



Report of: Service Director, Public Protection

Meeting of:	Date:	Ward(s):
Licensing Sub-Committee - D	10/03/2022	Caledonian

	Exempt	Non-exempt
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SUBJECT: PREMISES LICENCE NEW APPLICATION RE: ATTIC STORAGE CENTER, 276 YORK WAY

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to allow:
 - The sale by retail of alcohol for Off sales 24 hours daily
 - Operating hours 24 hours daily. The premises is not open to the public.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	No – Conditions Agreed
Noise	No – Conditions Agreed
Health and Safety	No
Trading Standards	No
Public Health	No

Safeguarding Children	No
London Fire Brigade	No
Local residents	No
Other bodies	No

3. Background

- 3.1 This property currently has one licensed unit for the sale of alcohol from 08:00 until 23:00 Monday to Sunday.
- 3.2 The Licensing Authority received one representation opposing to this application. I attach a copy of the representation at appendix 2.
- 3.3 The applicant's agent has responded to the representation and entered into dialogue with the Licensing Authority. I attach a copy of correspondence at appendix 3.

4. Planning Implications

- 4.1 The planning team have advised the property is not statutorily listed, nor is it located within a Conservation Area.

The property has an established and lawful B8 storage and distribution use, and has been used as a self-storage site since 2016.

There are no conditions restricting the hours of operation, however, the off-site delivery retail products (such as alcohol), to individuals would appear to fall outside of the B8 use class definition and would likely be considered Sui Generis. As such, the planning department advises that an application for the change of use of a designated part of the property (unit) is submitted.

There is no open enforcement case relating to this property.

There are no conditions restricting the hours of operation, however, the off-site delivery retail products (such as alcohol), to individuals would appear to fall outside of the B8 use class definition and would likely be considered Sui Generis. As such, the planning department advises that an application for the change of use of a designated part of the property (unit) is submitted.

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 not located in any Cumulative Impact Area.
- 5.3 If the Committee grants the application, it should be subject to:

- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 3); and
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives (see appendix 3)

6. Reasons for recommendations

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

Appendices:

Appendix 1: application form;
Appendix 2: representation;
Appendix 3: applicants response to representation;
Appendix 4: suggested conditions and map of premises location.

Background papers:

None.

Final report clearance:

Signed by:



Service Director – Public Protection

Date 02/03/2022

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk



Islington
Application for a premises licence
Licensing Act 2003

For help contact
licensing@islington.gov.uk
 Telephone: 020 7527 3031

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

9-22

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Nobelyn

* Family name

FAHIM

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number

[REDACTED]

Business name

[REDACTED]

If the applicant's business is registered, use its registered name.

VAT number

- None

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

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

[Add another applicant](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

This is to be an online only alcohol delivery service operating in London, and the premises will not be open to the public for On or Off Sales. This unit is simply the 'pick, pack and despatch' centre of the operation.
NB Although we have asked for 24hr opening, this is simply so that the start up can ascertain the period of peak demand and then set their hours to service the same. This start up lacks the staff and capacity to service same.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

/ /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

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

1. All staff employed at or by the Premises (including delivery drivers) shall undergo a Training Package consisting of:

- a. Promoting the Licensing Objectives;
- b. The conditions of this Premises Licence;
- c. Challenge 25 and the Premises' age verification policy;
- d. Underage sales prevention;
- e. Vulnerability and CSE; and
- f. Responsible sale of alcohol.

2. The Training Package (a - f) shall be updated and repeated every 6 months.

3. Any new staff employed at or by the Premises (including delivery drivers) shall undergo the Training Package (a - f) before being authorised to sell or deliver alcohol

4. All staff in receipt of the Training Package (a - f) shall sign a training record to confirm that they have received and understood the training. A copy of the training record shall be kept at the Premises and made available on request to Responsible Authority officers.

5. The Premises Licence Holder shall develop and maintain an Alcohol Delivery Policy. A copy of the Alcohol Delivery Policy shall be kept at the Premises and made available on request to Responsible Authority Officers.

