



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 th May 2014	B2	Clerkenwell

Delete as appropriate	Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
Cubana Café Limited, 59 - 61 Charterhouse Street, London EC1M 6HJ

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The application is for a licence to allow:
- the sale of alcohol for consumption on and off the premises: 10:00 to 23:00 on Monday to Sunday;
 - the playing of recorded music: 07:00 to 23:00 on Monday to Sunday;
 - the performance of live music: 12:00 to 23:00 on Monday to Sunday.

2. Relevant Representations

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

Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: two
Other bodies	Yes: one Ward Councillor and one local business

3. Background

3.1 Papers are attached as follows:-

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

3.2 Representations have been received by the Licensing Authority, Noise Team, two local residents, who have not requested anonymity, a local Ward Councillor and a local business. A Police representation has been withdrawn on the basis that the applicants have agreed to the Police's proposed condition concerning the provision of CCTV.

3.3 The initial application submitted was to allow the sale of alcohol from 07:00am, Monday to Sunday, however the applicants have requested that this be revised to from 10:00am, Monday to Sunday.

4. Planning Implications

4.1 The Planning Service has reported that premises was granted change of use to operate as a coffee roasting house and commercial kitchen with a café. The permission is part B1/part A3. The premises does not have A4 (drinking establishment) use in any part. The following condition on hours of use applies: "The use shall not operate except between the hours of 05:00hr and 23:00hr on any day".

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)
- iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

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 6/5/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 **CUSAMA CAFE LTD**..... apply for a premises licence under section 17 of
 (Insert name(s) of applicant)
 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	
59-61 CHARTERHOUSE STREET	
Post town	Post code
LONDON	E21 4 6HA

Telephone number at premises (if any)	<input type="text"/>
Non-domestic rateable value of premises	£ 25,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital 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 Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over 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 Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over 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	CUBANA CAFE LTD
Address	45-46 LOWER MARTIN LONDON SE1
Registered number (where applicable)	3471157
Description of applicant (for example partnership, company, unincorporated association etc)	COMPANY
Telephone number (if any)	020 7928 8778
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	07	2014

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

Day	Month	Year

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

N/A

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

See over

Part 3 Operating Schedule

The premises will contain a coffee roasting operation with a packing area and sales counter. To the rear will be a café, bar, kitchen and bakery. It is situated on the ground floor and basement of a three storey (plus basement) building between Comptoir Gascon and Beduin. The upper floors are rented out as offices.

The building is not listed and has been vacant at ground floor and basement since 2006.

It is proposed for the premises to be open from breakfast until evening.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick yes

Provision of regulated entertainment

- | | |
|--|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" 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 entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

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

In all cases complete boxes N, O and P

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				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						
Sun						

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
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						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<p>Please give further details here (please read guidance note 3)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon	12.00	23.00	Please give further details here (please read guidance note 3) AMPLIFIED LIVE MUSIC TO BE PLAYED: OCCASIONALLY - MONDAY, TUESDAY, WEDNESDAY REGULARLY - THURSDAY, FRIDAY, SATURDAY, SUNDAY	Both	<input type="checkbox"/>		
	NONE						
Tue	12.00	23.00					
	NONE						
Wed	12.00	23.00		State any seasonal variations for the performance of live music (please read guidance note 4) N/A			
	NONE						
Thur	12.00	23.00					
	NONE						
Fri	12.00	23.00			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
	NONE						
Sat	12.00	23.00					
	NONE						
Sun	12.00	23.00					
	NONE						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon	7.00	23.00	Please give further details here (please read guidance note 3) AMPLIFIED MUSIC WILL BE PLAYED AT A VOLUME APPROXIMATE TO A CAFE. NO AMPLIFIED MUSIC OUTSIDE	Both	<input type="checkbox"/>		
Tue	7.00	23.00					
Wed	7.00	23.00		State any seasonal variations for playing recorded music (please read guidance note 4)			
Thur	7.00	23.00					
Fri	7.00	23.00			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	7.00	23.00					
Sun	7.00	23.00					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [X] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoor	
Day	Start	Finish		Outdoor	
Mon			Will this entertainment take place indoors or outdoors or both – please tick [X] (please read guidance note 2)		
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		

Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Sun			

<p>Provision of facilities for making music Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the facilities for making music you will be providing</p>								
			<p>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</p>		<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors		Both	
Indoors											
Outdoors											
Both											
Day	Start	Finish	<p>Please give further details here (please read guidance note 3)</p>								
Mon			<p>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</p>								
Tue											
Wed											
Thur											
Fri											
Sat											
Sun											
			<p>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p>								

<p>Provision of facilities for dancing Standard days and timings (please read guidance note 6)</p>			<p>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</p>		<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors		Both	
Indoors											
Outdoors											
Both											
Day	Start	Finish	<p>Please give a description of the facilities for dancing you will be providing</p>								

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within l or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
				Both
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within l or j at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

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 [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri					
Sat			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					


M


Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	17:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	7:00	23:00		N/A	
Wed	7:00	23:00			
Thur	7:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	7:00	23:00		N/A	
Sat	7:00	23:00			

Sun	7.00	23.00	
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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name..... MAURICIO GONZALEZ

Address..... 

Postcode..... 

Personal Licence number (if known) LN/0000 1075 26

Issuing licensing authority (if known) LACINCA

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)

(This section is crossed out with a diagonal line)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	7.00	23.00	n/a
Tue	7.00	23.00	
Wed	7.00	23.00	
Thur	7.00	23.00	
Fri	7.00	23.00	
Sat	7.00	23.00	
Sun	7.00	23.00	
			Non standard timings. Where you intend to use 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

P

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

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

see over

b) The prevention of crime and disorder

see over

c) Public safety

see over

d) The prevention of public nuisance

see over

e) The protection of children from harm

see over

P

a General – all four licensing objectives

The proposed new enterprise is a coffee-roasting warehouse with storage, roasting and serving of coffee. It will include a light food operation and bakery for mostly off-site, but some on-site, catering. Planning consent was granted in November 2012.

The premises will be operated by Cubana which currently operates a long-established restaurant and bar in Lower Marsh, Waterloo. Cubana, Waterloo serves freshly prepared food and high quality drinks - mostly cocktails made with fresh fruits and juices, as well as fresh fruit smoothies. About 40% of sales are food and 60% drink – much of the drink sale is with food. Food is a central part of the Cubana offer – it is all freshly-prepared from an open kitchen with free-range ingredients – Cubana was one of the first restaurants in the UK to have an all free-range policy in the 1990s.

Of the drink sales in Waterloo, beer and wine consumption is relatively low, forming less than 20% of overall sales – the remainder is cocktails. A very high proportion of Cubana's customers are local people or people who work in the area and female customers predominate. Cubana's policy has always been to run a business where fresh food is available alongside drinks. At Smithfield, the majority of drink sales will be cocktails.

