

Report of: Service Director - Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	6 November 2012	B3	Clerkenwell

Delete as appropriate	Exempt	Non-exempt

Subject: PREMISES LICENCE NEW APPLICATION
RE: The Rosebery, 20 Rosebery Avenue, London EC1R 4SX
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:
 - i) Allow the premises to be used for the sale of alcohol between 9:00 and 22:00 for consumption on and off the premises.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 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
 - ii) conditions recommended by responsible Authorities
 - iii) any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2a: name & address details of those persons making representations;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premise location.

3.2 The Licensing Authority has received 3 letters of representation from local residents. A representation from the health and safety officer has been withdrawn on the basis that his proposed condition has been accepted by the applicant.

4. Planning Implications

4.1 Planning have confirmed that this application conforms to current permitted planning use.

5. Conclusion and reasons for recommendations

5.1 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 necessary 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

29.10.12

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author:

Tel: 020 7527 3879

E-mail: simon.gallacher@islington.gov.uk

IP/058719
20/09/12
System ref:

Appendix 1

London Borough of Islington
Application for a premises licence
Licensing Act 2003

For help cont
licensing@islington.gov
Telephone: 020752730

* required inform.

Section 1 of 22

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number

* Business name

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

* VAT number

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

* Legal status

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VA*

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* code

* Country

The information given here will be saved and will be pre-filled in future forms.

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PREMISES DETAILS

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

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Continued from previous page... Non-domestic rateable value of premises (£)

0

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Continued from previous page...

Details

Registered number (where applicable)

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

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

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OPERATING SCHEDULE

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

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

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

Provide a general description of the premises

Continued from previous page...

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.

The Rosebery is an apart hotel, covering 7 floors and was a former printing building on the corner of Rosebery Avenue and Warner Street. There are a number of commercial units , royal mail sorting office and some residential buildings. To the rear of the property (Warner street) there are garages, a warehouse and office buildings. There are a couple of local public houses nearby. The premises above the ground floor will be used primarily for hotel type accommodation. The ground floor will be used for displaying and the sale of furniture to existing clients and the general public. The bar service will be available to residents and members of the public who are viewing the furniture on display and for sale.

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 22

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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Continued from previous page...

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

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

Yes No

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PROVISION OF FACILITIES FOR MAKING MUSIC

Will you be providing facilities for making music?

Yes No

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PROVISION OF FACILITIES FOR DANCING

Will you be providing facilities for dancing?

Yes No

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PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING

Will you be providing facilities similar in nature to those provided for making music or dancing?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

Christmas Eve, Christmas Day, Boxing Day, New Years Eve, New Years Day from 1000 hours to 0200 hours each day

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

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

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

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

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

WEDNESDAY

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

THURSDAY

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

FRIDAY

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

SATURDAY

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

SUNDAY

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

State any seasonal variations

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

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

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

The apart hotel will be open 24 hours a day for residents.

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LICENSING OBJECTIVES

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

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

Continued from previous page...

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

The premise will be carefully managed at all times by the Designated Premises Supervisor, in accordance with the licensing objectives and the conditions within the licence. Risk assessments have been carried out and will be reviewed accordingly. The DPS will ensure all training is recorded and available for inspection, on site upon request. All staff through regular training will understand the conditions imposed upon the licence. A record of all refusals will be maintained and available on site for inspection, upon request. The DPS will ensure the licensable activities only operate within the times granted on the licence. No supply of alcohol may be made under the premises licence -
a, at a time when there is no designated premises supervisor in respect of the premises licence, or
b, at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. The responsible person shall take all reasonable steps to ensure that staff on the premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. The responsible person shall ensure that free tap water is available upon request by any customer, where reasonably available. All sales of alcohol will be available in various measures including, pints, half pints for all beers and ciders. Sales of gin, rum, vodka and whisky will be available in 25ml and 35 ml measures, still wine in a glass in 125ml measures. Notices will be on display at all times advising customers of these measures.

