



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 September 2017		St Mary's

Delete as appropriate		Non-exempt
-----------------------	--	------------

**Subject: PREMISES LICENCE NEW APPLICATION
167 UPPER STREET, LONDON N1 1US**

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to allow:
- the on sales of alcohol from 11:00 until 23:00 Sunday to Thursday and from 11:00 until 00:00 Friday and Saturday.
 - the provision of late night refreshment from 23:00 until 00:00 Friday and Saturday
 - opening hours from 07:00 until 23:30 Monday to Thursday, from 07:00 until 00:30 Friday and Saturday and from 09:00 until 23:30 on Sundays.

Note: The application requested on and off sales of alcohol. However, following correspondence with Islington's Noise Service, the applicant has agreed to remove off sales of alcohol from the application.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No

Noise	No – Conditions Agreed
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: One residential representation
Other bodies	No

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premises location.

3.2 These premises are located in the Upper Street and Angel Cumulative Impact, 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.

3.3 Licensing Policy 2.4, 2.5 and 2.6 which states that the special policy is not absolute and if it can be demonstrated that the application would not contribute to the existing impact of an area, the policy can be departed from in exceptional circumstances. One of the exception circumstances listed is that the premises is not alcohol led.

3.3 Two representations were received in respect of this application. One from Islington's Noise Service and one from a resident. Both representations are based on the prevention of crime and disorder. The Noise Service have subsequently agreed conditions with the applicant and has since withdrawn their representation. Therefore, only one representation remains to this application.

4. Planning Implications

4.1 The planning department state their records indicate that planning permission was granted on 30 May 2013 for A3 use class as a restaurant.

4.2 The planning department state that the hours for use are between 0700 until 2300 Monday to Saturday and 0900 to 2230 Sunday and bank holidays and have therefore requested that the applicant either amend the hours of their premises licence application or apply to extend the planning permission.

- 4.3 The planning department confirm that there are currently no enforcement investigations affecting these premises.

5. Recommendations

- 5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 5.2 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 3)
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

5 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

31 August 2017

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: 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 JAMON & HEALTH LIMITED

(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 167 UPPER STREET,			
Post town	LONDON	Postcode	N1 1US
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 47,500	

Part 2 - Applicant details

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

- | | | |
|---|--|---|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i as a limited company/limited liability partnership</p> <p style="margin-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="margin-left: 20px;">iii as an unincorporated association or</p> <p style="margin-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> | <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|---|--|---|

- d) a charity ☐ please complete section (B)
- e) 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 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 over		I am 18 years old or		<input type="checkbox"/>	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 over		I am 18 years old or		<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 Jamon and Health Limited
Address [REDACTED]
Registered number (where applicable) [REDACTED]
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

X

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

X

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input checked="checked" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)	
Thur				
Fri	23:00	00:00	<u>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</u> (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day	
Sat	23:00	00:00		
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	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 (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	23:00			

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 CARLOS TORRES SOSA	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:30	
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	00:30	<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> (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day
Sat	07:00	00:30	
Sun	09:00	23:30	

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 ANNEX A

b) The prevention of crime and disorder

PLEASE SEE ANNEX A

c) Public safety

PLEASE SEE ANNEX A

d) The prevention of public nuisance

PLEASE SEE ANNEX A

e) The protection of children from harm

PLEASE SEE ANNEX A

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.
- 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). ☐

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.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	26 JUNE 2017
Capacity	Joelson JD LLP Solicitors for and on behalf of the applicant.

For joint applications, signature of 2nd applicant or 2nd 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	

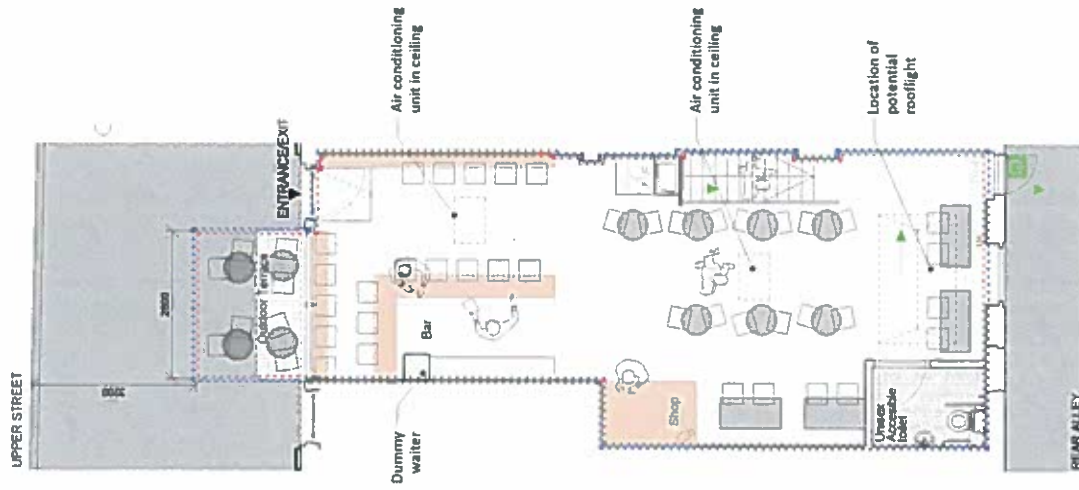
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) CORINNE HOLLOWAY JOELSON JD LLP SOLICITORS 30 PORTLAND PLACE			
Post town	LONDON	Postcode	W1B 1LZ
Telephone number (if any)		020 7580 5721	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) corinne.h@joelsonlaw.com			

