly made aware of the incident in question the Licensing Team have immediately sought, and now received, a full incident pack covering the incident. That material has now been digested and reviewed and informs the following;

It is clear that in making the the decisions to a) not call the Police, and b) immediately wash-down the crime scene (staff and customers are seen on CCTV pointedly identifying areas of interest (ie blood) and washing them away, employing repeat trips to obtain buckets of water), the venue staff have taken conscious and immediate steps to attempt to cover up the fact there had been a stabbing at the venue.

These deliberate actions have delayed vital initial investigations and obliterated any potential forensic evidence, frustrating the Police investigation.

The venue has attempted to conceal an incident of serious violence, and has indirectly protected the perpetrators, stopping police from having any chance of preventing further violence or possible retaliation attacks (which we know are all too common, and often escalate in their severity).

On this occasion it appears the victim was lucky to escape life threatening injury. Circumstances and nature of injuries suggest that an attempt was made to stab him in the chest. Had this attempt been successful the crime scene, so thoroughly cleaned by venue staff, would have been a murder scene (it is important to note that at the time of their actions staff can have had no way of knowing this wasn't the case).

It is the view of Police that multiple, grave, failings have been identified, demonstrating a stance completely at odds with any responsible operation and indeed opposing the Licensing Objectives.

Staff members in question, one of whom is the DPS, have made deliberate decisions to not call the emergency services, and to clean the scene of a very serious assault. The Police suggest there can be no doubt that this act was intentional and carried out to distance the venue from being associated with the incident.

Such critical errors, and decisions made in apparent attempts to hinder Police actions around identifying offenders and preventing crime, demonstrate that the venue management is operating in a manner that risks further incidences of serious crime.

Police have considered other enforcement options open to them. However, mindful of the current and ongoing risk, and specifically the fact that the venue has made decisions contrary to (and in breach of), an already strengthened schedule added after licence review some 2 years ago (following another assault that sadly resulted in a loss of life), it is not felt that the venue can safely operate.

Police enter this application for the panels urgent attention and ask that consideration be given to suspending the premises licence in question pending full review.

Respectfully submitted for members consideration,

PC 2533CN - Adam Peace.  
Islington Police Licensing Team.

Signature of applicant



Signature:

ADAM PEACE .

Date:

20/10/21

Capacity:

Police Licensing Officer

**Contact details for matters concerning this application**

Surname:

Peace

First Names:

Adam

Address:

Licensing, 3<sup>rd</sup> Floor, Islington Civic Centre, 222 Upper St,

Post town:

Islington

Post code:

N1 1XR

Tel. No.:

07919547416

Email:

adam.peace@met.police.uk

**Notes for guidance**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose. Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years  
MP 146/12



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/4050-081019	<b>Date of original grant*</b>	24 November 2005
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*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
THE ROYAL OAK 250 ST JOHN'S WAY			
<b>Post town</b>	London	<b>Post code</b>	N19 3RJ
<b>Telephone number</b>	020 7281 2445		

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The exhibition of films</li> <li>Indoor sporting events</li> <li>The performance of live music</li> <li>The playing of recorded music</li> <li>The performance of dance</li> </ul> </li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>

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Sunday	10.00	to	00.00

- The provision of late night refreshment:

Monday	23.00	to	23.30
Tuesday	23.00	to	23.30
Wednesday	23.00	to	23.30
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Friday	23.00	to	23.30
Saturday	23.00	to	23.30

- The sale by retail of alcohol:

Monday	10.00	to	23:00	
Tuesday	10.00	to	23:00	
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Saturday	10.00	to	00:30	the following day
Sunday	10.00	to	23:00	

Except on:

New Year's Eve on a Sunday, 10.00 until the time authorised on the following day. If there are no permitted hours on the following day, midnight on the 31<sup>st</sup> December

Non standard timings:

On New Year's Eve the provision of live music, performance of dance and facilities for making music and dancing may be provide beyond 00.00 subject to a minimum of 10 working days written notice to the Police and the Licensing Authority.

The exhibition of films and provision of indoor sports may be provided on "event days" subject to compliance with condition 5 of Annex 2.

