

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 January 2016		Caledonian

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE VARIATION APPLICATION
RE: 292 CALEDONIAN ROAD, LONDON N1 1BA**

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The premises currently holds a licence allowing:
 - The provision of late night refreshment, Mondays to Sundays from 23:00 until 01:00;
 - Opening hours Monday to Sunday from 11:00 until 01:00
- 1.3 The variation application is to:
 - To increase the terminal hour for the sale of late night refreshment until 04:00 for delivery only. The closing time of the premises will remain as 01:00 to customers.

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: One letter signed by five residents of three flats, from the same property address
Other bodies	Yes: Planning

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

4. Planning Implications

- 4.1 The Planning Department have confirmed that this property was granted planning permission for a café/take away/restaurant (A3) on 08/10/96 and that it appears to have been used as such since that date. However they quote Condition 2 which states: The use shall not operate except between the hours of 08.00 and 23.30 on any day.
- 4.2 The Planning Team confirm the current hours are contrary to Condition 2 and any variation to the permitted hours would require planning permission to vary the condition. The proposed hours would not be acceptable due to the fact that there is residential accommodation above and surrounding the subject site. The Planning & Development section object to the proposed extension of hours for delivery.
- 4.3 The Planning Department further confirm there are currently no outstanding planning enforcement investigations in relation to this site.

5 Recommendations

- 5.1 To determine the application for a variation of the premises licence under Section 34 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 5)
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 5)

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

22.12.15
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

Appendix 1

WK/201604603

Handwritten notes: CJ OK? 11/11/15

Application To Vary A Premises Licence 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.

~~1/1/16~~ JAHANZED SHERZAD
(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/15169-020915

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>292 CALEDONIAN ROAD</u> <u>ISLINGTON</u> <u>LONDON</u>			
Post town	<u>ISLINGTON</u>	Post code	<u>N1 1BA</u>

Telephone number at premises (if any)	<u>020 7607 4646</u>
Non-domestic rateable value of premises	<u>£ 4301 - 00</u>

COMMERCIAL/LICENSING
12 NOV 2015
PUBLIC PROTECTION DIVISION
222 UPPER ST LONDON N1 1XR

TOTAL £190.

ISLINGTON COUNCIL LICENSING	
Date	<u>12/11/15</u>
Fee Paid	<u>89</u>
Reference Number	<u>000997</u>
Receipt Number	<u>49656</u>
Received By	<u>JW</u>

Date	<u>12/11/15</u>
Fee Paid	<u>101</u>
Reference Number	<u>001003</u>
Receipt Number	<u>49657</u>
Received By	<u>JW</u>



ISLINGTON

Part 2 – Applicant details

Daytime contact telephone number		07 823 77 6838	
E-mail address (optional)			
Current postal address if different from premises address		743-745 HIGH ROAD, LEYTON, LONDON	
Post Town	LEYTON	Postcode	E10 5AR

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not do you want the variation to take effect from

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The current premises licence allows the sale of Pizza and Pasta from 11AM to 1AM. I now wish to extend the time for delivery only from 1 AM to 4AM and therefore wish to vary the licence. The purpose of the extension of time will be to take Phone/Online orders and make delivery accordingly. During these times the shop will be closed to the public and order only accepted via telephone or online

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11 AM	4 AM	Please give further details here (please read guidance note 3) <i>We run a Pizza takeaway business and would like to extend the time from 11 AM to 4 AM for the purpose of taking Phone/online orders and making delivery accordingly</i>		
Tue	11 AM	4 AM			
Wed	11 AM	4 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	11 AM	4 AM	N/A		
Fri	11 AM	4 AM	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 (please read guidance note 5)		
Sat	11 AM	4 AM			
Sun	11 AM	4 AM	N/A		

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			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 5)	

N

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 8)

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0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) <i>We wish to extend the time for delivery from 1 AM to 4 AM. During this time the shutters of the shop will be down.</i>
Day	Start	Finish	
Mon	11 AM	1 AM	
Tue	11 AM	1 AM	
Wed	11 AM	1 AM	
Thur	11 AM	1 AM	
Fri	11 AM	1 AM	
Sat	11 AM	1 AM	
Sun	11 AM	1 AM	

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 (please read guidance note 5)
N/A

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Security cameras are present at the premises at all times. We deal with the sale of Pizzas, and on that basis no harmful substances are sold on the premises.

b) The prevention of crime and disorder

Security cameras and shutters are in place at the premises. At least 2 employees will be present at the premises at all times as an additional deterrent.

c) Public safety

Fire fighting equipment is readily available. Fire ~~exits~~ exits will remain clear at all times and security cameras and shutters are in place.

d) The prevention of public nuisance

Anyone looking to cause nuisance or being disruptive will not be served and asked politely to leave. We must however note that the majority of our business is Home delivery of Pizzas.

e) The protection of children from harm

There are no harmful substances or foods served at our Pizza Shop. Children are generally not served without being accompanied by an adult.