Key objectives are:

- A friendly, relaxed environment with no drunken or rowdy behaviour tolerated inside or outside the premises;
- No tolerance of drug taking or selling inside or around the premises;
- Ensuring an atmosphere where fresh food is available alongside high quality drink at most times;
- Having a strong Health and Safety policy backed up by systemic checks;
- Training staff in all aspects of a safe and orderly premises;
- Keeping good links with the local community;
- Ensuring activities do not impinge negatively on the area.

Cubana is run by two layers of management:

1. A head office, led by the managing director Phillip Oppenheim, which sets key objectives and formulates policy.
2. On-site operating managers who are consulted and run the premises on a day to day basis. The General Manager will be Mauricio Gouveia, working with at least two deputy-managers and two bar managers, a head chef and deputy-chef to ensure the safe and orderly running of the premises within strictly laid down parameters set by the company head office.

In order to achieve our objectives, Cubana's core operating plan involves:

- Weekly meetings involving at least one person from the head office, usually the managing director, along with managers, to discuss and monitor all issues;
- Monthly meetings with all staff, managers and usually the managing director to discuss all issues including training and Health and Safety;
- Staff induction training including a staff aims briefing – all staff to be trained in areas they are responsible for;
- Minimum of weekly checks against a check-list on all aspects of the operation of the premises carried out by a board member, usually the managing director or company secretary;
- At least weekly Health and Safety checks carried out by the General Manager against a Health and Safety checklist, with additional checks by the managing director;
- Capacity limits, fire equipment and all licensing conditions strictly adhered to;

- All manager and staff bonuses are in part dependent on adhering to all conditions and regulatory requirements, with serious or consistent departures by any individual being treated as gross misconduct;
- Spot checks at any time by a head office or board member.

b The prevention of crime and disorder

The style of the premises is designed to minimise crime and disorder through:

- The use of cctv with retention of tapes for 31 days;
- The premises seek a licence for consumption of alcohol in the main in the inside of the premises with only a small outside area which will be closed at 11.00pm;
- All staff undergoes training concerning knowledge of licencing law together with the social impact of the sale of alcohol;
- Food will be served until late;
- Fresh non-alcoholic fruit drinks (juices and smoothies) are available and promoted throughout the opening hours;
- Door supervisors, in compliance with Local Authority requirements, will be employed at set hours;
- Notices will be displayed at exit reminding customers to respect neighbours.

Cubana at Lower Marsh is part of a Licensing Forum which meets regularly with police, Local Authority Licensing Officer and local Residents Associations. All licensing information is included on the Cubana website.

c Public safety

The premises will comply with current legal requirements for fire safety and Health and Safety including periodic risk assessments. People bringing equipment will be required to produce appropriate certificates for technical safety. Health and Safety procedures will take into consideration that customers awareness of risk is lower after consumption of alcohol.

Public transport information will be included on the Cubana website and flyers distributed to customers on exit. Staff will offer information on local authorised taxis.

d Prevention of public nuisance

The premises have only a small outdoor area for clients to consume alcohol or refreshments and this will close at 23.00 pm. Music levels will be monitored and kept to lower levels towards the entrance of the premises. The premises will operate within the required litter/ refuse regulations adopted by the Local Authority and cigarette bins will be provided to the front of the building.

The plans show the area where the musicians will perform from. The outside area is also shown and we confirm that this area will be cleared of tables and chairs from 23.00pm. No drink will be sold for consumption outside the premises after 23.00pm. There will be no music played outside the premises.

e The protection of children from harm

Children will only be allowed on the premises under supervision of parents or authorised persons. Accompanies children will be discouraged after 10 pm, except on special occasions by pre-arrangement (eg family parties). Guests under 18 will not be served alcohol and persons who do not appear to be over the age of 21 will be asked to prove their age. A due diligence policy will be incorporated and full training provided for staff.

Please tick yes

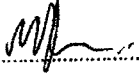
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- 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 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 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

05 MARCH 2014

Capacity

AGENT

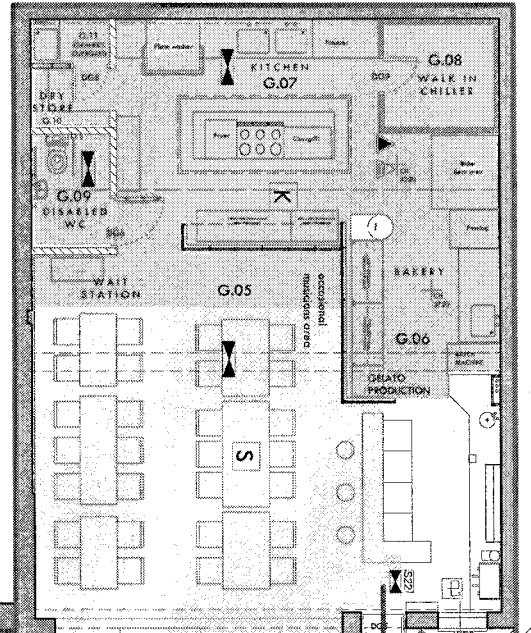
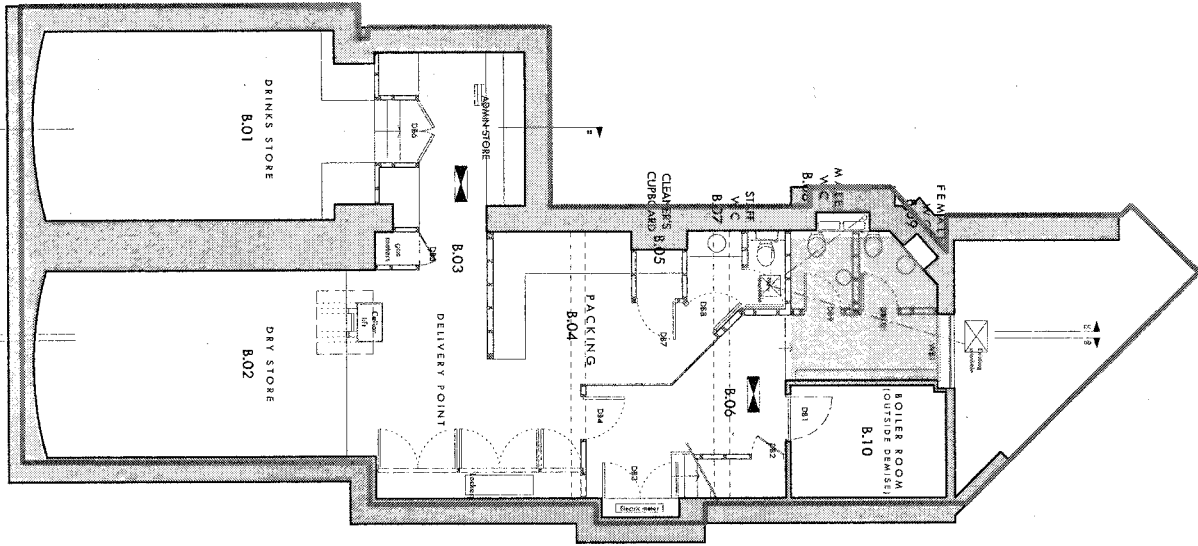
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
MICHAEL JOHNSON NACAN JOHNSON 2 PORTFOLIO PLACE	
Post town LONDON	Post code SE1 8QF
Telephone number (if any) 020 7633 0200	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) Michael & Nacan Johnson.co.uk	