**The opening hours of the premises:**

Monday	09.30	to	23:30	
Tuesday	09.30	to	23:30	
Wednesday	09.30	to	23:30	
Thursday	09.30	to	23:30	
Friday	09.30	to	01:00	the following day
Saturday	09.30	to	01:00	the following day
Sunday	09.30	to	23:30	

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

On Supplies

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

James Waters,



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

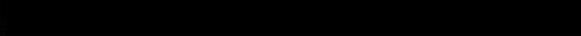
N/A

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

Mr Richard Barry Foran,



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



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

  
Service Manager (Commercial)

23/10/19  
Date of Issue

## **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
  - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
  - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - h) the taking of alcohol from the premises by a person residing there; or
  - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:
  - a) He is the child of the holder of the premises licence.
  - b) He resides in the premises, but is not employed there.
  - c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
  - Children and Young Persons Act 1933
  - Cinematograph (Safety) Regulations 1955
  - Sporting Events (Control of Alcohol Etc) Act 1985
5. Not less than ten working days written notice shall be provided to the Police when occasional "Event Days" are planned which involve the showing of films or provision of indoor sports.
6. Function bookings will be limited to 100 persons.
7. All windows and doors shall be kept closed after 22.00.
8. Signs shall be displayed informing customers to be quiet when leaving.
9. The double doors shall be kept shut.
10. 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. 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;
  - b) The Police must be informed if the system will not be operating for longer than one day of business for any reason;
  - c) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
  - d) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
  - 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; and

- g) 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.
11. 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.
12. 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; and
  - h) Any refusal of the sale of alcohol.
13. At all times when open for licensable activities there shall be a minimum of 2 staff members on duty.
14. At all times when open for licensable activities there shall be at least 1 personal licence holder on duty.
15. 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.
16. The licensee shall train and instruct the management and staff to prevent the admission of, and ensure the immediate and orderly departure of:
- a) Any and all persons who appear to be drunk and or disorderly; and
  - b) Any and all persons displaying signs of other substance abuse.
- Any ejections or incidents of violence to be brought to the attention of the senior manager as soon as practicable and in any event within 10 minutes of the ejection or incident taking place.
17. All staff will be trained for their role on induction and be given refresher training every six months in relation to their responsibilities under the licensing act 2003. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age, making & recording a refusal, managing conflict & responsible alcohol retailing.
18. Staff to be trained in recognising signs of drunkenness and this training to be documented and available for viewing by Police and council officials. Staff to request a manager to explain the refusal to the customer. This training to be refreshed every 6 months for all staff.

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

1. There shall be no deliveries before 8am.
2. Notices shall be displayed advising customers that no bottles or glasses to be taken outside the premises under any circumstances.
3. No bottling out to be undertaken after 11 pm on any evening.
4. A dedicated cab service shall be provided for use by customers.
5. Signs shall be displayed reminding customers to use the toilet before leaving the premises if necessary.
6. No children under the age of 18 years to be allowed on the premises after 7pm.

**Annex 4 – Plans**

Reference Number: ISL 90086

Licence


**PREMISES LICENCE SUMMARY ISLINGTON**  
**LICENSING ACT 2003**

<b>Premises licence number</b>	<b>LN/4150-081019</b>	<b>Date of original grant*</b>	<b>24 November 2005</b>
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*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>THE ROYAL OAK 250 ST JOHN'S WAY</b>			
<b>Post town</b>	London	<b>Post code</b>	N19 3RJ
<b>Telephone number</b>	020 7281 2445		

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The exhibition of films</li> <li>Indoor sporting events</li> <li>The performance of live music</li> <li>The playing of recorded music</li> <li>The performance of dance</li> </ul> </li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>

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- The provision of regulated entertainment for the performance of dance:

Monday	10.00	to	00.00
Tuesday	10.00	to	00.00
Wednesday	10.00	to	00.00
Thursday	10.00	to	00.00
Friday	10.00	to	00.00
Saturday	10.00	to	00.00
Sunday	10.00	to	00.00

- The provision of late night refreshment:

Monday	23.00	to	23.30
Tuesday	23.00	to	23.30
Wednesday	23.00	to	23.30
Thursday	23.00	to	23.30
Friday	23.00	to	23.30
Saturday	23.00	to	23.30

- The sale by retail of alcohol:

Monday	10.00	to	23:00	the following day
Tuesday	10.00	to	23:00	the following day
Wednesday	10.00	to	23:00	the following day
Thursday	10.00	to	23:00	the following day
Friday	10.00	to	00:30	the following day
Saturday	10.00	to	00:30	the following day
Sunday	10.00	to	23:00	the following day

Except on:

New Year's Eve on a Sunday, 10.00 until the time authorised on the following day.  
If there are no permitted hours on the following day, midnight on the 31<sup>st</sup> December

Non standard timings:

On New Year's Eve the provision of live music, performance of dance and facilities for making music and dancing may be provide beyond 00.00 subject to a minimum of 10 working days written notice to the Police and the Licensing Authority.

The exhibition of films and provision of indoor sports may be provided on "event days" subject to compliance with condition 5 of Annex 2.

**The opening hours of the premises:**

Monday	09.30	to	23:30	
Tuesday	09.30	to	23:30	
Wednesday	09.30	to	23:30	
Thursday	09.30	to	23:30	
Friday	09.30	to	01:00	the following day
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Sunday	09.30	to	23:30	

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

On Supplies

**Name, (registered) address of holder of premises licence**

James Waters,



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

N/A

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Richard Barry Foran

**State whether access to the premises by children is restricted or prohibited**

No person under the age of 14 years shall be in the bar of the premises during the hours that the premises is authorised to sell alcohol subject to condition 2 of annex 2 of this licence.

No children under the age of 18 years to be allowed on the premises after 7pm.

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

Islington Council  
Public Protection Division  
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Tel: 020 7527 3031  
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**Licensing Authority Representation  
Licensing Act 2003 – Premises Licence Review**

**Premises: The Royal Oak PH  
250 St Johns Way, London N19 3RJ**

**Licensee: Premises Licence number  
LN/4050-081019:**

**Applicant: Metropolitan Police Service**

I am submitting a representation on behalf of the Licensing Authority in support of the application for a Premises Licence Review submitted by the Metropolitan Police Service. This representation relates to the prevention of crime and disorder and promotion of public safety licensing objectives.

**Background**

The licensed premises is on the ground floor of the property, with residential above. The premises have been licensed since prior to the Licensing Act 2003. The licence is currently held by James Walters, who transferred on to the licence in 2014,

The current Designated Premises Supervisor is Richard Barry Foran who has been named on the licence since October 2019.

Mr Walters was the licence holder in June 2015, when he was called in to an Officers Licensing Panel, as there had been a serious assault on the premises and it had been operating after hours. Police were not called to the incident and staff were unco-operative. Mr Walters agreed to implement new conditions to prevent crime and disorder, new CCTV conditions and to work with Police to reduce disorder.

**The review application**

This review application presents the recent serious incident at the premises and a previous Police Review in July 2019, which followed a serious assault at the premises.

Both of those incidents and the assault in June 2015 show disregard for safety of customers, for the Police and the licensing objectives. We have serious concerns regarding the management of the premises and have no confidence that they can operate without posing a risk to public safety.

**Licensing Policy considerations:**

The following Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

**Licensing Policy 8 - Management Standards**

**Licensing Policy 14 - Alcohol Induced Crime, Disorder and Antisocial Behaviour**

**Licensing Policy 29 - Review of Licensed Premises**

**Standards of Management:**

When assessing the licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- can demonstrate comprehensive knowledge of best practice
- has sought advice from the responsible authorities

- has implemented any advice that been given by the responsible authorities
- is able to understand verbal and written advice and legal requirements
- can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- is able to run their businesses lawfully and in accordance with good business practices
- can demonstrate a track record of compliance with legal requirements

Where there is a history of non-compliance associated with the management of the premises, the Licensing Authority is unlikely to permit premises to continue to operate without further restrictions on review, unless there is evidence of significant improvement in management standards.

The Licensing Authority is committed to promoting high standards of management in all licenced premises and expects licensees to demonstrate this through their management practices. Experience indicates that where these requirements are not adhered to, the licensing objectives are likely to be undermined.