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>[Handwritten Signature]</i>
Date	<i>9 - 11 - 15</i>
Capacity	<i>Solicitor</i>

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

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Post town		Post code	
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

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**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	[REDACTED]	Date of original grant*	23 December 2014
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description 292 CALEDONIAN ROAD			
Post town	London	Post code	N1 1BA
Telephone number	020 7607 4646		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor

- The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

- The provision of late night refreshment:

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

The opening hours of the premises:

Monday	11:00	to	01:00	the following day
Tuesday	11:00	to	01:00	the following day
Wednesday	11:00	to	01:00	the following day
Thursday	11:00	to	01:00	the following day
Friday	11:00	to	01:00	the following day
Saturday	11:00	to	01:00	the following day
Sunday	11:00	to	01:00	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Not Applicable

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

Jahanzed Sherzad

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

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

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

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

Annex 1 - Mandatory conditions

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

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

Annex 2 - Conditions consistent with the Operating Schedule

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
2. Two employees shall be present at the premises at all times.
3. Appropriate firefighting equipment shall be installed and maintained.
4. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
5. Staff shall refuse service to disruptive customers and ask them to leave quietly.
6. Children shall not be served during the licensable hours from 23:00 to 01:00.
7. The premises shall operate as a takeaway style premises from 23:00 to 01:00.

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

Annex 4 – Plans

Reference Number: WK/201467888 Date 24 November 2014

RE: Licensing Act 2003-Premises Licence Application Variation
Address: 292 Caledonian Road, London, N1 1BA

We are writing to oppose the above proposed variation to the current Licence.

We are all residents of three distinct flats located [REDACTED] at [REDACTED] Caledonian Road and have joined together in order to voice our concerns at this Licence Application Variation.

Firstly, there is a situation with regard to an extractor fan used by the pizza premises at number 292. The management is aware of this situation and its impact on the vicinity. The extractor fan produces a very loud vibratory rattling sound when it is switched on. During warmer times of the year the extractor fan can be switched on virtually without interruption. We as neighbours have already been putting up with this disruption during late hours given that these premises are already licenced until 1am. We do not feel it would be unreasonable to state that this present state of affairs is already antisocial and a public nuisance to the vicinity, especially during the late hours.

The management of the premises has stated that there is no way round this particular extractor fan-flue. However, we feel that there may be issues surrounding the maintenance and/or suitability/functionality of this particular extractor fan-flue in comparison to the extractor fan systems used by other similar premises. In this case it is clearly at the extreme end of the spectrum versus the faint humming sound one also encounters.

An extension of the opening hours until 4am daily would be clearly unacceptable to us and have deleterious consequences on the immediate vicinity impacting on our quality of life and sleep.

Secondly, more generally, we feel that approving this variation is not in keeping with this stretch of the Caledonian Road or indeed in comparison with other livelier and busier areas of Islington and London. Other premises offering similar services do not stay open until 1am on this stretch of the road. We do not feel that making an exception or creating a precedent in this case is justified.

Additionally, we feel that supporting this variation may in practice lead to the impression that the premises are open as usual for collection. Not only would we have to contend with late night scooter noise but there is a real risk that the premises would attract attention from late night punters loitering in the vicinity and/or causing disorder.

We very much hope that these comments will be carefully considered.

[REDACTED]

Jones, Carol

From: Dallas, Zarene
Sent: 19 November 2015 10:47
To: Licensing
Subject: LN/15169 - 020915 - Premises Licence Variation: 292 Caledonian Road. N1 1BA
Attachments: PP 961101.pdf

The Planning & Development section have the following comments to make in relation to the attached licensing application:

This property was granted planning permission (Ref:961101 attached for your information) for a café/take away/restaurant (A3) on 08/10/96 and appears to have been used as such since that date. However I bring your attention to Condition 2 which states: The use shall not operate except between the hours of 08.00 and 23.30 on any day.

The current hours are contrary to Condition 2 and any variation to the permitted hours would require planning permission to vary the condition.
The proposed hours would not be acceptable due to the fact that there is residential accommodation above and surrounding the subject site. The Planning & Development section object to the proposed extension of hours for delivery.

There are currently no outstanding planning enforcement investigations in relation to this site.

Please note that these comments are based solely on the information provided on the licensing application form and do not constitute a guarantee that planning permission is not required. If the applicant requires formal confirmation that no planning permission is needed for the activities described in the licence application, they are recommended to submit an application for a certificate of lawfulness under Sections 191-2 of the Town and Country Planning Act 1990 (as amended).

Kind regards

Zarene Dallas
Planning Enforcement Officer

Planning Service
Planning & Development
Environment & Regeneration
Islington Council
Municipal Offices, 222 Upper Street, London, N1 1YA
Tel: 0207 527 8059
Fax: 0207 527 2731
www.islington.gov.uk

Any advice is without prejudice and subject to the formal decision-making process of the Local Planning Authority.