- S20 Sign keep passage clear
- S22 Sign emergency exit
- S17 Sign door kept open when premises are occupied
- Emergency light
- Control panel boundaries and illuminated signals
- Fire alarm call point
- Area covered by smoke detectors
- Area covered by heat detectors
- Water fire extinguisher
- Emergency blanket
- Carbon dioxide fire extinguisher
- Panic bolt
- Simple fastening

area of all licensable activities and consumption of alcohol

kitchen

public conveniences

naganjohnson

2 Fonthrop Place
London SE1 8GF
Tel: 020 7633 0200
Fax: 020 7633 0324
e: studio@naganjohnson.co.uk

Drawn

Checked

Scale 1:100/A3
Date January 2013

No.

external seating area
all tables and chairs will be
cleared away by 11.00pm
no consumption of drinks
after 11.00pm
no music to this area

Mr P Oppenheim
Chatterhouse Street
LONDON

Ground and Basement CHS_L
Plans as proposed 101

**Islington Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority - Public Protection

Your Name	Maxine Morgan
Job Title	Senior Environmental Health Officer
Postal and email address	Pollution Team Public Protection Division 222 Upper Street London N1 1XR
Contact telephone number	020 7527 4241

Name of the premises you are making a representation about	Cubana
Address of the premises you are making a representation about	59 Charterhouse Street EC1H 6HA

***Please detail the evidence supporting your representation. Or the reason for your Representation.
Please use separate sheets if necessary***

To prevent public nuisance

We make a representation with regard to the minimisation and prevention of the risk of noise pollution. The Pollution Team have visited the premises and has considered the current Licensing Policy.

It is noted that the premises is situated in the Clerkenwell Cumulative Impact Area and as such a rebuttable presumption is that where representations are received then applications are normally refused unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives.

Having reviewed the proposal the principal concern is the impact of regulated entertainment on the occupants in the vicinity of the premises. A suitable noise control policy has not been provided.

We object to the granting of the Licence at this time, but the objection to be withdrawn provided the suggested conditions below are accepted. The Council's Technical Criteria for regulated entertainment have been attached below.

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary.</p>	<p>A. Music Noise Control.</p> <ol style="list-style-type: none"> 1. Prior to any regulated entertainment taking place on the premises: <ol style="list-style-type: none"> a. an assessment of the premises sound insulation shall be undertaken and appropriate improvement works carried out, so as to ensure that music noise levels generated on the premises meet the Council's Technical Criteria; and, b. maximum music noise levels shall be agreed. 2. The improvement works and maximum music noise levels shall be approved in writing through the Council's Pollution Team.
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B. Premises Doors and Windows

1. The doors and windows to the premises will be kept closed so far as practicable at times when regulated entertainment is taking place.

C. Notices

1. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise nuisance to local occupants of any properties in the vicinity.

D. Tables and Chairs

1. Tables and chairs to the front of the premises shall be cleared and rendered unusable at, or before, 22:45 on each day of operation.
2. adequate notices shall be displayed to inform patrons of the requirement in 1.; and,
3. any moveable furniture will be fitted with rubber (or equivalent) feet.

E. Smoking Area and Number of Smokers

1. A designated smoking area and number of smokers outside the premises at any one time will be agreed with the Council's Pollution Team.
2. The designated smoking area shall not be used for the consumption of drinks, unless patrons are seated in the tables and chairs area to the front of the premises.
3. Suitable receptacles will be provided for cigarette litter within the designated smoking area.
4. The Premises Licence Holder or nominated person shall supervise and control levels of noise on the smoking area and advise patrons of the need to respect local occupants of any properties in the vicinity where appropriate.

F. Odour

1. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

Signed: Maxine Morgan _____ Date: 10 April 2014

Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031



ISLINGTON

Environment and Regeneration

TECHNICAL ADVICE FOR CONSULTANTS ON SOUND INSULATION AND NOISE CONTROL CRITERIA FOR ENTERTAINMENT LICENSED PREMISES.

- 1.0 Appoint an acoustic consultant registered with the Institute of Acoustics or Association of Noise Consultants with the brief to undertake a thorough acoustic survey of the neighbourhood with regard to noise sensitive premises near the proposed licensed premises. The survey to identify representative existing background and ambient noise levels during all times of operation of the proposed licensed premises, as $L_{A90(1min)(f)}$ and as real time simultaneous $L_{eq(1min)(f)}$ 1/1 octave bands centred on the frequencies 63Hz and 125Hz.
- 2.0 Measurements to be taken 1 metre from the facade of the nearest noise sensitive premises or calculated as for this position from readings taken at appropriate locations. Where the proposed licensed premises share party walls, floor/ceiling partitions or other construction elements with a non-associated noise sensitive premises, then existing background and ambient noise levels as described above shall be measured within those non-associated noise sensitive premises. Where access to such noise sensitive premises is not available, then measurements in similar premises in a similar acoustic environment may be substituted.
- 3.0 Using the results of the acoustic survey, a scheme of sound insulation works and other noise control measures is to be designed for the proposed licensed premises. The objective of the scheme is to ensure that music noise from the proposed licensed premises does not cause undue disturbance or is unreasonably intrusive. The scheme of works and other noise control measures is to be based on predicted minimum internal music noise levels of 95 dB(A) $L_{eq(1min)(f)}$ with 95 dB in the 63Hz and 125Hz 1/1 octave bands within the parts of the premises designated for music and dancing.
- 4.0 The schedule of works should achieve the following

Where there are no shared party walls, floor/ceiling partitions or other construction elements with adjoining non-associated noise sensitive premises.

Where the licensed premises is proposed to operate only between 0700 and 2300 the music noise at all times of operation, shall not cause an increase of more than 2dB in the $L_{A90(1min)(f)}$ when compared with the existing equivalent $L_{A90(1min)(f)}$ without the premises in operation.

