



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 th January 2016		St. Peter's

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

Subject: PREMISES LICENCE NEW APPLICATION
RE: PALMERA OASIS, 332 ESSEX ROAD, LONDON, N1 3PB

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 provision of Late Night Refreshment, Sundays to Thursdays from 23:00 until 01:00 the following day and Fridays & Saturdays from 23:00 until 03:00 the following day; and
 - The premises to be open to the public, Sundays to Thursdays from 12:00 until 01:00 the following day and Fridays & Saturdays from 12:00 until 03:00 the following day.

2. Relevant Representations

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

Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	No:
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.

4. Planning Implications

4.1 None

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.(see appendix 3)

6 Conclusion and reasons for recommendations

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

Background papers:


The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

23.12.15

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

WR/ 201604464



ISLINGTON

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 PROMILE TRADING LTD (PALMERA OASIS)
(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			
332 ESSEX ROAD LONDON N13PB			
Post town	LONDON	Postcode	N13PB

Telephone number at premises (if any)	0207 7046149
Non-domestic rateable value of premises	£ 13 500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| vi. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

JWIL/000062
£190 11.11.15

- 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:

Please tick yes

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

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		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal 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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
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	PROMILE TRADING LTD .
Address	332 ESSEX ROAD LONDON N1 3PB
Registered number (where applicable)	07876444
Description of applicant (for example, partnership, company, unincorporated association etc.)	CO
Telephone number (if any)	020 7704 6149
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
10	11	22015

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

DD	MM	YYYY
1	1	1111

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

We are albanese restaurant at 332 Essex Road.
Extending our opening hours will be a good potential
for our business.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any 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) ☒

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play 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	23/00	01/00	Please give further details here (please read guidance note 3)	
Tue	23/00	01/00		
Wed	23/00	01/00	State any seasonal variations for performing plays (please read guidance note 4)	
Thur	23/00	01/00		
Fri	23/00	01/00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	23/00	01/00		
Sun	23/00	01/00		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

I

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	01.00			
Tue	23.00	01.00			
Wed	23.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	01.00			
Fri	23.00	03.00			
Sat	23.00	03.00	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)		
Sun	23.00	01.00			

J

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

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

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

it is just for selling take away food.

L

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)
Day	Start	Finish	
Mon	23.00	01.00	<p>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)</p>
Tue	23.00	01.00	
Wed	23.00	01.00	
Thur	23.00	01.00	
Fri	23.00	03.00	
Sat	23.00	03.00	
Sun	23.00	01.00	

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 9)

b) The prevention of crime and disorder

We will pass them to the police.

c) Public safety

No music are played.

d) The prevention of public nuisance

We will inform our customers to keep quite in ~~and~~ the premises and while they are leaving.

e) The protection of children from harm

in these house it will be only for take away.

--

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- 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. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	10/11/2015
Capacity	Manager

For joint applications, signature of 2nd applicant 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.**

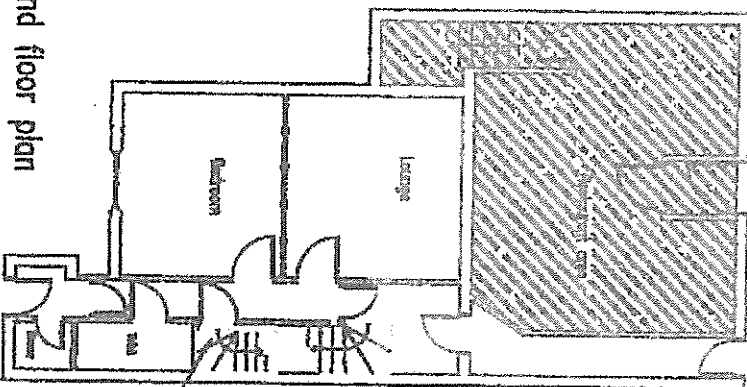
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