6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by Responsible Authority officers at all times whilst the Premises is open.

b) The prevention of crime and disorder

7. Deliveries of alcohol shall only be made to a verifiable address.

8. Deliveries of alcohol to external public spaces shall not be permitted in any circumstances.

c) Public safety

d) The prevention of public nuisance

9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.

e) The protection of children from harm

10. A Challenge 25 proof of age scheme shall be operated at the Premises and on delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

11. Where any delivery contains alcohol the delivery driver shall ask the recipient of the package for photographic identification to prove that they are over 18. Acceptable forms of photographic identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Continued from previous page...

12. Staff shall notify customers requesting a delivery that contains alcohol that they will be required to provide photographic identification proving they are over 18.

13. In relation to online orders the Premises Licence Holder shall ensure that a notice to this effect is displayed on the Premises' website, before the order is confirmed and as part of any order confirmation provided.

14. Where the recipient of any delivery containing alcohol is unable to provide photographic identification to prove that they are over 18 the delivery driver shall withhold the alcohol part of the delivery.

15. Where the recipient of any delivery containing alcohol is unable to provide photographic evidence the delivery driver shall make an entry in the Premises' refusal register.

16. Itemised records of all deliveries shall be kept at the Premises for a minimum of 31 days. The itemised records shall contain details of the food and drink delivered and the address the items were delivered to. Copies of the records of deliveries shall be made available to Responsible Authority officers on request.²⁸ A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by Responsible Authority officers at all times whilst the Premises is open.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Licensing Authority Representation

Licensing Act 2003

Application for a new premises licence in respect of:

Party Drinks 24/7 Ltd, Unit 2184, Attic Self-Storage, 270-276 York Way, London, N7 9PQ

Licensable activities and timings applied for are to deliver alcohol for consumption off the premises only, 24 hours each day.

The grounds for the representation are:

Public nuisance

Licensing Policy Considerations

Licensing Policy 1 Planning consent for intended use and hours

Licensing Policy 4 Off sales of Alcohol from Shops and other premises

Licensing Policy 5 and 6 Licensing Hours

Issues of Concern

Licensing Policy 1 - Planning service have advised that the property has an established and lawful B8 storage and distribution use, and has been used as a self-storage site since 2016.

There are no conditions restricting the hours of operation, however, the off-site delivery retail products (such as alcohol), to individuals would appear to fall outside of the B8 use class definition and would likely be considered Sui Generis. As such, the planning department advises that an application for the change of use of a designated part of the property (unit) be submitted.

Licensing Policy 4 - The Licensing Authority has adopted a special policy relating to cumulative impact in relation to shops and other premises selling alcohol for consumption off the premises. This special policy creates a rebuttable presumption that applications for premises licences, which are likely to add to the existing cumulative impact, will normally be refused or subject to certain limitation, following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The applicant has not put forward any mitigation or information in the operating schedule to demonstrate that these premises would not have a negative impact in a location providing several outlets for the delivery of alcohol.

It is noted that the applicant has not agreed to the Pollution Team's request that there should be no deliveries by motorised vehicles. However, we suggest that a condition that no internal combustion engine vehicles will be used for deliveries from the premises, should be imposed.

Licensing Policy 5 - Where representations are received from responsible authorities or other persons the Licensing Authority may seek to restrict hours of opening where it is appropriate to promote the licensing objectives.

Licensing Policy 6 - Licensing Hours- The hours applied for are outside of the recommended policy hours for off sales of alcohol, which are from 8am to 11pm each day.

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. The Licensing Authority will seek to impose appropriate restrictions and controls on the premises licence to prevent public nuisance and undue disturbance in the area.

Recommendations

The Licensing Authority recommends that the Licensing Sub Committee consider the application, the Planning officer's advice and the reluctance to commit to using non-motorised delivery vehicles, conditions put forward by the Council's Pollution Team and the Police and Islington Council's Licensing Policy.

