

Public Protection/Licensing
222 Upper Street, London
N1 1XR

Report of: Director of Public Protection

Meeting of: Licensing Sub-Committee

Date: 23/08/2022

Ward(s): Holloway

Subject:

PREMISES LICENCE NEW APPLICATION

Re: Cheatmeals, Commercial Unit, 367
Holloway Road, Islington, London, N7 0rn

1. Synopsis

- 1.1. This is an application for a new premise licence under the Licensing Act 2003.
- 1.2. The premises is currently unlicensed
- 1.3. The new application is to allow:
 - The provision of late night refreshment on Sunday to Thursday to midnight and Friday and Saturday to 1am the day following.
- 1.4. Relevant Representations:

Licensing Authority	Yes
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Metropolitan Police	No Conditions agreed in consultation
Noise	No Conditions agreed in consultation
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Two
Other bodies	No:

2. Recommendations

- 2.1. To determine the application for a new premises licence under Section 17 of the Licensing Act 2003;
- 2.2. These premises are located in the Holloway Road and Finsbury Park Cumulative Impact Area therefore the Licensing Sub-Committee will need to consider Licensing Policy 3, which states that there is a presumption of refusal unless the Sub-Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.
- 2.3. If the Licensing Sub-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 Licensing Sub-Committee to promote the four licensing objectives.

3. Background

- 3.1. This is an application for a premises licence to provide late night refreshment.
- 3.2. This original application was to provide late night refreshment on Monday to Sunday until 02:00 the day following. These hours were amended following representation from the Council Noise Team and the Police Licensing Team.

- 3.3. In addition the premises agreed to additional conditions from both responsible authorities these are now contained in appendix 3.
- 3.4. The application is subject to three representations from the Council Licensing Authority and two local residents these are contained in Appendix 3.

4. Implications

4.1. Financial Implications

- 4.1.1. The Head of Finance reports that the applicant has paid the application fee of £190. Should the application be refused, the fee is not refundable.

4.2. Legal Implications

- 4.2.1. The legal implications are set out in Paragraph 2.
- 4.2.2. Legal advice will be provided at the meeting of the Licensing Sub-Committee as necessary.

4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

- 4.3.1. The Licensing Sub-Committee need to consider the impacts that that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

4.4. Equalities Impact Assessment

- 4.4.1. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.
- 4.4.2. An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Premises Licence application under the Licensing Act 2003.

4.5. Planning implications

- 4.5.1. The Council Planning Service have advised that Planning permission was granted on 25 July 1966 for the use of the property as a restaurant with a new rear extension (ref:- TP/10392)
- 4.5.2. There were no planning conditions restricting the opening hours of the premises therefore providing the restaurant remains the primary use of the property, then there is no objection

5. Conclusion and reasons for recommendations

5.1. That the Licensing Sub-Committee determines this application.

Appendices:

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premises location.

Background papers:

- None.

Final report clearance:

Signed by:



Service Director Public Protection and Regulatory Services

Date: 12 August 2022

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Suggested conditions of approval consistent with the operating schedule

1. No consumption of food allowed on the premises during late night refreshment hours.
2. No children allowed on the premises during licensable hours.

Conditions proposed by the Metropolitan Police

3. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
 - The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request
 - The police must be informed if the system will not be operating for longer than one day of business for any reason
 - One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
 - The system will provide coverage of any exterior part of the premises accessible to the public
 - The system shall record in real time and recordings will be date and time stamped
 - Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and
 - At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.
4. Clear and prominent signage shall be displayed at the premises highlighting:
 - (a) 'CCTV in Operation'.
 - (b) 'Residential Area: Please be respectful of our neighbours and leave quietly'.
5. An incident log shall be maintained at the premises, and made available to the Police or any authorised officer upon reasonable request. All entries will include time/date/name of person making entry. Said log will record the following;
 - (a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder either in or directly outside the venue
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
6. In the event that any assault or serious crime is (or appears to have been), committed on the premises, the management shall immediately ensure that;
 - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

(b) All safe and practicable steps are taken to apprehend any suspects pending the arrival of the police;

(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police.

Conditions proposed by the Council's Noise Service

7. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties
8. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any further recurrence of that nuisance.
9. The outside of the premises shall be regularly monitored to ensure that noise levels from patrons do not cause a nuisance to any nearby residents
10. The licensee shall practice best endeavours to ensure that no internal combustion engine vehicles are used for deliveries from the premises.
11. If internal combustion engine vehicles are used for deliveries from the premises, the licensee shall ensure that drivers do not park or loiter in the vicinity of residential premises.
12. The premises will operate a no idling policy.
13. 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.