b) The prevention of crime and disorder

The apart hotel has a 24 camera system which covers all floors across the building. Staff will constantly monitor the system and the facility has a full recording playback feature. All staff will be able to operate the system without hesitation if asked to do so by a police officer. All incidents of crime and disorder will be reported immediately to the police and recorded on site. Staff will always follow any reasonable instruction issued by a police officer. The DPS will play an active role in any pub watch, shop watch or retail watch scheme.

c) Public safety

The premise will be maintained to a high standard and will be appropriate for residents, guests, staff and the public at all times. The DPS will ensure the on going review of risk assessments will play a vital role in maintaining personal safety of all customers and staff. All staff will be trained and records maintained with due regard to personal safety.

d) The prevention of public nuisance

The DPS will ensure noise does not cause any disturbance to any neighbour. Refuse, lighting, and noise other than that required for the safe operation of the apart hotel, will be carefully managed by the DPS to ensure nuisance is not a factor upon any resident or nearby business. Signs will be clearly displayed and staff trained accordingly to encourage a quiet leave attitude. No refuse will be left in public view and will be disposed of appropriately.

e) The protection of children from harm

All staff will be trained in the licensing objectives. An age verification policy will be in place. A challenge 25 scheme will be in operation. All refusals will be recorded. The hotel will operate a "No ID, No Sale" policy at all times. Notices will be appropriately displayed with regard to the Challenge 25 scheme and the "No ID, No Sale" policy. Only a PASS hologram, photographic driving licence or passport will be accepted as appropriate ID.

Continued from previous page...

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00

Continued from previous page...

Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

Premises plan

Consent form of premises supervisor

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Public Protection

Street

Islington Council

District

222 Upper Street

City or town

London

County or administrative area

Postcode

N1 1XR

Country

UK

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

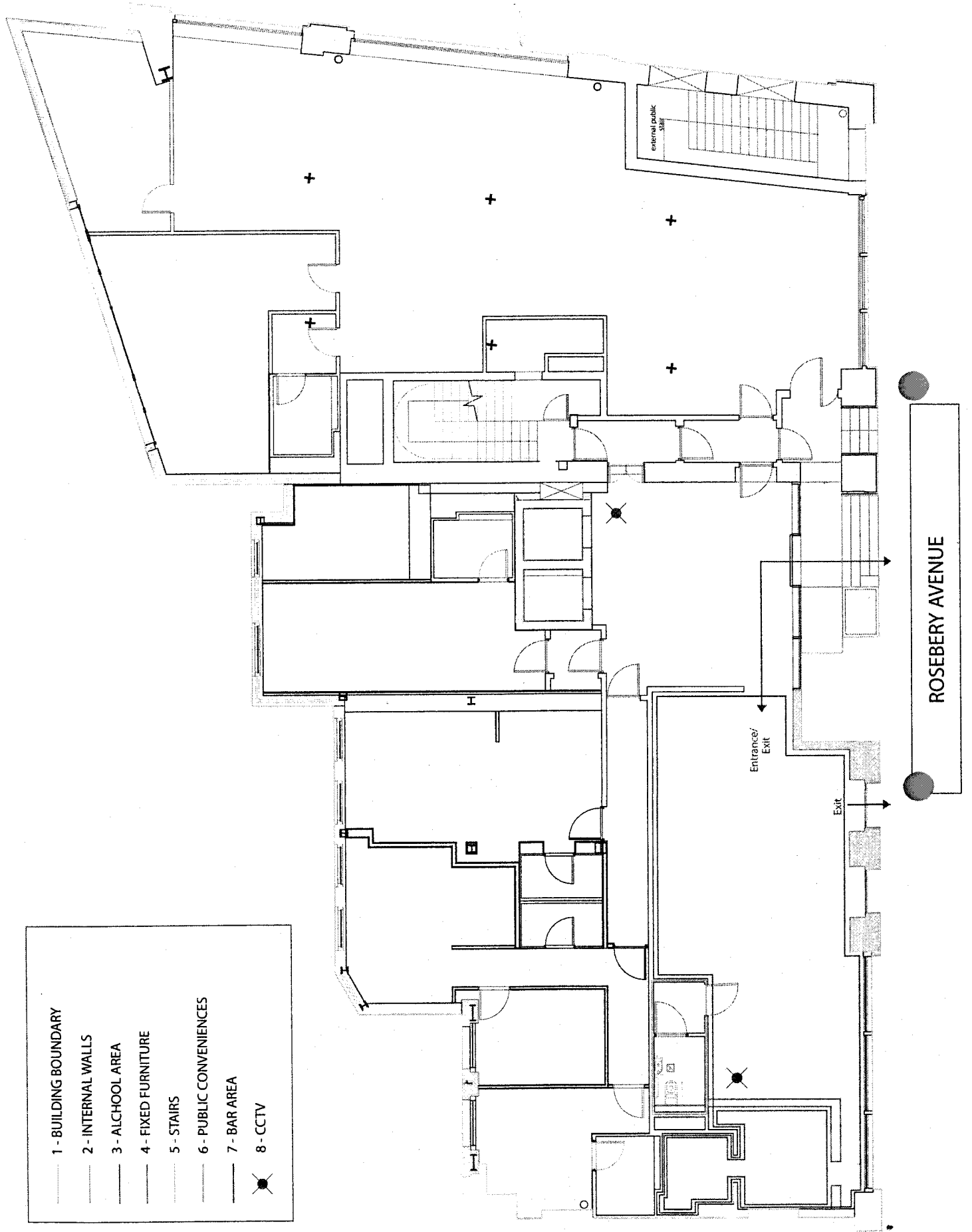
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory



- 1 - BUILDING BOUNDARY
- 2 - INTERNAL WALLS
- 3 - ALCOHOL AREA
- 4 - FIXED FURNITURE
- 5 - STAIRS
- 6 - PUBLIC CONVENIENCES
- 7 - BAR AREA
- 8 - CCTV

October 10, 2012

Licensing Support Team
Attn. Simon Gallacher
Islington Council
222 Upper Street
London, N1 1XR

Your ref: WK/12136117

Dear Sir

Licensing Act 2003 – application for a premises licence
Re: The Rosebery Hotel, 20-26 Rosebery Avenue, London EC1R 4SX

Thank you for your recent notice to local residents regarding this application. We have now had time to study the application form and accompanying plan, kindly sent to me by your colleague Yesim Senler. I have also had the opportunity to discuss the matter with Councillor George Allan, representing Clerkenwell Ward on the Council.

In a partly residential neighbourhood that is already well supplied with pubs and bars, we are concerned that the opening of yet another licensed premises so close to our flat could give rise to further noise in the street, especially late at night. We strongly urge the Licensing Committee to seek further clarification on the following specific points:

1. Will outdoor space be provided for smokers? It is essential that no outdoor space is available for smokers and drinkers to congregate at the rear of the hotel building on Bath Court.
2. How, and at what times within the requested hours of 09:00 – 22:00, do the applicants expect hotel guests and others to use the bar?
3. The applicants are requesting a licence to sell alcohol for consumption on and off the premises. Who do they expect the off-sales customers to be? What steps will be taken to stop off-sales customers from drinking in the street?
4. The applicants are requesting a licence that, on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, would allow them to keep the bar open until 02:00 hours on each of those days. What steps will they be taking to prevent noise and disturbance on those occasions?
5. What plans do they have to request amendments to the licence terms to allow them to operate until 02:00 hours on other days of the year?

We welcome the prospective opening of the Rosebery Hotel, as well as the successful restoration of an attractive Victorian building. However, we insist on the right to enjoy a peaceful home life in the evenings, and we request the Licensing Committee to secure assurances that this right will not be affected by the applicants' business if an alcohol licence is granted.

Yours faithfully,

Fitzsimons, Aiden

From: licensing@islington.gov.uk
Sent: 15 October 2012 13:37
To: Licensing; Fitzsimons, Aiden
Subject: WK/121361179 : Your recent Online Enquiry

Address: The Rosebery, 20-26 Rosebery Avenue, Islington, London, EC1R 4SX

..... the

Sufficient premises already in the area with an off-licence to cater for the demand; increased access could potentially increase public nuisance and disorderly behaviour.