Terrie Lane

Licensing Manager

Public Protection Division

0207 527 3031

licensing@islington.gov.uk

14/02/2022

From: Lane, Terrie
Sent: 25 February 2022 13:45
To: The Licensing Guys [Licensing]
Cc: Jones, Carol; Nobelyn Fahim
Subject: RE: Lic Rep 24hr Party Drinks 276 York Way

Dear Nick,

Thank you for your email.

The Licensing Authority maintains the representation to your application and the Licensing Sub-Committee will determine the application after taking all submissions and representations into account. I understand you have been notified of the date and time and joining instructions.

As you are aware, Planning and Licensing are two separate regimes, however the Licensing Authority expects permission to be in place or pending when an application is made. Our representation informs the Licensing committee of the current situation, as Licensing and Planning are expected to work together to ensure compliance.

We maintain that all delivery vehicles be non-motorised and that deliveries should not continue throughout the night, to reduce noise and nuisance. I suggest deliveries should cease at 11pm and recommence at 8am.

For your information, the Council is determined to reduce carbon emissions throughout the borough and we encourage business to use non-motorised vehicles wherever possible. In 2018 delivery vehicles made up around 50% of the polluting traffic in the area. Figures will be much higher now with the increase of food and drink home delivery services since the start of the pandemic. Islington has several ultra-low emission streets and these are gradually being introduced across the Borough.

Rest assured, the Licensing Sub Committee will take all your concerns and submission into account when deciding upon your application, along with any representations and suggested conditions made by the Responsible Authorities.

Kind regards,

Terrie Lane

Licensing Manager
Public Protection Division
Islington Council
222 Upper Street
London N1 1RX

0207 527 3233
07522 218255

From: The Licensing Guys [Licensing
Sent: 23 February 2022 10:28
To: Lane, Terrie
Cc: Jones, Carol; Nobelyn Fahim
Subject: RE: Lic Rep 24hr Party Drinks 276 York Way

[External]

Dear Terrie,

Thank you for your email of 18 February at 14.08hrs, the contents of which are fully noted. With respect, your answers appear (as does your overall representation) to be generic in nature and not related to the specifics of the application.

Continuing with the numeration as before:

1. Noted. We can therefore expect full compliance with the relevant parts of the Secretary of State's Guidance already cited.
2. Noted. We further note that your Representation, on its face, is limited to matters within the Licensing Objective of the Prevention of Public Nuisance. As consultation is now closed then additional grounds cannot be added. Furthermore, as you appear to be going above and beyond what the Environmental Pollution Dept require, we enquire as to how you consider this to comply with para 9.15 of the Guidance?
3. As before, I request a specific answer to this question - in so far as the consensus the applicant has reached with the Police, and again in respect of para 9.15 of the Guidance.
4. So that we are clear: Are you saying that there is no power in the Sub Committee to grant a Premises Licence which, if traded, would be in breach of the extant planning consent? If you are so saying, what is the legal basis for that?
5. Now that we have been able to examine your SoLP and its CI provisions, we note that again your representation and response are generic and do not to the specifics of this application. We also note that your SoLP provides that (*our emphasis*):
Policy 3 para 11 'This special policy is not absolute and in some situations premises licences or club certificates may be subject to limitations. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications where the applicant has demonstrated that the operation of the premises will not to add to the cumulative impact on one of more licensing objectives.'

Further we note that the SoLP further provides that:

Policy 4 para 73(b) 'Premises that can demonstrate that the risk of alcohol purchased from the premises being consumed on the street is minimal due to the nature and type of alcohol being sold'. NB By the very nature of the proposed operation i.e. the transit of the alcohol sold through the entire public realm will be in sealed containers in the possession of the delivery driver, it is abundantly clear that the risk of that alcohol being sold/supplied in the street is not only minimal but non-existent.

Save in the generic ways set out in your representation and response, we observe that you make no criticism of the Operating Schedule within the application. It is therefore difficult to imagine what evidence you may adduce to enable any Sub Committee to determine if the generic conditions you are suggesting are in fact appropriate. The matters you raise are very much fear and speculation and therefore, in the unlikely event that they occur at some time in the future, could trigger a review of the Premises Licence. They are not reasons to oppose its grant. In the circumstances we invite you to withdraw your representation thereby avoiding the necessity of a hearing in this matter.