At the same times the music noise from the proposed licensed premises shall not cause an increase of more than 3dB, above the real time simultaneous $L_{eq(1min)(f)}$ 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent $L_{eq(1min)(f)}$ (63Hz and 125Hz) taken without the premises in operation.

Where the licensed premises is proposed to operate at any time between 2300 and 0700. the music noise at all times of operation, shall not cause any increase in the $L_{A90(1min)(f)}$ when compared with the existing equivalent $L_{A90(1min)(f)}$ without the premises in operation.

At the same times the music noise from the proposed licensed premises shall not cause any increase in the real time simultaneous $L_{eq(1min)(f)}$ 1/1 octave band sound pressure

level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent $L_{eq(1min)(f)}$ (63Hz and 125Hz) taken without the premises in operation.

Measurements to be taken 1 metre from the facade of the nearest noise sensitive premises. Where access to the facade of non-associated noise sensitive premises is not available, then the above music noise levels 1 metre from the facade of non-associated noise sensitive premises shall be predicted by calculation rather than measured.

Where there are shared party walls, floor/ceiling partitions or other construction elements with adjoining non-associated noise sensitive premises.

At all times of operation the music noise from the proposed licensed premises, within adjoining non-associated noise sensitive premises, shall not cause any increase in the $L_{A90(1min)(f)}$ when compared with the existing $L_{A90(1min)(fast)}$ without the premises in operation.

At the same times the music noise from the proposed licensed premises shall not cause any increase in the real time simultaneous $L_{eq(1min)(f)}$ 1/1 octave band sound pressure level centred on the frequencies 63Hz and 125Hz, when compared with the existing equivalent $L_{eq(1min)(f)}$ (63Hz and 125Hz) taken without the premises in operation.

Where access to adjoining non-associated noise sensitive premises is not available, then the above music noise levels within the adjoining non-associated noise sensitive premises shall be predicted by calculation rather than measured.

Guidance on the determination of existing background A-Weighted L_{90} and ambient L_{eq} 1/1 octave band sound pressure levels.

The existing A-weighted background L_{A90} and ambient L_{eq} 1/1 octave band sound pressure levels referred to above are liable to vary at similar times from day to day. In order to establish representative values for these sound levels you are advised to follow the guidance in BS 4142 : 1997 and BS 7445 : 1991 so as to derive logarithmic mean values, which have a standard deviation as small as possible, based on a representative sample of measurements relating to the hours of the application. The scheme of sound insulation works and other noise control measures is to be designed for the "worst case scenario" of the lowest existing logarithmic mean A-weighted background L_{A90} and ambient L_{eq} 1/1 octave bands (centred at 63Hz and 125Hz), during any time of proposed operation. For example if the premises is proposed to operate in the early hours of Sunday morning and this is when the existing background and ambient noise levels are at their lowest, then equivalent existing background and ambient sound pressure levels at these times are to be used in respect of the above advice.

Where the internal music noise level within the proposed licensed premises shall exceed the minimum internal music noise levels referred to in 3 above, the scheme of works and other measures shall be appropriately adjusted to meet the music noise targets from the proposed licensed premises at or in non-associated noise sensitive premises as stated in above.

- 5.0 Where entertainment noise control devices or automatic volume control systems are permitted they shall be calibrated and set up, to meet the noise control targets in 4. above. The installation of such devices shall take place under the supervision of an acoustic consultant registered with the Institute of Acoustics who will provide a certificate of the completion and verification of the calibration and set up. The initial set up is to be witnessed by Council officers from the Noise Team. An annual check of the effectiveness, with re-calibration where necessary, of the devices shall be undertaken by an acoustic consultant registered with the Institute of Acoustics, who shall provide a certificate of verification of the calibration and set up. Copies of the

certificates of completion and verification of the calibration and set up, both initially and annually, to be provided to the Council's Entertainment Licensing Team within 21 days of the check of effectiveness.

- 6.0** Where entertainment noise control devices or automatic volume control systems are permitted they shall be secured within robust lockable security boxing, or similar, to prevent unauthorised access to and tampering with the controls. Access to the controls is to be restricted to the licensee/s. On no account are DJs, musicians or their sound engineers to have access to the entertainment noise control device or automatic volume control system control
- 7.0** The scheme of sound insulation works and other noise control measures designed for the proposed licensed premises is to be submitted for consideration by the Council before execution. Any licence awarded shall not come into operation until the scheme of sound insulation works and other noise control measures has been undertaken in full and the licensee/s notified in writing of the commencement of operation of the licence.

Noise and vibration information to be included in acoustic consultant's report

Identification of the main sources of noise and vibration arising from the operation of the premises

The following information to be provided for each source:

- continuous or intermittent
- type of emission – aural or vibrational – and its characteristics (for example, impulsive,
- tonal elements or other distinguishing feature such as clatter, hiss, screech)
- the hours of operation
- its contribution to overall site noise emission
- the location of the premises on a scaled map and location plan showing positions of the source

Noise and vibrational sources are those that may have an impact on the local environment and lead to public nuisance. To give explanation, a source could cause an occupational noise issue in an enclosed space, but may be unlikely to cause an environmental noise problem requiring assessment under the Licensing Act. Conversely, a large source or a number of smaller sources enclosed within a building could, for example, cause disturbance if doors are left open. Naturally noise which is not particularly noticeable during the day may become more noticeable at night with lower background noise levels.

Identification of Infrequent sources of noise and vibration

Infrequent noise sources should be considered and reported upon, for example: infrequently operated/ seasonal operations, cleaning/maintenance activities, on-site deliveries/collections/transport or out-of-hours activities, emergency generators or pumps and alarm testing. Information as required for main sources above, for each infrequent source should be provided. Sources of infrequent noise and vibration include, movement of

materials and waste, transportation associated with deliveries and waste (including reversing alarms), loudspeaker address systems, extraction/ventilation and air conditioning.

Identification of noise-sensitive receptors

Typically residential spaces, however parkland and open spaces regularly used by the public should be considered – schools, hospitals and commercial premises *may* be, depending upon the activities undertaken there and any other points/boundaries where conditions have been applied by local authority officers or as part of a planning consent.

In particular the report will provide details, where relevant, of:

The local environment:

An accurate map or scaled plan showing grid reference, nature of the receiving site, distance and direction from the premises boundary.

Any Conditions/limits imposed that relate to other locations (that is, boundary fence or surrogate for nearest sensitive receptor):

any planning conditions imposed by the local authority relating to noise and vibration

conditions imposed by agreements, for example, limits on operating times or music noise limiters

any requirements of legal notices and the like relating to noise and vibration

any complaints received within the past three years by the operator and the outcome of any investigations into those complaints.

