



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	1 <sup>st</sup> August 2017		Clerkenwell

Delete as appropriate		Non-exempt
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**Subject:** PREMISES LICENCE NEW APPLICATION  
Yum Yum, 379 St John Street, London, EC1V 4LD.

## 1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is seeking to allow:
  - The provision of late night refreshment, Tuesdays to Sundays, from 23:00 until 03:00, and Mondays, from 23:00 until 00:00;
  - The applicant has stated that the premises will close at 23:00 to customers and the extended hours are for deliveries only; however, elsewhere in the application, the applicant has proposed that the premises will be closed to the public from 00:00 Mondays to Fridays and from 01:00 on Saturdays and Sundays.

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No

Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: 3 local residents.
Other bodies	Yes: local property management company

### 3. **Background**

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3: applicant's response to representations;
- Appendix 4: Licensing Service visit note and warning letter;
- Appendix 5: suggested conditions and map of premises location.

3.2 The Licensing Sub Committee granted a licence to a former operator on 6 November 2012 to allow Late Night Refreshment until 23:30, Mondays to Sundays. This licence was subsequently surrendered on 16 December 2013; the then licence holder stated that they had never used the licence.

3.3 The current applicant has stated that they have operated to the same times as proposed in the application within the area of Westminster City Council for 7 years. The Licensing Service have contacted Westminster City Council who have confirmed that they have no record of a licence for the premises identified by the applicant.

3.4 The provision of Late Night Refreshment is defined within Schedule 2 of the Licensing Act 2003 and the definition includes the supply of hot food or hot drink to members of the public, whether for consumption on or off the premises, between the hours of 11pm and 5:00am.

3.5 Representations have been received to this application from the Metropolitan Police, three local residents and a local property management company representing 8 local properties. The Licensing Authority has also made representation.

3.6 The applicant has submitted a response to the representations.

3.7 Licensing Officers monitored activity at the premises on 7 July 2017 and found that the premises being used for the provision of late night refreshment. The operator was sent a warning letter on 10 July 2017.

### 4. **Planning Implications**

3.1 Planning have reported:

"The application is for a premises licence to extend the hours of operation at a Chinese takeaway, which is operating under an A5 use class. Historical records confirm that a Chinese takeaway has existed at the premise for a number of years and, on the balance of probability, it is now a lawful use. There are no enforcement investigations concerning the land. As such, the planning department has no objections to the application."

## 5 **Recommendations**

- 5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 5.2 These premises are located in the Clerkenwell Cumulative Impact Area therefore the Licensing Committee will need to consider Licensing Policy 2, which states that there is a presumption of refusal unless the Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.
- 5.3 If the Committee grants the application it should be subject to:
  - i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 5)
  - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

## 6 **Conclusion and reasons for recommendations**

- 6.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as appropriate to promote the licensing objectives.

### **Background papers:**

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

### **Final Report Clearance**

**Signed by**



Service Director – Public Protection

Date 19 July 2017

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

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

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We Zekair Herar

(Insert name(s) of applicant)

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
379 St John Street			
Post town	London	Postcode	EC1V 4LD
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		[REDACTED]	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- a) an individual or individuals \*      ☒ please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership      ☐ please complete section (B)
- ii as a partnership (other than limited liability)      ☐ please complete section (B)
- iii as an unincorporated association or      ☐ please complete section (B)
- iv other (for example a statutory corporation)      ☐ please complete section (B)
- c) a recognised club      ☐ please complete section (B)
- d) a charity      ☐ please complete section (B)

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- c) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Herar			First names Zekair		
Date of birth		I am 18 years old or over		X Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	9	06
2	0	17

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
1	1	1
1	1	1

Please give a general description of the premises (please read guidance note 1)

I run a Chinese take away, delivery operation.

I took over this shop in July 2016 having been advised by my solicitors there was a licence in place until 03:00. I've been operating it until 02:00 since that date with no issues or complaints. Since making this application I have been closing at 23:00

I will be closing the shop at 23:00 to customers. However I would like to apply for extended hours until 03:00 for delivery of food only.