3

Fitzsimons, Aiden

From:
Sent: 18 October 2012 10:58
To: Licensing
Subject: Rosebery Hotel

Dear Sir/Madam,

Licensing Act 2003: Application for a Premises Licence

Re: The Rosebery Hotel, 20-26 Rosebery Avenue, London EC1R 4SX

I am writing to make a representation against a premises licence for the sale of alcohol for consumption off the premises of the Rosebery Hotel on the grounds of the prevention of nuisance, crime and disorder.

In the local area there are problems with individuals drinking on local streets and in public areas. This causes disturbance, vandalism and excessive noise. There are already a number of outlets that sell alcohol and I am very concerned that allowing this hotel to sell alcohol for consumption off the premises will contribute to and encourage the growth of individuals excessively drinking on the streets and in public areas – and subsequently leading to an increase in crime, disorder and noise related nuisance in the local area.

Yours sincerely,

Suggested conditions of approval consistent with the operating schedule

1. The premise will be carefully managed at all times by the Designated Premises Supervisor, in accordance with the licensing objectives and the conditions within the licence. Risk assessments have been carried out and will be reviewed accordingly.
2. The DPS will ensure all training is recorded and available for inspection, on site upon request.
3. All staff through regular training will understand the conditions imposed upon the licence.
4. A record of all refusals will be maintained and available on site for inspection, upon request.
5. The DPS will ensure the licensable activities only operate within the times granted on the licence.
6. The apart hotel has a 24 camera system which covers all floors across the building.
7. Staff will constantly monitor the system and the facility has a full recording playback feature. All staff will be able to operate the system without hesitation if asked to do so by a police officer.
8. All incidents of crime and disorder will be reported immediately to the police and recorded on site.
9. Staff will always follow any reasonable instruction issued by a police officer.
10. The DPS will play an active role in any pub watch, shop watch or retail watch scheme.
11. The premise will be maintained to a high standard and will be appropriate for residents, guests, staff and the public at all times.
12. The DPS will ensure the on going review of risk assessments will play a vital role in maintaining personal safety of all customers and staff.
13. All staff will be trained and records maintained with due regard to personal safety.
14. The DPS will ensure noise does not cause any disturbance to any neighbour.
15. Refuse, lighting, and noise other than that required for the safe operation of the apart hotel, will be carefully managed by the DPS to ensure nuisance is not a factor upon any resident or nearby business.
16. Signs will be clearly displayed and staff trained accordingly to encourage a quiet leave attitude.
17. No refuse will be left in public view and will be disposed of appropriately.
18. All staff will be trained in the licensing objectives.
19. A "Challenge 25" age verification scheme will be in operation.
20. All refusals will be recorded.
21. The hotel will operate a "No ID, No Sale" policy at all times.
22. Notices will be appropriately displayed with regard to the Challenge 25 scheme and the "No ID, No Sale" policy.
23. Only a PASS hologram, photographic driving licence or passport will be accepted as appropriate ID.

Suggested conditions of approval recommended by Health and Safety Officer

24. The premises shall not be used under the licence until and the arrangements at the premises are suitable and sufficient for health and public safety and have been approved in writing by the responsible authority for health and public safety.
25. Drawings to a scale of 1:100 of the premises as completed shall be submitted to the responsible authority for health and public safety for record purposes on completion of work.
26. The maximum number of persons accommodated at any one time in the premises shall not exceed the number agreed with the responsible authority for health and public safety.

Note: This figure will be subject to:

- (i) Width, number and location of the exits.

- (ii) Floor area.
- (iii) Ventilation.
- (iv) Sanitary facilities.

27. Copies of the inspection and test certificates specified below, properly certified by approved competent persons, shall be submitted to the responsible authority for health and public safety.

Electrical installation

Emergency lighting

Fire alarm

Fire fighting appliances

Gas installation and appliances