### **Review of Licensed Premises**

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- Restricting hours of operation
- Removing licensable activities from the premises licence
- Imposing additional conditions
- Require the removal of a designated premises supervisor
- Suspending a licence
- Revoking a licence.
- The Licensing Authority believes that the promotion of the licensing objectives are best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews are therefore mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

### **Recommendation**

The Licensing Authority has submitted this representation, having considered all the evidence presented by the Metropolitan Police and having reviewed the Licensing Service's records. It is recommended that the Licensing Sub-Committee consider the full options available under Section 52 of the Licensing Act and respectfully suggest a full three months suspension of the premises licence.

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 Licensing Manager Public  
 Protection Division 222  
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2/11/2021



4 November 2021

## **Licensing Act 2003**

### **Representation from Islington Public Health department on behalf of health bodies providing services in Islington**

Premises Name: The Royal Oak Public House, 250 St John's Way, London N19 3RJ

This representation is submitted by Islington's Public Health Department, which is a responsible authority. It is submitted in support of the licence review for the above premise made by the Metropolitan Police.

The grounds for the representation are:

- The prevention of crime and disorder
- Public safety

Public Health concerns relate to:

- The level of violence associated with the venue
- Failure to maintain a high standard of management

Public Health has concerns that public safety is being put at risk from violent incidents at the premise. It is important for premises to actively prevent crime and disorder, and licensees have an important role to play in establishing the right culture, environment and processes to support this. They also have a responsibility to properly report assaults to ensure that people are protected from and treated for any harms.

The impact of alcohol is particularly great in Islington with some of the highest levels of alcohol-related problems in London<sup>1</sup> and England being experienced, including:

- The third highest rate in London for alcohol-related hospital admissions in 2018/19.
- The third highest rate in London for alcohol related mortality in 2018.
- An estimated 3,601 alcohol users in Islington, a higher prevalence rate than nationally<sup>2</sup>.

Evidence provided by the Metropolitan Police shows that The Royal Oak Public House has not upheld its' responsibility to demonstrate any commitment to a high standard of management, showing a disregard for the responsibility that comes with having licence to sell alcohol and a failure to prevent public nuisance.

The incident at the venue on 16/10/21 - namely the stabbing of a patron multiple times which resulted in serious injury - was not managed adequately by the

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<sup>1</sup> Local Alcohol Profiles for England: <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

<sup>2</sup> Unpublished data providers to local commissioners of substance misuse services.

premises manager or the other member of staff on duty at the time. According to the police report and CCTV evidence, the staff did not call an ambulance for the patron (who self-presented at hospital) or the police, and in fact cleaned the crime scene, hampering the police investigation by destroying evidence. These actions and decisions breach the terms of the licence in a way that demonstrates an inability of the DPS to discharge their duty which is counter to any responsible operation and opposes the Licensing Objectives. This is not the first incident of this nature to have taken place at the venue: at the time of this incident the premises was already operating under a strengthened schedule following previous licence review.

## **Alcohol and violence**

Assaults are a serious and real public health issue in Islington. Assaults are closely linked to alcohol consumption, with both the victim of an assault and the perpetrator likely to have been drinking at the time. Police records for England and Wales report that in 39% of violent incidents victims believed their perpetrator to be under the influence of alcohol<sup>3</sup>. There is increased aggression associated with venue risk factors including bar and door staff tolerance of violent behaviour, crowding and inadequate seating and excess noise<sup>4</sup>. It is clearly important that a venue provides the right environment, attitudes and values to prevent violence and protect people from these harms.

## **Recommendation**

Islington Public Health supports the Metropolitan Police application for panel to suspend the licence pending full review of said licence.