There will be no sale of alcohol at the premises either inside or outside of licensable hours.

Please see the operating schedule to see the steps I intend to take to uphold the Licensing Objectives.

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

What licensable activities do you intend to carry on from the premises?  
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I)

x

**Supply of alcohol** (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Fri						
Sat						
Sun						

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					



# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)	
Wed				
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)	
Fri				
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)	
Sun				

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<b>Please give further details here</b> (please read guidance note 4) I will be closing the shop at 23:00 to customers. However I would like to apply for extended hours until 03:00 for delivery of food only. Please see the operating schedule to see the steps I intend to take to uphold the Licensing Objectives.		
Tue	23:00	03:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed	23:00	03:00			
Thur	23:00	03:00			
Fri	23:00	03:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	23:00	03:00			
Sun	23:00	03:00			

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue					
Wed					
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:00	
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	

<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)		
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**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Please see attached sheet

**b) The prevention of crime and disorder**

Please see attached sheet

**c) Public safety**

Please see attached sheet

**d) The prevention of public nuisance**

Please see attached sheet

**e) The protection of children from harm**

Please see attached sheet

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

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


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

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her</li></ul>
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	proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	01 June 2017
Capacity	Owner

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Combined fighting sports – defined as a contest, exhibition or display which

## **M – The steps I intend to take to promote the four Licensing Objectives**

### **General**

I have seven years experience running this model of operation to the times applied for in the City of Westminster, with no issues or complaints. Similarly, I have been operating a delivery service from this premises since I took over in July last year until 01:00 on weekdays and until 02:00 at the weekends. I understand that there have been no issues or complaints. These are also the times the previous owners operated the premises until.

### **The prevention of crime and disorder**

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
2. The premises licence holder will work closely with the Police and the Licensing Authority.
3. All instances of crime and disorder shall be reported to the police.
4. An incident book shall be used to record all instances of public disorder.

### **Public safety**

5. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.

### **The prevention of public nuisance**

6. Staff at the premises shall ensure that the immediate area outside the premises is kept clear of rubbish at all times the premises are open and operating.
7. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
8. The below conditions apply between the hours of 0000-0300 Monday - Friday and 0100-0300 Saturday and Sunday.
  - a) The premises will be closed to the public.
  - b) Sales are by way of deliveries only.
  - c) There will be no external advertisement to suggest the premises is open for business.

- d) The premises will have adequate shutters/blinds so as not to emit any light from the premises or give any persons the impression it is open for walk in trade.
- e) Any advertisement in any media form for customers must clearly state deliveries only.
- f) Any deliveries from online/telephone sales must be to a recognisable royal mail address and not to persons outside of buildings/dwellings.
- g) Vehicles used for delivery must switch of their engines when waiting outside of the Premises for the collection of food for delivery.
- h) Drivers shall wait inside the premises between deliveries/for deliveries.
- i) Staff who depart late at night will be asked not to cause disturbance to nearby residents.

**The protection of children from harm**

9. No alcohol will be sold at the premises.

**Licensing Act 2003- Representation from the Licensing Authority**  
**Premises: YUM YUM, 379 ST JOHN ST LONDON EC1**  
**Applicant: Zekair Herar**

I am submitting a representation on behalf of the Licensing Authority in respect of this new application for a Premises Licence to permit late night refreshment on the premises

- Monday to Saturdays from 23:00 to 03:00
- Sundays from 23:00 to 00:00

The application contains an anomaly over the proposed hours and it is unclear what the applicant's intentions are. In the description of the premises the applicant has stated it is their intention to close at 23:00 hours but would like to deliver food until 03:00; however, in the proposed conditions attached to the application (number 8), the applicant has stated that the premises would be closed to the public from midnight Monday to Friday and 01:00 on Saturday and Sunday.

The application raises concern about compliance with the Licensing Act 2003. The applicant has stated that they ran a premises in Westminster for the same hours as currently being sought for 7 years. The Licensing Service has contacted Westminster Council who have reported that no licence was ever granted for the premises referred to. Furthermore, the applicant has reported that they have been operating the current premises to 02:00 without a licence since July 2016. The applicant states that they have relied on information provided by their solicitor but has evidently made no attempt to obtain a copy of the "licence", which the solicitor referred to. This admission raises concerns about the ability of the applicant to comply with the licence requirements.