The noise environment:

The background noise level, for proposed hours of operation (day/evening/night) L A,90,T

the operational noise level for premises operation (day/evening/night) LA eq,T and

ambient noise level (day/evening/night) LA eq,T ,

vibration data, which may be expressed in terms of the peak particle velocity (ppv) in mm s⁻¹ or the vibration dose value (VDV) in m s^{-1.75}

The noise-sensitive sites may not always be the nearest to the premises. Parklands and open spaces may be noise sensitive by virtue of their use for leisure or similar activities, or if they are designated Sites of Special Scientific Interest or similar.

For noise, the terms used above are given the meaning as defined in BS 4142: 1997 *Method for rating industrial noise affecting mixed residential and industrial areas*. Refer to this for a full description. BS 4142: 1997 also gives advice on the appropriate reference periods.

“Worst case” situations and impulsive or tonal noise should be accounted for separately and not “averaged out” over the measurement period.

For vibration, the appropriate standard is BS6472:1992 *Evaluation of human exposure to vibration in buildings* 1 to 80 Hz.

Details of any environmental noise measurement surveys, noise modelling work or any other noise measurements undertaken relevant to the environmental impact of the installation, identifying:

- the purpose/context of the survey
- the locations where measurements were taken
- the source(s) investigated or identified
- the outcomes

Identify any specific local issues and proposals for improvements.

Describe the current or proposed position with regard to the techniques below or any others that are pertinent to the installation.

Demonstrate that the proposals are best practicable means, by confirming compliance with indicative requirements, by justifying departures or alternative measures.

Licensing Act 2003- Representation from the Licensing Authority
Application: Cubana, 59-61 Charter Street, London EC1

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licensing application for Cubana Café Limited, 59-61 Charterhouse Street, London EC1M 6HA. I understand that the applicant has requested an amendment to their application and now seeks the following the licensable activities:

- Sale of alcohol, for consumption on & off the premises – 10:00 to 23:00 (Mon to Sun)
- Playing of Recorded Music – 07:00 to 23:00 (Mon to Sun)
- Playing of Live Music – 12:00 to 23:00 (Mon to Sun)

The grounds for the representation are:

- Public nuisance
- Crime and disorder

The premises is located within the Clerkenwell Cumulative Impact Policy area. The Licensing Authority is concerned that if this application is granted it will add to the cumulative impact in terms of:

- Street drinking
- Antisocial behaviour
- Litter

Licensing Policy Considerations

Licensing Policy 1 – location, cumulative impact and saturation

Licensing Policy 2 – cumulative impact areas

Licensing Policy 6 – development planning

Licensing Policies 7 & 8- Licensing Hours

Summary and recommendations

The Licensing Authority has considered this application using the Licensing Policy framework, in particular:

- the location of the premises. The premises is located in an area with a high concentration of licensed premises. The area continues to experience problems of antisocial behaviour associated with licensed activity such as litter, noise nuisance from persons arriving to and leaving the area and public urination.
- the style of operation proposed by the applicant. The application describes the enterprise as “a coffee-roasting warehouse with storage, roasting and serving of coffee”, however the application also implies the sale of alcohol will form a substantive part of this enterprise. Without appropriate conditions the premises could operate as an alcohol led, vertical drinking establishment.
- feedback from residents and on-going complaints concerning the impact of licensed premises in the area.
- the type and numbers of customers likely to attend the premises and hours of operation. It is anticipated by the Licensing Authority that the premises will potentially operate as “feeder bar” for later opening venues in the vicinity. As such there is a risk that patrons will be encouraged to consume excessive amounts of alcohol. It is noted that the applicants other venue operates a substantial “happy hour” promotion, offering “2-for-1” selected cocktails and jugs of cocktail between 5 and 7pm, every day of the week. There is no information provided about anticipated numbers, however the plans submitted

show a floor area able to accommodate in excess of fifty persons and therefore the premises cannot be considered small in terms of the licensing policy.

- Planning have confirmed that the permitted use is B1 and part A3 to allow the premises to operate as a coffee roasting house and commercial kitchen, with a café. The premises does not have permission to operate as an A4 (drinking establishment) in any part. The plans submitted with the application show the substantive part of the ground floor being used for consumption of alcohol. It would appear the intended use may be outside the current planning consent.

It is recommended that:

The application be refused for failing to adequately rebut the cumulative impact policy presumption.

If the Licensing Sub-Committee are minded to grant the application, it is recommended that the following additional conditions be considered:

- the sale of alcohol shall be for consumption on the premises only, save for the small outside seating area.
- The vertical drinking of alcohol shall be prohibited on the premises, including the outside seating area.
- the sale of alcohol shall cease at 20:00hrs and no consumption of alcohol permitted on the premises after 20:30hrs.
- the sale of alcohol shall be only served as an ancillary to food.
- customers shall not be permitted to leave with glass vessels.
- Staff shall supervise the outside seating area.
- litter patrols shall be carried out throughout the hours of operation and once the final customers have left to ensure all litter associated with the premises has been cleared from the public highway.
- Recorded music be restricted to between 10:00 and 20:30 hours.

Terrie Lane
Licensing Manager
Licensing Authority
Islington Council
Public Protection Division
222 Upper St
London N1 1XR

15 April 2014

Gallacher, Simon

From: Allan, George
Sent: 02 April 2014 11:28
To: Licensing; LicensingPolice; 'islingtongroup@london-fire.gov.uk'; Issues, Noise; Standards, Trading; Control, Building; Sumpter, Colin; Gibbons, Janice; CSPU Team; Eden, Laura; Neil, Rebecca
Cc: Lane, Terrie; Rolls, Emma; Nash, Rosemary; Envh, Commercial; Gallacher, Simon; Andrews, Raphael; Charalambous, Steph
Subject: RE: Premises Licence Application: Cubana Cafe, 59-61 Charterhouse Street

I write to object to this application.

Cubana is proposing essentially the same formula as that rejected by the Licensing Committee in 2011, but with shorter hours ending at 2300 rather than midnight, 0100 and 0300 as previously proposed.

The applicants were only dimly aware then of the significance of the saturation zone declared in the area, or of the area's particular problems, and unsurprisingly failed to convince the Committee that they met the criteria for a successful grant of an application in such a zone – namely that they would not add to the issues created by licensable activities in the area.

Many of the previous general objections apply to the new application. In particular the premises will add to the number of licensed premises in Charterhouse Street, which I suggest is already well beyond “saturation” point, and thus increase the number of people who have consumed alcohol in the vicinity of all the others, notably Fabric at weekends, with serious consequences for crime and public order.

This brings with it the probability that patrons may wish to attend the premises before going on to Fabric and other premises nearby, or make their way from one bar to another.