An early response to the above points would be very appreciated.

Kind Regards
Nick SEMPER

Director
TL Guys Ltd
t/a The Licensing Guys
W: 01432 700024
M: 07890 105387
licensing@thelicensingguys.com

the
LICENSING
GUYS



From: Lane, Terrie
Sent: 18 February 2022 14:27
To: The Licensing Guys [Licensing
Cc: Nobelyn Fahim; Paul Neades; Jones, Carol
Subject: RE: Lic Rep 24hr Party Drinks 276 York Way

I forgot to attached policy.

From: Lane, Terrie
Sent: 18 February 2022 14:08
To: The Licensing Guys [Licensing]
Cc: Nobelyn Fahim; Paul Neades; Jones, Carol <
Subject: RE: Lic Rep 24hr Party Drinks 276 York Way

Dear Nick,

Further to your email below, I can respond to each question.

1. Yes. I have delegated authority from our Service Director, Public Protection.
2. As a responsible authority we are at liberty to cite any of the licensing objectives as reasons for representations. The Licensing Authority looks at the overall picture. Islington is experiencing serious problems with moped and scooter delivery drivers and we endeavour to minimise any anti-social behaviour, noise or disturbance they may cause. We also recommend that the licensing hours in Licensing Policy 6 for off sales be imposed, 8am to 11pm each day.
3. We support any representations made by the Police licensing team and recommend to the Licensing Sub-Committee that they take the Police and Noise Officers conditions into consideration when making their decision.
4. Planning consent is advisable to be in place prior to an application for a premises licence. Our Licensing Policy outlines the expectations. My representation informs the Licensing Sub-Committee of the current state of play. The Licensing Sub-Committee members and I are aware of the two separate regimes.
5. Islington has a special policy in relation to shops and other outlets selling alcohol for consumption off the premises. As stated in my representation this premises is in a location with several other similar businesses creating an accumulation of alcohol outlets with associated disturbance by motorised deliveries.

On reflection, I do not consider that any of the concerns raised in the representation were addressed in your email below and maintain that the Licensing Sub-Committee determine the application. At present, our Committee hearings are being held remotely, for which you will receive joining instructions. Therefore you will not have to make arrangements for a hearing in London.

Kind regards,

Terrie Lane

Licensing Manager
Public Protection Division
Islington Council
222 Upper Street
London N1 1RX

0207 527 3233
07522 218255

From: The Licensing Guys [Licensing
Sent: 16 February 2022 14:25
To: Lane, Terrie
Cc: Nobelyn Fahim; Paul Neades
Subject: RE: Lic Rep 24hr Party Drinks 276 York Way

[External]

Dear Terrie,

Thank you for early sight of the Representation that you have submitted in respect of our application concerning Unit 2184 Attic in Kings Cross.

I have a number of questions and one observation to make in respect of it, regarding which I would appreciate an early response:

1. Are you, as the Licensing Manager, the appropriate person to be making this Representation of the Licensing Authority acting as a Responsible Authority in compliance with s9.13-19 (and in particular 9.17 and 9.18) of the s182 Guidance issued by the Secretary of State? If not, who is, please and why has that person not made the representation? Please also confirm your role in this process.
2. We have already agreed the Prospective Conditions regarding this application with Mr FORD who is appropriate lead for the relevant Responsible Authority as Environmental Pollution Manager. Why then do you seek to go 'above their head' and insist upon a condition regarding the use of internal combustion engine driven vehicles only, please? Further do you consider that this part of your representation is compliant with s9.15 of the s182 Guidance?
3. Likewise, we have already agreed the Prospective Conditions regarding this application with PC LIVERMORE who is appropriate lead for the relevant Responsible Authority as Police Licensing Manager, in similar circumstances as Point 2 above? Similarly, do you consider that this part of the representation is compliant with s9.15 of the s182 Guidance?
4. You object to the application on grounds that it does not accord with Planning Policy. However, Planning is not a material consideration in any Licensing Decision and is therefore not relevant and no reason to refuse an application. The applicant is fully aware

that in the event of a grant, and before she could lawfully trade under the Premises Licence, she will have to comply with any existing Planning requirements or seek any appropriate amendment. The two processes are independent of each other and neither overrides the other. As the matter simply does not go to any Licensing Objective, can you explain your rationale for raising it as grounds to oppose the grant, when it cannot be properly taken into account by the Committee, please?