The applicant has stated that they have operated from this premises with no issues or complaints. However, Council records show that the applicant has been issued with 4 Fixed Penalty Notices in respect of litter offences relating to these premises since November 2016; these remain unpaid.

The premises has previously been licensed. The Licensing Sub Committee granted a licence on 6 November 2012 to allow Late Night Refreshment until 23:30, Mondays to Sundays. This licence was subsequently surrendered on 16 December 2013; the then licence holder stated that they had never used the licence.

Whilst it is appreciated that the current application does not include the sale of alcohol, the premises is in a part of the borough which is relatively quiet late at night despite being located between the borough's two busiest late night areas at the Angel and in Clerkenwell. Whether the premises is open to customer or not, the arrival and dispatch of delivery drivers will inevitably lead to an increase in noise levels in the early hours of the morning.

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

**Licensing Policies 1, 2, 8, 9, 10, 18**

- The premises is located in the Clerkenwell Cumulative Impact policy area;
- The premises is located in an area where there are no other late night operating premises in the immediate vicinity;
- The premises is located very close to residential dwellings;
- The proposed hours are outside the favourable hours for take-away premises (midnight Sunday to Thursday and 01:00 Friday to Saturday);
- The applicant has demonstrated a lack of understanding of the legal requirements and has admitted to a history of non-compliance in respect of the Licensing Act 2003;
- There is evidence of non-compliance with other statutory requirements and poor

management in respect of litter management.

In view of these concerns the Licensing Authority is making a representation against the grant of this application. It is recommended that the application be refused as the Licensing Service has concerns about the ability of this operator to comply with the legal requirements and operate to the required standards.

Terrie Lane  
Licensing Manager  
Islington Council  
Public Protection Division  
222 Upper Street  
London N1 1XR  
T: 020 7527 3233  
E: [terrie.lane@islington.gov.uk](mailto:terrie.lane@islington.gov.uk)

27 June 2017

Your Premise License Application

Our Licensing/NI

Date: 28/06/2017



Rep 2

**NEW PREMISE LICENSE APPLICATION**

Yum Yum  
379 St John Street  
London  
EC1V 4LD

**METROPOLITAN POLICE  
SERVICE  
Islington Police Licensing Team  
Islington Police Station  
2 Tolpuddle Street  
London  
N1 0YY  
Telephone: 07799133204**

Email:  
licensingpolice@islington.gov.uk

**28th JUNE 2017**

Dear Sir/Madam

**Re: New Premises License Application: Yum Yum, 379 St John Street London EC1V 4LD**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives, Prevention Of Crime and Disorder and Prevention of public nuisance

The venue is situated in the 'Clerkenwell Cumulative impact area' (CIA), an area which traditionally suffers from high levels of crime and disorder and there are concerns that the addition of a further Licensed venue will add to this impact causing further policing problems in an already demanding area.

I am aware that this venue has been operating without a License for the last year. The applicant Mr Zekair Herar only made this application after contacting the Council Licensing Team to ask about making a license variation. It was then discovered that the previous venue License had been surrendered in December 2013.

Mr Herar stated that when buying the premises he had been told by his solicitor that the venue was licensed until 3am. I appreciate that Mr Herar was paying for best advice from his solicitor but I am astonished that he has never taken the time to read a copy of the license, if there was one, and if he did not have a copy then why has he not contacted the Council to ask for a duplicate. I have grave concerns about his ability to manage the venue correctly and within any conditions on the license.

I emailed Mr Herar asking for some information regarding the application. I received a very short reply so I further emailed asking for further information and details of Mr Herar's previous experience within the licensing trade. I have not had a reply at this time.

I have been made aware that Mr Herar did operate a venue in Westminster for a number of years but it seems that Westminster Licensing have not heard of this venue?