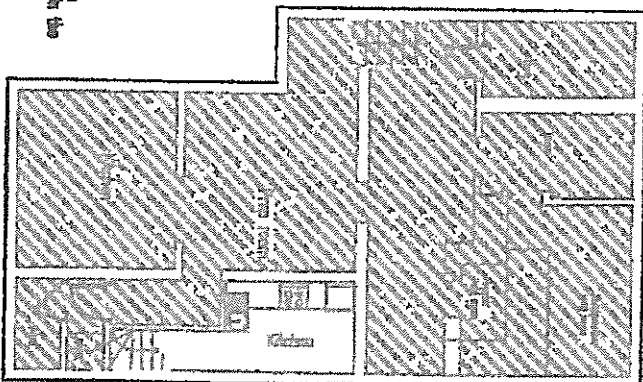
Notes for Guidance

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 consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Ground floor plan



Basement plan



Area included in the lease



Area NOT included in the lease

[Signature]



Deyck Associates Ltd
(Planning, Architectural Designs & Building Construction)
1 Bussell's Parade, Ralston Road South, Dagenham, Essex, RM10 8VJ.
Tel: 0208 593 3923 | Mobile 07983 955 540
Email: dtk@deyckassociates.com | Website: www.deyckassociates.com

Proposed development:
Floor plans for lease purpose

Site location:
332 Essex Road
Islington, NI

Drawing No: 01
Scale: 1:150 @ A4
Date: July 2012

Notes:
Plans are not prepared
for planning purpose

Your New Premises License

Our Licensing/Nl

Date: 9th December 2015



**METROPOLITAN POLICE
SERVICE**

Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204

Email:

Licensingpolice@islington.gov.uk

Date 9th December 2015

Premises at
332 Essex Road
London
N1 3PB

Dear Sir/Madam

Re: New Premises Licence: 332 Essex Road, N1 3PB

With reference to the above application, We are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is a late night refreshments venue and has asked for hours of 2300 – 0100 from Sunday to Thursday and 2300 – 0300 hours Friday and Saturday.

Despite not currently having a licence for Late Night Refreshments this venue has come to the notice of the police a number of times this year, all after 2300 hours at which time the venue should have been closed. On 13th June 2015 Police were called following an argument in the restaurant, a customer was arrested for possession of a knife having chased another customer out. On 17th October 2015 at 2354 hours staff at the shop called saying a female was causing a disturbance and assaulting them. These crimes may well have been avoided should the premises have been closed. Finally, on 21st November 2015 an Islington Council Licensing Officer visited at 0110 hours and once again found them to be open.

The incident on 13th June had its investigation hindered by the CCTV that is currently installed at the venue not working. A lesser charge was taken due to this.

The current management has clearly shown a disregard to the law by opening beyond the hours that they should be. Such management is a concern for the police. Should they be granted a licence would they even adhere to the conditions on it?

It is for these reasons the Police are objecting to this application.

Should the committee be mindful to grant this licence the Police would ask for the following conditions to be added:

Monday – Sunday until midnight

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 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 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed

Yours Sincerely

Nick Pamboris
Steve Harrington
Pete Conisbee

Islington Licensing Officer

Licensing Authority Representation

Licensing Act 2003

Application: Palmera Oasis 332 Essex Road London N1

I am submitting a representation on behalf of the Licensing Authority with respect to the new application to permit late night refreshment until 1am Sundays to Thursdays and 3am Fridays and Saturdays.

The grounds for the representation are:

- Public nuisance
- Crime and disorder
- Public safety

Licensing Policy Considerations

Licensing Policies 1
Licensing Policies 7 & 8
Licensing Policy 10
Licensing Policy 21

Location, cumulative impact and saturation
Hours of Operation
Standards of Management/Operating Schedule
Dispersal Policy

Issues of Concern

Although there is very little detail on the application form it would appear that this is an application for a restaurant, providing a takeaway service, to enable an expansion of its operation to sell hot food until 1am Sunday to Thursday and 3am on Fridays and Saturdays.

It is not clear from the application form if the applicant has considered the Licensing Policy 2013 to 2017 in preparing the application.