From: Cheqrouni - Kettani, Salah
Sent: 16 November 2015 10:36
To: Licensing

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 69(1)
REGISTER OF PLANNING DECISIONS

COPIES TO: Head of Building Control; Head of Law (Land Charges)
Case File; Statutory Register

STATUTORY REGISTER COPY
Full Planning Application

LONDON BOROUGH OF ISLINGTON
PLANNING CONTROL SERVICE
P.O. BOX 3333
222 UPPER STREET
LONDON N1 1YA
Telephone: 0171 477 2774

MR HUSEYIN GUZEL
10 WOODWILLE ROAD
LONDON
N16 3NA

Your ref:
Our Ref : 3220A/AR
Application No: 961101

Issue Date : 08/10/1996

Particulars of an application made under the Town and Country
Planning Acts and Rules, Orders and Regulations made thereunder.

BOROUGH COUNCIL'S DECISION: Planning Permission GRANTED on the
08/10/1996 for the development referred to in the undermentioned
schedule, as shown on the plans submitted, subject to the
conditions referred to.

SCHEDULE

Date of Application: 21/06/1996. Submission Completed: 03/09/1996

Applicants Plan No(s): SEE PROPOSAL

Registered no(s) : 11012

LOCATION: 292 CALEDONIAN ROAD, N1

DEVELOPMENT: Change of use to cafe/take away/restaurant (A3), new
shopfront, two storey rear extension, erection of external
flue and conversion into two 1-bedroom flats on first and
second floors.

APPLICANT'S PLAN NOS.: 24.96/02 and applicant's letter
dated 31.08.96

SUBJECT TO THE FOLLOWING CONDITIONS:

1 CONDITION: The development hereby permitted shall be begun
not later than the expiration of five years from
the date of this permission.

REASON: To comply with the provisions of Section 91(1)
of the Town and Country Planning Act 1990.

2 CONDITION: The use shall not operate except between the
hours of 08.00 and 23.30 on any day. *

REASON: To ensure that the proposed development does
not prejudice the enjoyment by neighbouring
occupiers of their premises.

3 CONDITION: Full particulars and details of a scheme for
sound insulation between the ground and first
floor shall be submitted to and approved in
writing by the Local Planning Authority, and
the approved scheme shall be installed before
commencement of the use hereby permitted, and
permanently retained thereafter.

REASON: To protect the amenities of the occupiers of residential accommodation.

4 CONDITION: The rear extension shall be built in bricks matching the bricks of the existing building.

REASON: To ensure the satisfactory appearance of the building.

5 CONDITION: Detailed drawings of all new windows and joinery details, shall be submitted to and approved by the Local Planning Authority prior to installation. The existing windows on the front elevation at first and second floor shall be replaced by double-hung timber sashes, of 6 panes over 6 panes design, prior to the completion of the development.

REASON: To ensure the satisfactory appearance of the building.

6 CONDITION: Detailed drawings of the proposed shopfront (at a minimum scale of 1:50) shall be submitted to the Local Planning Authority for approval prior to installation, which shall include reproduction corbels at either end of the fascia and which shall be incorporated as part of the final shopfront.

REASON: To ensure the satisfactory appearance of the building.

7 CONDITION: The development hereby approved shall be completed in all respects in accordance with the plans and details submitted and approved, and no change therefrom shall take place without the prior and express permission of the Local Planning Authority.

REASON: To ensure that the Authority may be fully satisfied that the detail of the proposal to which it gives planning permission is implemented exactly, because of the nature of the development.

8 CONDITION: The roof area of the extension shall be used as a means of access between the residential accommodation and ground level only, and shall not be used as an amenity or sitting out space of any kind whatsoever.

REASON: To avoid overlooking of the neighbouring properties.

9 CONDITION: Full details of the design and appearance of external ventilation duct shall be submitted for approval to the Local Planning Authority prior to its installation and the duct shall be painted in a colour to match the buildings brickwork and maintained in that colour thereafter.

REASON: To ensure the satisfactory appearance of the building.

10 CONDITION: Adequate access for people with disabilities, and for people with double buggies, shall be provided as shown on the drawings; and no alterations to ramps, steps, doorwidths, etc. which would prejudice this shall be carried out without further permission from the Local Planning Authority.

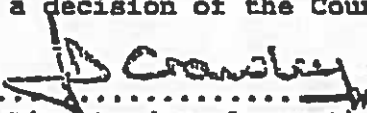
REASON: To ensure that the premises can be used by people with disabilities or those with double buggies.

11 CONDITION: The WC facilities shown in the approved plans for the benefit of people with disabilities shall be to wheelchair standards set out in BS 5810 and shall be provided and maintained to the satisfaction of the Local Planning Authority.

REASON: To ensure that the building can be used by people with disabilities.

INFORMATIVE(S) (IF ANY);

Certified that this document contains a true record of a decision of the Council.

Signed..... 
Assistant Director (Development) Technical and Environmental Services and proper officer

REG1FAC

Suggested conditions of approval consistent with the operating schedule

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
2. At least two employees shall be present at the premises at all times.
3. Appropriate firefighting equipment shall be installed and maintained.
4. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.
5. Staff shall refuse service to disruptive customers and ask them to leave quietly.
6. Children shall not be served during the licensable hours from 23:00 to 01:00.
7. The premises shall operate as a takeaway style premises from 23:00 to 01:00.



Title : 292 Caledonian Road

Islington Borough Boundary

Printed by :
RO RO

Printed at :
16-11-2015

ISLINGTON

25 Meters
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