Notes for Guidance






1. 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

ANNEX A
167 UPPER STREET, LONDON, N1 1US

1. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
2. Save for up to a maximum of 8 persons in the bar area, the supply of alcohol at the premises shall only be to a person taking a table meal and for the consumption by such a person as ancillary to their meal.
3. Save for in the bar area, the supply of alcohol shall be by waiter or waitress service only.
4. 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.
5. Refuse, including bottles, is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
6. Noxious smells are not to be permitted to cause a nuisance to nearby properties and the premises are to be properly ventilated.
7. Where the sale or supply of alcohol is taking place employees of the premises may request sight of evidence of the age of any person appearing to be under 25. Such evidence may include a driving licence or passport.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. 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 frontal 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 24 hrs 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.
10. The Designated Premises Supervisor shall ensure that all management staff are trained to use and maintain the Incident Book. The Incident Book shall be readily available for inspection by the Police or other statutory authority.
11. The licence holder shall maintain an Incident Book at the premises to record the following: all crimes reported to the venue, all ejections of patrons, any complaints received, any incidents of disorder, seizures of drugs or offensive weapons and their location, any faults in the CCTV systems and any visit by a relevant authority or emergency service.
12. Off sales will only be permitted to those persons consuming alcohol seated in the outside area.



KEY

- | | | | | |
|---|---|---|---|---|
| Extent of boundary | Licenseable activities | Evacuation route | Access and egress point | Fired structures |
|  |  |  |  |  |

FIRE SAFETY
NOTE: The position of fire and safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority.

- | | | | | | | | |
|----------------|-------------------|-----------------|----------------|---------------|---|--------------|-----------------|
| Emergency exit | Emergency signage | Emergency light | Smoke detector | Heat detector | Extinguishers
F Foam spray
C Carbon dioxide | Fire blanket | Security Camera |
|----------------|-------------------|-----------------|----------------|---------------|---|--------------|-----------------|



<p>CUSTOMER INFO</p> <p>1. Name: James Smith</p> <p>2. Address: 123 Main Street, New York, NY 10001</p> <p>3. Phone: +1 (212) 555-1234</p> <p>4. Email: j.smith@example.com</p> <p>5. Project Name: Website Redesign</p>	REV#	DESCRIPTION	DATE	BY	<p>PROJECT</p> <p>167 Upper Street</p> <p>London N1</p> <p>CLIENT</p> <p>Jamón y Salada</p>	<p>DRAWING TITLE</p> <p>PROPOSED PLANS</p> <p>FOR NEW PREMISES</p> <p>LICENCES</p> <p>OPTION 1</p>	<p>SCALE (1:1)</p> <p>1:100</p> <p>DPI (MM/IN)</p> <p>17UPS 01 200</p>	<p>DATE</p> <p>May 2017</p>	<p>REV</p> <p>1</p>
	1	Initial design concept and site plan.	15/05/2017	J.S.					

Whitton, Daniel

From: [REDACTED]
Sent: 22 July 2017 09:26
To: Licensing
Subject: Restaurant, 167 Upper Street

Dear Sir or Madam,

I live at [REDACTED] with my [REDACTED]
Our bedroom has its windows at the back of the house.

We are mainly worried about noise emanating from the back of the property from either people or installations.

We would appreciate if it would be ensured that no noise gets through open windows at the back at night. Also, the currently installed ventilation pipe for Gluten Free bakery was quite noisy and sometimes operated late at night.

In addition, we are worried about rodents. We currently have a mice infestation. A pest control expert suspected there might also be mice at the back of the 167 property, based on the smell. Overall, the whole backyard is not salubrious, given the ongoing building work.

Kind regards,

--
[REDACTED]

Whitton, Daniel

From: [REDACTED]
Sent: 24 July 2017 11:25
To: Licensing
Subject: Restaurant license 167 Upper Street

[REDACTED]
[REDACTED]
[REDACTED]
Phone: [REDACTED]

Dear Christophe,

I am worried about the extension of hours of operation into the night of the existing ventilation pipe at the back of the building. The pipe runs along the building back wall from the ground all the way up to the roof. Its noise represents a public nuisance.

I would therefore like to object to The provision of late night refreshment from 23:00 until 00:00 Friday & Saturday

Kind regards,

--
[REDACTED]

Suggested conditions of approval consistent with the operating schedule

1. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
2. Save for up to a maximum of 8 persons in the bar area, the supply of alcohol at the premises shall only be to a person taking a table meal and for the consumption by such a person as ancillary to their meal.
3. Save for in the bar area, the supply of alcohol shall be by waiter or waitress service only.
4. 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.
5. Refuse, including bottles, is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
6. Noxious smells are not to be permitted to cause a nuisance to nearby properties and the premises are to be properly ventilated.
7. Where the sale or supply of alcohol is taking place employees of the premises may request sight of evidence of the age of any person appearing to be under 25. Such evidence may include a driving licence or passport.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. 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 frontal 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 24 hrs 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.
10. The Designated Premises Supervisor shall ensure that all management staff are trained to use and maintain the Incident Book. The Incident Book shall be readily available for inspection by the Police or other statutory authority.
11. The licence holder shall maintain an Incident Book at the premises to record the following: all crimes reported to the venue, all ejections of patrons, any complaints received, any incidents of disorder, seizures of drugs or offensive weapons and their location, any faults in the CCTV systems and any visit by a relevant authority or emergency service.
12. Off sales will only be permitted to those persons consuming alcohol seated in the outside area.

Conditions proposed by Islington's Noise Service – Accepted

13. Off sales shall not be permitted.
14. External tables and chairs will be cleared by 23:00 every night.
15. Bottling out from the premises is prohibited between 23:00 and 08:00
16. In the event of a noise complaint substantiated by an authorised officer, the premises licence holder shall take appropriate measures in order to prevent any recurrence.
17. No vertical drinking save for a maximum of 8 persons waiting in the bar area to be seated.