The plan attached to the application is unclear, it shows the area covered by a lease but it does not show the proposed licensed area, and generally fails to comply with the legal requirements for plans attached to licence applications.

The premises are not located in a cumulative impact area so there is no presumption that the application should be refused, however the Licensing Committee needs to be satisfied that granting this application will not undermine the licensing objectives.

The Licensing Authority recommends that granting the licence could be consistent with promoting the licensing objectives if the applicant is able to

- Demonstrate commitment of high standards of management to the Licensing Committee at the application hearing
- Agree to the licence conditions listed below

Recommended Conditions

1. The premises shall not be used under this licence until the licence holder has submitted detailed plans for the lower ground floor and the Licensing Authority has approved them in writing
2. A plan of the lower ground floor, in the Standard Scale: 1:100 shall show:
 - a. the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b. the location of points of access to and egress from the premises;
 - c. if different from paragraph b, the location of escape routes from the premises;
 - d. in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
 - e. in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be used for consumption of alcohol;
 - f. fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - g. in a case where the premises includes any steps, stairs, elevators or lifts, the location of steps, stairs, elevators or lifts;
 - h. in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - i. the location and type of any fire safety and other safety equipment; and
 - j. the location of a kitchen, if any, on the lower ground floor.
3. The premises shall not be used for licensable activities until an approved Building Control Inspector has confirmed, in writing, that the premise complies with the current Building Regulations
4. The premises should close at midnight Sundays to Thursdays and 1am on the days following Friday and Saturday
5. Late night refreshments orders should cease 30 minutes before closing time, ie 11.30pm Sunday to Thursday and 12.30am Friday and Saturday
6. The licensee shall display a notice reminding customers to be respectful or neighbours and leave the premises quietly
7. *The premises shall operate as a restaurant with a take away service*
8. *The capacity of the premises will be limited to # and seating shall be provided for # customers*
(NB applicant to confirm numbers based on risk assessment and proposed layout)

Janice Gibbons
Service Manager
Islington Council
Janice.gibbons@islington.gov.uk
02 7527 3212

9 December 2015

Suggested conditions of approval consistent with the operating schedule

1. Customers will be informed to keep quiet whilst inside the premises and when leaving the local area.
2. No recorded music will be played on the premises.

Conditions proposed by the Metropolitan Police

3. The late night refreshment hours are restricted to midnight Mondays to Sundays.
4. 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 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 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed

Conditions proposed by the Licensing Authority

5. The premises shall not be used under this licence until the licence holder has submitted detailed plans for the lower ground floor and the Licensing Authority has approved them in writing.
6. A plan of the lower ground floor, in the Standard Scale: 1:100 shall show:
 - a. the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b. the location of points of access to and egress from the premises;
 - c. if different from paragraph b, the location of escape routes from the premises;
 - d. in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
 - e. in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be used for consumption of alcohol;
 - f. fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - g. in a case where the premises includes any steps, stairs, elevators or lifts, the location of steps, stairs, elevators or lifts;
 - h. in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - i. the location and type of any fire safety and other safety equipment; and
 - j. the location of a kitchen, if any, on the lower ground floor.
7. The premises shall not be used for licensable activities until an approved Building Control Inspector has confirmed, in writing, that the premise complies with the current Building Regulations.
8. The premises should close at midnight Sundays to Thursdays and 1am on the days following Friday and Saturday.

9. Late night refreshments orders should cease 30 minutes before closing time, ie 23:30 Sundays to Thursdays and 00:30 Fridays and Saturdays.
10. The licensee shall display a notice reminding customers to be respectful of neighbours and leave the premises quietly.
11. The premises shall operate as a restaurant with a take away service
12. The capacity of the premises will be limited to # and seating shall be provided for # customers
(NB applicant to confirm numbers based on risk assessment and proposed layout)

Title:
LocalArea&50MetreArea

P dvhuP ds# rorxu

lvdgjwq#E ruxjk#
Erxxgduj

Printed By:
UR #UR

Printed At:
55 04 5 05 3 4 8