I submit that the Committee refuse the application.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, [licensingpolice@islington.gov.uk](mailto:licensingpolice@islington.gov.uk)

Islington Police Licensing Team  
Pc Steven Harrington 425NI

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 28 June 2017 10:12  
**To:** Licensing  
**Subject:** Ref WK/170016271 -Yum Yum 379 St John Street, Islington, London EC1V 4LD

**.To:** Licensing Service  
London Borough of Islington,  
3<sup>rd</sup> Floor,  
222 Upper Street,  
London N1 1XR

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

28<sup>th</sup> June 2017

Dear Sir/Madam,

**Licensing Act 2003 – Premises Licence Application New**  
**Re: Yum Yum, 379 St. John Street, Islington, London EC1V 4LD**  
**Your reference- WK/170016271**

We refer to the above licence application.

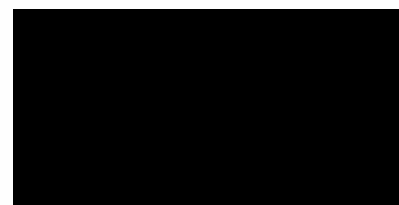
We are the owners of the flat at [REDACTED] and wish to object to the grant of the licence that has been applied for by Yum Yum. There is already significant disturbance of residents at our flat and the adjoining flats from activities currently being carried on by Yum Yum and the latest proposals will exacerbate the current position. We do not consider that it is in the public interest to grant the current application which will only lead to increased levels of noise and anti-social behaviour and additional disturbance of local residents in the middle of the night.

We urge the Licensing authority to reject this application.

Your faithfully

[REDACTED]

Rep 4



28<sup>th</sup> June 2017

Dear Sir / Madam,

RE : LICENCING ACT 2003 - PREMISES LICENCE APPLICATION FOR  
YUM YUM, 379 ST JOHN STREET, ISLINGTON, LONDON, EC1V 4LD  
REFERENCE - WK/170016271

We are aware that Yum Yum Restaurant / Take Away have made an application for a premises licence at 379 St John Street.

We object to this application.

We purchased our property just short of a year ago and have watched with frustration & disdain how the delivery scooter drivers have "settled" into the area. As time has gone by, they have become more & more comfortable milling around outside [REDACTED]

They tend to sit on their scooters or hang around in groups just outside our property, blocking the pavement and our entrance to our properties. I've even come home to find them sitting on our doorstep, blocking it and making me feel uncomfortable and worried for my safety opening the front door with them so close & watching my every move. The increased activity, the smoking, scooter noise & general loud communicating is extremely frustrating as it is right outside the windows of our lounge & bedroom.

We definitely do not want the licence granted as the delivery times could then extend to 3am from Tuesdays to Sunday & so too will the noise of scooters coming & going and the milling around of the delivery drivers to our property.

I trust you will take this into consideration when reviewing the application.

Kind regards

[REDACTED]

Owners of [REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 21 June 2017 10:22  
**To:** Licensing  
**Subject:** RE: Yum Yum 379 St John Street, Islington, London EC1V 4LD - Licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam

I am the owner of flat [REDACTED] which is only yards from the above premises. I would like to object to the application of extension of opening hours and sale of alcohol.

We already have a big issue of noise and littering from people loitering outside mine and neighbouring properties in the evening from Yum Yum customers. I can only image that this will make our situation worse.

During the day I have customers from Yum Yum sitting on my doorstep and litter sometimes end up in my basement lightwell. Litter that I have to collect myself and if litter is not collected on a regular basis rotting food is left festering outside the bedroom window. If the outlet is open through the night the nuisance to myself and neighbours with undoubtedly be increased.

Nearby Upper Street, Exmouth Market and further down St John Street already have sufficient late night outlets to cater for these customers. So I see no need to for this application to be approved.

Kind regards

[REDACTED]

To: Licensing Service  
London Borough of Islington  
3<sup>rd</sup> Floor, 222 Upper Street  
London N1 1XR

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

Pilotgrange Property Management Co. Ltd.