A significant number of customers – notably smokers and their companions - may be expected to congregate outside, in Charterhouse Street, adding to the congestion faced by ordinary passers-by, and to the potential for conflict with other alcohol-consuming people in the immediate vicinity. If amplified live music is being played inside, there will also inevitably be patrons attempting to have mobile phone conversations who cannot do so inside the premises. (There is a further potential street problem related to food which I deal with below).

I also question whether the management has appropriate experience of operating in a clubbing area such as Clerkenwell. I note that the application describes the customers of its principal premises in Waterloo as being predominantly female and with a “very high” proportion of local residents and office workers. I believe the two areas, and the make-up of their clientele, would be quite different. It will be a few yards away from Fabric, whose customers are drawn from a very wide area of the UK and indeed continental Europe and who therefore require quite different management. The applicants have again failed to show any understanding of the issues in Charterhouse Street.

In addition, there are specific aspects of this application to which I object.

The Nature of the Operation

The proposal is disingenuously described as a “coffee-roasting warehouse”, but the application is in substance for a bar selling mostly cocktails. This suggests to me that the real nature of the operation is being deliberately concealed.

Looking at the applicants' web site <http://www.cubana.co.uk/> it is clear that its cocktail prices are at the lower end of the scale and are therefore likely to attract, in Clerkenwell, pre-loading drinkers on their way to Fabric and other premises charging higher prices.

It is also possible that it will attract inebriated customers leaving Fabric not long before the daily start of its operations – 7.00am. I am unclear why any premises in the area would need to have a licence to serve alcohol at 7.00am, seven days a week; possibly the applicants are simply unaware of this problem.

Food

There are two related issues.

The first is that it is clear that the consumption of food is optional and that it is, therefore, intended to be a bar with food.

The food on offer however seems to be limited to what the application describes as “ a light food operation and bakery for mostly off-site, but some on-site catering.”

The meaning of this needs clarification but appears to support the view that the food on offer is minimal and hence that the premises will be largely devoted to drinking.

The second is that the applicants might alternatively have a pavement food sales operation – as their principal premises appear to have in Waterloo. This would further contribute to the general congestion and provide yet further opportunities for conflict in the vicinity. This is perhaps what the reference to “off-site” catering in the application is intended to mean.

I therefore ask that the application is rejected.

George Allan
Liberal Democrat Councillor
Clerkenwell Ward
London Borough of Islington
www.islington.gov.uk

Licensing Act 2003 representation

Should you wish to comment on the licence application this form to help you. Please feel free to attach additional sheets.

You do not have to make any comment, and comments may be made in support of as well as against the application, providing they refer to one or more of the licensing objectives (please see the guidance notes for further advice).

Premises Name and address

CUBANA, 59-61 CHARTERHOUSE STREET, LONDON EC1M 6HA

Your Name: [REDACTED]

Interest: [REDACTED]

(E.g. resident, business, TRA Chair, Councillor, solicitor)

Your Address [REDACTED]

Email: [REDACTED]

Telephone: [REDACTED]

Please comment on the licensing objectives below relevant to your concerns or observations, you may also wish to include suggestions how your concerns could be addressed:

Public Nuisance

Our business, a brand consultancy and market research firm, employs 50 people and occupies the major part of this building [REDACTED]. Therefore the proposed licensing application for the ground floor/basement has a direct and negative impact on our amenity.

We have already experienced significant noise and disruption to the business in the early evenings when the existing bar (Beduin) opens, and sometimes in the afternoons too. We have lost at least one client as a result of this.

An important part of our business involves evening work. For example, there are meeting rooms and offices directly above the existing (Beduin) bar and the new proposed (Cubana) bar. And as an international business staff and clients are often in the office up to midnight.

We believe that saturating the building with an extra bar will be significantly disruptive to our business because:

1. Noise levels within and around the building will become even more unacceptable than they already are, and over a longer period (for example, if the new Cubana bar is open at lunchtimes as well as in the evening).
2. We will, for example, be unable to conduct evening focus groups on site, leading to significant financial loss to the business because of the need to pay for external venues.
3. Daytime meetings may also be equally significantly impacted.
4. This is especially true if any music license is to be considered.
5. Two bar frontage areas will mean a significant increase in the number of people milling around what is still predominantly an office building.
6. This will further increase noise levels on the upper floors, as well as being disruptive generally to our amenity.
7. Crowds outside have sometimes proven intimidating to clients and staff, who have reported a number of incidents on their way in and out of the building.
8. A further bar will increase the potential for nuisance incidents.

9. In addition, there is proposed to be a shared entranceway/fire escape with our office and it is our belief that this will also lead to increased security risks for our business.
10. There is also the question of the mess that is left behind on the streets in the morning. We are a professional brand consultancy and need to present a pleasant façade to clients.
11. With likely extra litter, broken glass, cigarette butts and so on, we believe this will only add to the nuisance value of the new proposed bar.

This application also falls within the saturation zone.

Licenses were **refused for these premises in May 2011**, for a 200-seat Cuban-themed bar/restaurant/ takeaway - we assume this is simply the same application in a different form.

Our business has a right to the quiet enjoyment of our premises, and the proposed license entails an increase to nuisance and direct loss of amenity. It will negatively impact our ability to carry on our business in the way we need to.

We argue that this licensing application should be declined on these grounds.

Crime and Disorder

The area already has a large number of bars and the potential for further drunkenness and disorder as a result of yet one more seems clear.

1. Two bar frontage areas will mean a significant increase in the number of people milling around what is still predominantly an office building.
2. This has already been proven intimidating to clients and staff.
3. A number of confrontational incidents have been reported as people enter or leave the offices.
4. A further bar is likely to increase the number of potential incidents.
5. In addition, there is proposed to be a shared entranceway with the Truth office and we argue that this will lead to increased security risks for our business.
6. There have already been various incidents of individuals trying to gain entrance to our offices.

It is our strong belief that the area is saturated with licensed premises already, attracting significant potential for disorder. Larger numbers of such premises and people can only create more problems.

We argue that this licensing application should be declined on these grounds.

Protection of Children from Harm

No comments.

Public Safety

As earlier noted, the area already has a large number of bars and the potential for further drunkenness and disorder as a result of adding to their number seems clear.


1. Two bar frontage areas will mean a significant increase in the number of people milling around what is still predominantly an office building.
2. This has already been proven intimidating to clients and staff.
3. A number of confrontational incidents have been reported as people enter or leave the offices.
4. A further bar is likely to increase the number of potential incidents.

Whilst our primary concern is the safety of our staff, they are of course members of the public too. We argue that this licensing application should be declined on these grounds.