Nina Job

**For Charlotte Ashton, Deputy Director of Public Health**

Camden and Islington Public Health

222 Upper Street,

London N1 1XR

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<sup>3</sup> Accessed 24/06/21 from

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/007185estimatesofviolentincidentswherethevictimbelievedtheoffendertobeundertheinfluenceofalcoholordrugsinenglandandwalesyearendingmarch2006toyearendingmarch2016crimesurveyforenglandandwales>

<sup>4</sup> Green J & Plant M (2006). Bad Bars: A review of risk factors. Alcohol and Health Research Trust



AREA SEARCH

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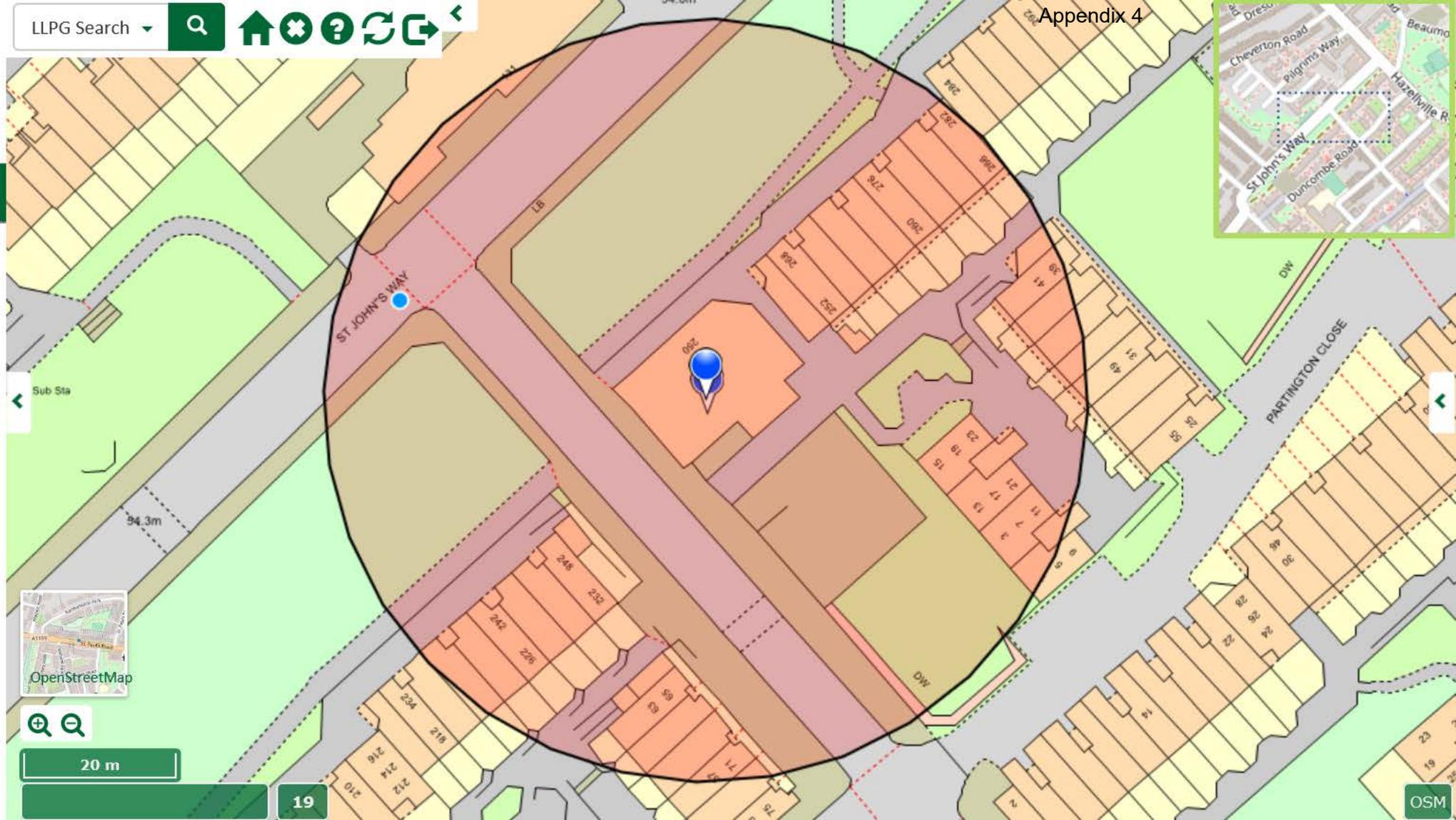


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