28<sup>th</sup> June 2017

Dear Sir/Madam,

**Licensing Act 2003 – Premises Licence Application New**  
**Re: Yum Yum, 379 St. John Street, Islington, London EC1V 4LD**  
**Your ref: WK/170016271**

I am writing on behalf of the eight owners and occupiers of the flats comprising [REDACTED] in connection with the above application under the Licensing Act 2003. I am the Company Secretary of Pilotgrange Property Management Company Limited, which is the company co-owned by the eight flat-owners and acts on behalf of the common interests of the residents.

Together we constitute the properties which are closest and therefore most immediately affected by this application recently submitted by Yum Yum restaurant and take-away, and are concerned about the impact on order, noise and safety that may result from approving the application.

The presence of Yum Yum has already led to a considerable increase in the level of noise in the street as a result of the activities of both the direct customers of Yum Yum and the delivery scooters/motorbikes whose drivers park and gather outside both Yum Yum itself and further up the road outside Nos. [REDACTED] including smoking and chatting on the doorsteps of our premises. This has resulted in higher levels of noise in the early hours of the morning, so the nights are already much noisier, particularly on the occasions when there are arguments outside which then provoke further noise, dogs barking, and so forth, and can sometimes become quite disturbing for us as the nearest residents.

We recognise that local and passing communities have an interest in encouraging local food and other businesses and have therefore not wished to make an issue of this in the past, but we believe that this application goes beyond what is in the common public interest. The extension of hours which has been proposed, including deliveries until 3am in the morning, will inevitably lead to considerably more nuisance and disturbance for a large part of the night, regardless of whether this relates to retail to customers or goods delivery.

Furthermore, we believe that an application for an alcohol licence is inappropriate and unnecessary: inappropriate because of the association between late-night drinking and public disturbance, and unnecessary since it is possible already to buy alcohol from shops within the area, some of which are open very late or even all night.

We therefore oppose granting this licensing application because it will increase the level of noise and other forms of public nuisance well into the early hours of the morning and – especially given the involvement of alcohol – has the potential to lead to crime and other disorders.

I trust that you will take into account the objections raised by the flat-owners of the eight properties which are nearest and therefore most affected, and reject this application. Thank you for considering our views.

Yours faithfully

  
Company Secretary

Pilotgrange Property Management Company Limited, representative of the eight flat-owners of 

## Gallacher, Simon

---

**From:** Zekair Herar [REDACTED]  
**Sent:** 04 July 2017 18:49  
**To:** Gallacher, Simon  
**Subject:** Re: Yum Yum 379 St John Street  
**Attachments:** 20170704\_165841.jpg; 20170704\_182600.jpg

Dear Sir,

Thank you for your email. I have read the attachment and would like to make some points in response to it. I do appreciate the concerns made by the neighbouring residence.

Firstly, we are not selling any alcohol at our venue.

Secondly, our takeaway will be closed for the public after 11pm which will reduce the noise and nuisance. Thirdly, our food delivery drivers will park their bikes in front of Sadler House theatre as it's a single yellow lane and there is no residence around. (Pictures Attached)

This way drivers won't be sitting on any residents' stairs (only if the drivers were sitting)

In response to the Penalty charges given to me, it was not in my attention as I was out of country to see my sick mother. I am willing to pay those penalty charges.

I hope you will take my points in your consideration and will be hearing back from you soon.

Regards

Zakeria Herar

On 3 Jul 2017 5:29 p.m., "Gallacher, Simon" <[Simon.Gallacher@islington.gov.uk](mailto:Simon.Gallacher@islington.gov.uk)> wrote:

Please see attached Notice of Hearing and related representations.