I wish my identity to be kept anonymous Yes/**No** –

We will treat representations as anonymous where there is a genuine reason to do so; if you wish your name and address details to be withheld then please explain the reason:

Copies of this representation will be sent to the applicant, or their agent/solicitor, including name and address details (but other personal contact information such as telephone numbers and email addresses will be removed) unless you have specifically requested anonymity. Copies of this representation will be included in a report that will be available to the public and will be published on the internet; however the published on-line version of the report will have name and address details removed.

Signature 

Date 2nd April 2014

ADDITIONAL COMMENTS

In making this representation AGAINST the proposed licence, Truth would also like to make the wider point that we believe the premises in question would be far more suitable for office or retail use given the number of bars in the area already. The area needs a greater diversity of businesses that are not bars / clubs / restaurants.

We would also like to emphasise again that the saturation of the Clerkenwell area with bars, to the detriment of residents and other businesses is well documented. This saturation zone involves a radius of 500 metres around Farringdon station. Licenses were **refused for these premises in May 2011**, for a 200-seat Cuban-themed bar/restaurant/ takeaway - we assume this is simply the same application in a different form.

We are certainly not against the maintenance of a vibrant nightlife in the area, simply in favour of balance in the interests of public nuisance, crime and disorder, public safety, diversity of the area, and our own amenity as a business.

Please ensure name and address details completed above

Return to: Licensing Service
London Borough of Islington
3rd Floor
222 Upper Street
London N1 1XR

or send by email to: licensing@islington.gov.uk

Rep 5

Gallacher, Simon

From: [REDACTED] >
Sent: 15 April 2014 11:13
To: Licensing
Subject: Premises Licence Application: Cubana Cafe, 59-61 Charterhouse Street

Dear Sirs,

The above premises licence application has recently been brought to my attention.

I live at [REDACTED] and the flat has a number of windows on both St John's Lane and St John Street.

I wish to object to the application.

Living in Clerkenwell one does not expect peace and quiet but on too many occasions one is disturbed late at night and in the early morning by rowdy behaviour in the street. On the occasions I have got out of bed to see what is going on, it is frequently young people who have parked their cars in St John Street or St John's Lane. They are unlikely to be local residents as otherwise they would probably not have driven.

Clerkenwell has more than enough drinking venues for its local residents and I suspect Cubana Café is keen to attract the more wide-reaching clientele that Fabric and the other bars on Charterhouse Street attract. Having had a brief look at Islington's website my attention was caught by "Annual Public Health Report 2012, One too many? The Impact of Alcohol in Islington". To my mind this seems to say it all "higher densities of alcohol outlets are associated with increased binge drinking and higher levels of alcohol-related harm" (page 62); "there is a significant link between density of licensed premises and alcohol-related ambulance callouts and crime"; (page 69). Finally on page 64 it states "**The cumulative impact special policy** ensures that any new licence applications that are likely to add to the existing cumulative impact will normally be refused". I request that the Committee adhere to this policy.

Yours faithfully,

[REDACTED]

Tel:

Rep 6

Gallacher, Simon

From: [REDACTED]
Sent: 15 April 2014 17:40
To: Licensing
Subject: FW: Premises Licence Application: Cubana Cafe, 59-61 Charterhouse Street

I am a resident of [REDACTED] and wish to endorse strongly [REDACTED] comments on the current problems with local licensed premises. We have been in all too frequent contact with the Council about these problems for many years.

The Cubana Café is essentially a cocktail bar and attracts a young crowd. Smithfield does not need another bar. It is some progress to apply a saturation policy to limit the already extensive problems of litter, noise and anti social behaviour . We hope and expect LBI to abide by its own policy in this case.

[REDACTED]
-----Original Message-----

From: [REDACTED] [
Sent: 15 April 2014 11:14
To: [REDACTED]
Subject: FW: Premises Licence Application: Cubana Cafe, 59-61 Charterhouse Street

As sent to Islington Licensing

From: [REDACTED]
Sent: 15 April 2014 11:13
To: 'licensing@islington.gov.uk'
Subject: Premises Licence Application: Cubana Cafe, 59-61 Charterhouse Street

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I wish to object to the application.

Living in Clerkenwell one does not expect peace and quiet but on too many occasions one is disturbed late at night and in the early morning by rowdy behaviour in the street. On the occasions I have got out of bed to see what is going on, it is frequently young people who have parked their cars in St John Street or St John's Lane. They are unlikely to be local residents as otherwise they would probably not have driven.

Clerkenwell has more than enough drinking venues for its local residents and I suspect Cubana Café is keen to attract the more wide-reaching clientele that Fabric and the other bars on Charterhouse Street attract. Having had a brief look at Islington's website my attention was caught by "Annual Public Health Report 2012, One too many? The Impact of Alcohol in Islington". To my mind this seems to say it all "higher densities of alcohol outlets are associated with increased binge drinking and higher levels of alcohol-related harm" (page 62); "there is a significant link between density of licensed premises and alcohol-related ambulance callouts and crime"; (page 69). Finally on page 64 it states "The cumulative impact special policy ensures that any new licence applications that are likely to add to the existing cumulative impact will normally be refused". I request that the Committee adhere to this policy.

Yours faithfully,

[REDACTED]

Appendix 3

1. Drunken or rowdy behaviour shall not be tolerated on the premises.
2. The premises shall operate a zero tolerance policy to the use and/or supply of illegal drugs on, and in the vicinity of, the premises.
3. Staff shall be trained in all aspects of operating a safe and orderly premises.
4. The licensee shall maintain good links with the local community.
5. The licensee shall ensure activities do not impinge negatively on the area.
6. Weekly meetings shall be held between a representative of head office and managers to discuss and monitor all issues. Monthly meetings shall be held between all staff, a representative from head office and managers to discuss all issues including training and health and safety.
7. Staff induction training shall take to ensure all staff are trained in the areas they are responsible for.
8. A minimum of weekly checks against a check-list on all aspects of the operation of the premises shall be carried out by a board member.
9. The General Manager shall carry out a minimum of weekly health and safety checks against a check sheet.
10. Capacity limits, fire equipment and all licensing conditions shall be strictly adhered to.
11. Consumption of alcohol off the premises shall be restricted to the outside drinking area shown on the licence plan.
12. The outside seating area shall be closed by 23:00 hours daily.
13. All staff shall undergo training concerning knowledge of licensing law together with the social impact of the sale of alcohol.
14. Food shall be served until late and non-alcoholic drinks shall be made available.
15. Door supervisors shall be employed at the premises in accordance with Local Authority requirements.
16. Notices shall be displayed at exits reminding customers to respect neighbours.
17. Public transport information will be included on the Cubana website and flyers distributed to customers on exit. Staff shall offer information on local authorised taxis.
18. Music levels shall be monitored and kept lower towards the front of the premises.
19. The premises shall operate within the required litter/refuse regulations adopted by the Local Authority and cigarette bins shall be provided towards the front of the building.
20. There shall be no music played outside of the premises.
21. Children shall only be allowed on the premises under the supervision of parents or authorised persons. Accompanied children shall be discouraged after 22:00 hours, except of special occasions by pre-arrangement (eg family party). Guests under 18 years shall not be served alcohol and persons who appear under the age of 21 years shall be asked to prove their age. A due diligence policy shall be incorporated and full training provided for staff.