5. You also raise Cumulative Impact as a reason to object to the grant of this Licence, and opine that we have done nothing to address our minds to the import of this Policy in submitting the application. However, we respectfully enquire as to the relevance Cumulative Impact to this application. Indeed, we have addressed it in that we will only deliver to verifiable addresses and will not deliver to public spaces. As there will be no anticipated consumption in the street, we therefore maintain that this proposed operation is incapable of affecting any Cumulative Impact issues in the locality. Indeed, it may have a beneficial effect as it will remove alcohol from being carried through the public realm by its intended consumers having purchased it from other off licenced premises. Can you therefore explain your rationale for raising it as grounds to oppose the grant, please?
6. Lastly, we make the observation that any Policy is simply that. Policy is not Law and therefore 'does not bind' and it may be departed from in appropriate cases.

I have searched your website for a copy of the current Statement of Licensing Policy re CI and any CIA but have not found it in the 'Useful Documents' section where the site says it should be. Consequently, may I request an electronic copy at your earliest convenience, and I reserve the right to make further comment or raise further questions when I have had such sight of it/them.

If you could find some time to respond to Points 1-5 at your earliest convenience, please, then I would be very obliged.

If upon reflection, you decide that your concerns have been addressed through this communication, then an early indication of the withdrawal of your Representation would be appreciated, as I will otherwise have to make the necessary arrangements for a Hearing in London.

Kind Regards

Nick SEMPER

Director at The Licensing Guys Ltd

W: 01432 700024

M: 07890 105387

licensing@thelicensingguys.com

the
LICENSING
GUYS



From: Lane, Terrie

Sent: 14 February 2022 13:48

To: Williams, John; Licensing

Cc: The Licensing Guys [Licensing]

Subject: Lic Rep 24hr Party Drinks 276 York Way

Hi,

LA Rep attached.

Thanks

Terrie Lane

Licensing Manager
Public Protection Division
Islington Council
222 Upper Street
London N1 1RX

0207 527 3233
07522 218255

Conditions in line with the Operating Schedule

1. All staff employed at or by the Premises (including delivery drivers) shall undergo a Training Package consisting of:
 - (a) Promoting the Licensing Objectives;
 - (b) The conditions of this Premises Licence;
 - (c) Challenge 25 and the Premises' age verification policy;
 - (d) Underage sales prevention;
 - (e) Vulnerability and CSE; and
 - (f) Responsible sale of alcohol.The Training Package (a-f) shall be updated and repeated every 6 months.
2. Any new staff employed at or by the Premises (including delivery drivers) shall undergo the Training Package (a -f) before being authorised to sell or deliver alcohol
3. All staff in receipt of the Training Package (a -f) shall sign a training record to confirm that they have received and understood the training. A copy of the training record shall be kept at the Premises and made available on request to Responsible Authority officers.
4. The Premises Licence Holder shall develop and maintain an Alcohol Delivery Policy. A copy of the Alcohol Delivery Policy shall be kept at the Premises and made available on request to Responsible Authority Officers.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by Responsible Authority officers at all times whilst the Premises is open.
6. Deliveries of alcohol shall only be made to a verifiable address.
7. Deliveries of alcohol to external public spaces shall not be permitted in any circumstances.
8. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
9. A Challenge 25 proof of age scheme shall be operated at the Premises and on delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
10. Where any delivery contains alcohol the delivery driver shall ask the recipient of the package for photographic identification to prove that they are over 18. Acceptable forms of photographic identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
11. Staff shall notify customers requesting a delivery that contains alcohol that they will be required to provide photographic identification proving they are over 18.
12. In relation to online orders the Premises Licence Holder shall ensure that a notice to this effect is displayed on the Premises' website, before the order is confirmed and as part of any order confirmation provided.
13. Where the recipient of any delivery containing alcohol is unable to provide photographic identification to prove that they are over 18 the delivery driver shall withhold the alcohol part of the delivery.