Simon Gallacher

Licensing Officer

Licensing Team

Public Protection Division

Environment and Regeneration

Islington Council

3rd Floor, 222 Upper Street, London N1 1XR

Tel: (020) 7527 3879

Alternative contact: Terrie Lane (020) 7527 3233 [www.islington.gov.uk](http://www.islington.gov.uk)

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8.00 - 10.00 am  
4.00 - 6.30 pm

No loading  
8.00 - 10.00 am  
4.00 - 6.30 pm



Loading  
only  
10 am - 4 pm  
6.30 pm - 8.30 am









Licensing Team  
Public Protection Division  
222 Upper Street  
London  
N1 1XR

T 020 7527 3879

F 020 7527 3430

E [simon.gallacher@islington.gov.uk](mailto:simon.gallacher@islington.gov.uk)

W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: wk170021356

Date: 10<sup>th</sup> July 2017

Zekair Herar



This matter is being dealt with by:  
**Simon Gallacher**

Dear Mr Herar

**LICENSING ACT 2003**

**YUM YUM, 379 ST JOHN STREET, LONDON EC1V 4LD**

Licensing Officers visited your shop between 23:36 and 00:11 hours on 7 July 2017. At the time of the visit your shop was clearly open and trading for the provision of late night refreshment.

You have already been informed that the supply of hot food or drink anytime between 11pm and 5am requires a licence, whether your shop is open to the public or used for deliveries. You do not currently have a premises licence.

It is an offence under the Licensing Act 2003, to provide late night refreshment without a licence. Should you continue to allow your shop to be used for the provision of late night refreshment you will render yourself liable for prosecution. Officers will continue to monitor activity at the shop to ensure compliance. You are strongly advised to ensure that your premises is not used for licensable activity without a valid licence.

Yours sincerely,

**Simon Gallacher**  
**Licensing Officer**



## Visit with NF 7 July 2017

Initially we drove past premises at 23:36 and observed lights on and 3 people behind the serving counter. Two motor cycles were parked immediately outside on the pavement and two males, who appeared to be delivery drivers, were standing immediately outside. I took a photograph as we drove past; NF was driving. We parked on St John Street and monitored activity at the premises standing on the opposite side of the road. I observed one of the riders was smoking. At 23:59 a third motor cycle arrived, pulling up outside. The rider entered the shop, collected an order, returned to his motor cycle and drove away. One of the remaining two riders then left with an order, which he collected from inside, on his motor cycle at 00:03. A further motor cyclist arrived, parked on the pavement opposite, entered shop, collected an order and then left. We continued to monitor, patrolling the pavement on the opposite side of the road and observed at least 5 different motor cyclist arriving, collecting and leaving with orders. We walked past the entrance, where the door was open and the sounds of cooking could be heard and the smell of Chinese style food cooking was clearly evident. A member of staff was seen preparing food in delivery packages. We returned to our vehicle and then drove past the premises again at 00:11. No shutters down, lights still on, and staff still visible behind the counter. There were at least two delivery drivers visible, now standing inside the premises. There were 3 motor cycles parked on the pavement outside and a further motor cycle parked on the pavement opposite.

SG





WINE

OFF LICENCE

FREE DELIVERY

Yum Yum  
CHINESE TAKE AWAY

020 7778 2885

EXTRA  
BANDS  
← ↑

STEAT



**Suggested conditions of approval consistent with the operating schedule**

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business, then Police must be informed.
2. The premises licence holder will work closely with the Police and the Licensing Authority.
3. All instances of crime and disorder shall be reported to the police.
4. An incident book shall be used to record all instances of public disorder.
5. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
6. Staff at the premises shall ensure that the immediate area outside the premises is kept clear of rubbish at all times the premises are open and operating.
7. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
8. The below conditions apply between the hours of 0000-0300 Monday -Friday and 0100-0300 Saturday and Sunday.
  - a) The premises will be closed to the public.
  - b) Sales are by way of deliveries only.
  - c) There will be no external advertisement to suggest the premises is open for business.
  - d) The premises will have adequate shutters/blinds so as not to emit any light from the premises or give any persons the impression it is open for walk in trade.
  - e) Any advertisement in any media form for customers must clearly state deliveries only.
  - f) Any deliveries from online/telephone sales must be to a recognisable royal mail address and not to persons outside of buildings/dwellings.
  - g) Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
  - h) Drivers shall wait inside the premises between deliveries/for deliveries.
  - i) Staff who depart late at night will be asked not to cause disturbance to nearby residents.
9. No alcohol will be sold at the premises.