Conditions proposed by the Metropolitan Police and agreed by the applicant

22. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system 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. 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.

Conditions proposed by the Licensing Authority

23. The sale of alcohol shall be for consumption on the premises only, save for the small outside seating area.
24. The vertical drinking of alcohol shall be prohibited on the premises, including the outside seating area.
25. The sale of alcohol shall cease at 20:00hrs and no consumption of alcohol permitted on the premises after 20:30hrs.
26. The sale of alcohol shall be only served as an ancillary to food.
27. Customers shall not be permitted to leave with glass vessels.
28. Staff shall supervise the outside seating area.
29. Litter patrols shall be carried out throughout the hours of operation and once the final customers have left to ensure all litter associated with the premises has been cleared from the public highway.
30. Recorded music be restricted to between 10:00 and 20:30 hours.

Conditions proposed by the Noise Service

A. Music Noise Control.

31. Prior to any regulated entertainment taking place on the premises:
32. an assessment of the premises sound insulation shall be undertaken and appropriate improvement works carried out, so as to ensure that music noise levels generated on the premises meet the Council's Technical Criteria; and, maximum music noise levels shall be agreed.
33. The improvement works and maximum music noise levels shall be approved in writing through the Council's Pollution Team.

B. Premises Doors and Windows

34. The doors and windows to the premises will be kept closed so far as practicable at times when regulated entertainment is taking place.

C. Notices

35. The Premises Licence Holder or nominated person shall erect and maintain, in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise nuisance to local occupants of any properties in the vicinity.

D. Tables and Chairs

36. Tables and chairs to the front of the premises shall be cleared and rendered unusable at, or before, 22:45 on each day of operation. Adequate notices shall be displayed to inform patrons of this requirement. Any moveable furniture will be fitted with rubber (or equivalent) feet.

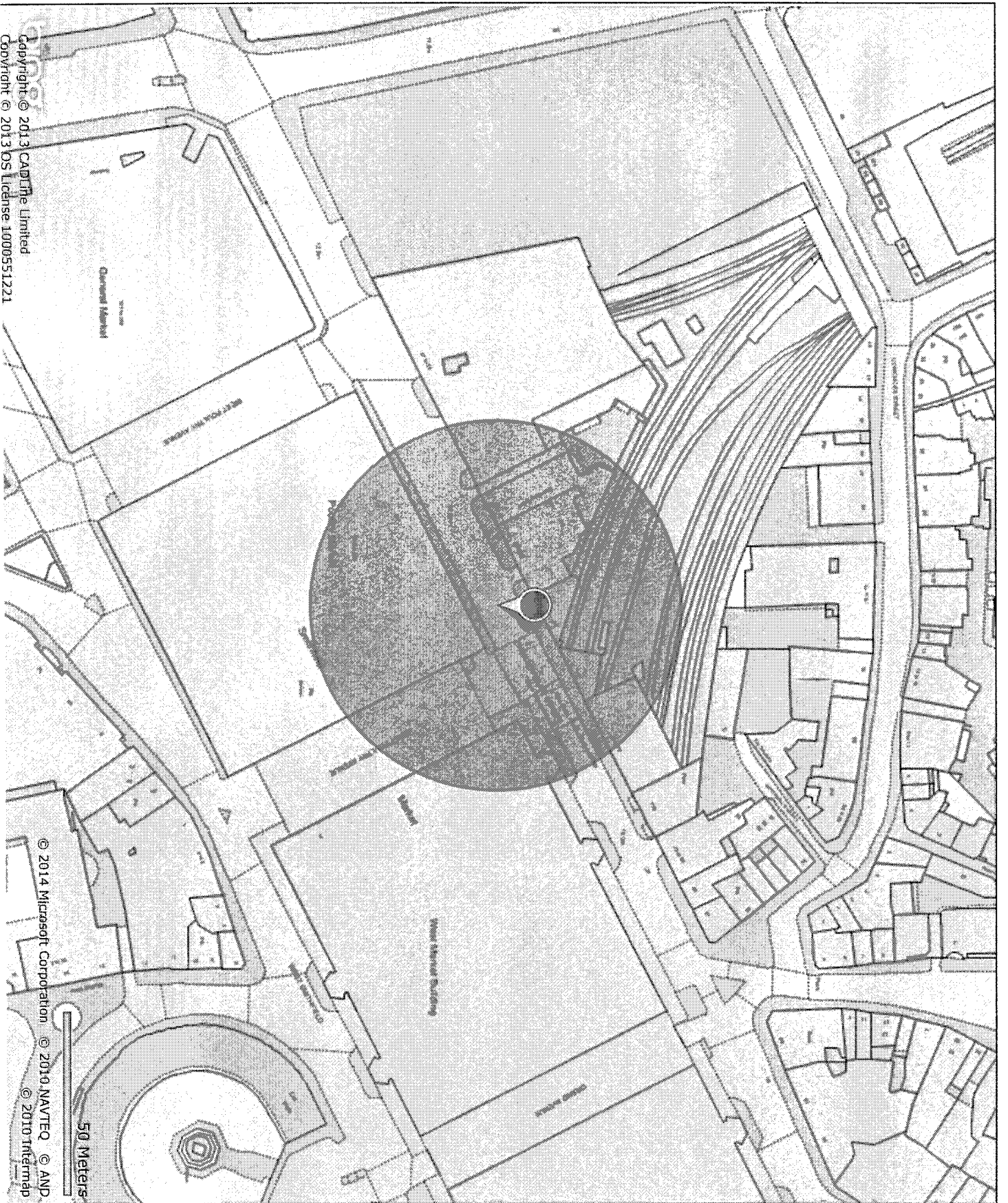
E. Smoking Area and Number of Smokers

37. A designated smoking area and number of smokers outside the premises at any one time will be agreed with the Council's Pollution Team.
38. The designated smoking area shall not be used for the consumption of drinks, unless patrons are seated in the tables and chairs area to the front of the premises.
39. Suitable receptacles will be provided for cigarette litter within the designated smoking area.
- 40.

41. The Premises Licence Holder or nominated person shall supervise and control levels of noise on the smoking area and advise patrons of the need to respect local occupants of any properties in the vicinity where appropriate.

F. Odour

42. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.



**Title : Cubana 61
Charterhouse Street**

Islington Borough
Boundary

Printed by :
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Printed at :
01-05-2014