14. Where the recipient of any delivery containing alcohol is unable to provide photographic evidence the delivery driver shall make an entry in the Premises' refusal register.
15. Itemised records of all deliveries shall be kept at the Premises for a minimum of 31 days. The itemised records shall contain details of the food and drink delivered and the address the items were delivered to. Copies of the records of deliveries shall be made available to Responsible Authority officers on request.28. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by Responsible Authority officers at all times whilst the Premises is open.

Suggested conditions from the Police – Agreed

16. The premises will operate as a delivery only business. The premises will not open to the public and will be used for the dispatch of alcohol and other goods only. There shall be no collection of alcohol by the public from the premises.
17. Alcohol deliveries shall only to be made to business and/or private residences and not to any public/open spaces.
18. ***to replace their document condition 10***
The premises will operate the 'Challenge 25' proof of age scheme.
 - (a) All staff will be fully trained in its operation.
 - (b) Only physical production of suitable forms of photographic identification, such as passport or UK driving licence, or a holographically marked PASS scheme cards, will be accepted. A screenshot or digital document copy will not be sufficient.
19. All sales of alcohol arising from a [telephone/App/website] order for delivery must be paid for by debit or credit card. An alcohol verification sticker shall be applied to the delivery package so that alcohol can be easily retrieved by the delivery person to prevent an illegal sale. Details of the order (including the type, amount of alcohol, name, and address of the customer) must be included with the order. The details shall be shown on the printout receipt dispatched with the order. All delivery drivers and riders must allow any Police Constable or Local Authority Officer to inspect any alcohol or order details on request.
20. Any website or app from which customers can order drink to be delivered to a home address will contain a message to the effect that alcoholic products can only be purchased by persons who are over the age of 18 years, and that identification will be requested when the alcohol is delivered. Any website or app shall reference the Challenge 25 age verification policy.
21. Regarding any off sales for delivery, made by way of telephone/internet/app orders, the following will be adhered to:
 - (a) Couriers will be trained on relevant aspects of the Licensing Act 2003 including underage sales, sales to a person who is drunk, obtaining alcohol for a child or a person who is drunk and delivering alcohol to someone under the age of 18. The licensee shall ensure that any delivery service employed to facilitate the delivery of alcohol has an adequate proof of age scheme in place, such as Challenge 25, to be undertaken at the point of delivery to any customer.
 - (b) Any person taking an order for the supply of alcohol on behalf of the premises licence holder will in for all customers that proof of age by way of photographic driving licence, passport or a form of identification with the PASS hologram will be required at point of delivery before alcohol is supplied.
22. The licensee shall practice best endeavours to ensure that no internal combustion engine vehicles are used for local deliveries from the premises.
23. If internal combustion engine vehicle are used for deliveries, the licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises .The premises will operate a no idling policy

24. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service and officers of the Police.
25. 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. A direct telephone number for the manager at the premises shall be publically available at the times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
26. The licensee shall endeavour to secure and supply any CCTV requested by relevant authorities from the site operator for the premises and make available to the police or other authorised officer on receipt of a request .Downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to the Data Protection Act requirements) within 24 hours wherever possible.
27. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, will record:
 - (a) Any requests for CCTV;
 - (b) Any visit by a relevant authority or emergency service and
 - (c) Any refusal of the sale of alcohol.

Suggested conditions from Islington's Noise Service – Agreed

28. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
29. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
30. The delivery of licensable goods to the premises shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No deliveries of licensable goods to the premises shall be made on a Sunday or Bank Holiday.
31. The premises will operate a no idling policy for deliveries to the premises.
32. The licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises.
33. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address.
34. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.

