



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	21 st January 2014	B3	St. Mary's
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE VARIATION APPLICATION

RE: CABANA RESTAURANT, 56 UPPER STREET, LONDON, N1 0NY.

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003. The application was originally put before Licensing Sub-Committee 'C' at a hearing on 17th December 2013, a full decision was not reached on this occasion and the hearing was therefore adjourned.

Licensing Sub-Committee 'C' did however agree to grant the layout change element of the application as laid out under 1.2 (i) of this report.

Prior to and during the original hearing on 17th December 2013 there was communication between the applicant's representatives and the interested parties, specifically the Police and Noise Service, in an effort to agree conditions of approval. During the course of the hearing it became apparent that there was some disagreement between parties as to what had and hadn't been agreed in this regard. The Licensing Sub-Committee therefore proposed that members of Islington Police and the Council's Noise Service should meet to discuss their concerns in relation to the application so as to develop an agreed set of conditions of approval to put before the applicant. A meeting did take place and the resultant conditions and proposals can found at Annex 5 of this report, it should be noted that these supersede the original proposals as laid out in their respective representations. These dual agency proposals were passed onto the applicant's representative on 19th December 2013 for their consideration.

- 1.2 The variation application is to:

- i) To vary the layout of the premises in accordance with the new plans, the changes include:
 - Removal of rear bar;

- Increase in size of the kitchen area;
 - Installation of additional fixed seating; and
 - Relocation of entrance.
- ii) Remove the following conditions (If the layout change is approved):
- Conditions 4, 5 & 8 of Annex 2 and condition 1 of Annex 3. Conditions are:
- Annex 2
4. On Thursday, Friday & Saturday SIA registered door staff are to be employed at the premises from 21:00 until 30 minutes after the premises closes at the ratio of 1 door supervisor to every 100 customers. At times when a DJ and/or live music is provided, door supervisors shall be employed 30 minutes before the beginning of the event until closing time at a ratio of 1:100.
5. The licensee shall ensure that at all times that his licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system set to music noise level thresholds approved by, and in conjunction with the Council's Noise team.
8. On days when door supervisors are employed, they are to carry wands for periodic/random searching of persons entering the premises.
- Annex 3
1. Drinks shall be served in toughened glass in the back room whilst live music is being performed.

2. Recommendations

- 2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.
- 2.2 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely:
- The Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.
- 2.3 To consider that this address is in the Angel and Upper Street Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.
- 2.4 If the Committee grants the application it should be subject to:
- i. conditions of the current premises licence;
 - ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 6);
 - iii. conditions recommended by responsible Authorities (see appendix 6);
 - iv. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, on & off supplies, Mondays to Saturdays from 10:00 until 02:00 the following day and Sundays from 12:00 until 00:30 the following day;
- ii) The performance of live music, Mondays to Sundays from 09:00 until 02:00 the following day;
- iii) The performance of dance, Mondays to Sundays from 09:00 until 02:00 the following day;
- iv) The playing of recorded music, Mondays to Sundays from 00:00 until 00:00 the following day;
- v) The provision of late night refreshment, Mondays to Sundays from 23:00 until 02:00 the following day; and
- vi) The premises to be open to the public, Mondays to Sundays from 09:00 until 02:30 the following day.

3.2 Papers are attached as follows:-

- | | |
|-------------|---|
| Appendix 1: | application form; |
| Appendix 2: | current premises licence and layout plan; |
| Appendix 3: | representations; |
| Appendix 4: | decision notice in regards to 17 th December 2013 hearing; |
| Appendix 5: | dual agency proposals sent to the applicant's representative; |
| Appendix 6: | additional supporting information from the Police; |
| Appendix 7: | suggested conditions and map of premise location. |

3.3 Licensing History at the premises:

- This premises has been licensed under the Licensing Act 2003 since November 2005.
- The business has historically operated as a bar/nightclub and is as a result subject to a number of premises licence conditions deemed necessary to help control such activities at this location.
- A second premises licence was granted on 9th September 2013 and is in effect at this location but is currently held by another party. This licence authorises a nightclub/bar with a terminal hour of 4am for the supply of alcohol.

3.4 The Licensing Authority has received four letters of representation, one of which is from a local resident.

4. Planning Implications

4.1 None.

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:

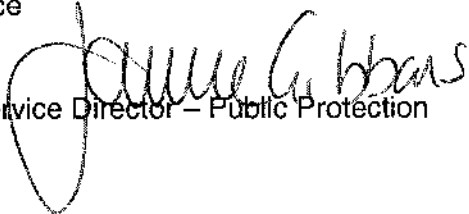
The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

9/1/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

Appendix 1.

2013 28715

LN/7638

Thomas & Thomas

Partners LLP

Application to vary a premises licence under the Licensing Act 2003

Due 14/11/13

20/11/13

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 Cabana Restaurants Ltd

(Insert name(s) of applicant)

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

Premises licence number

LN/7638-010512

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Cabana

56 Upper Street

22 OCT 2013

PUBLIC PROTECT

Post town

London

Postcode

N1 0NY

Telephone number at premises (if any)

Non-domestic rateable value of premises

£118,000

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if
different from premises address

Post town

Postcode

0665468
£450.00/101872
4SE
23/10/13

Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

☐ Yes

☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

1. To vary the layout of the premises in accordance with the plans appended to the application, the changes include:

- a. Basement: General improvements to back of house areas.
- b. Ground floor: Removal of rear bar. Increase in size and improvement of kitchen. Installation of fixed seating. Relocation of entrance.

2. To disapply conditions 4, 5, and 8 of Annex 2 of the Premises Licence and condition 1 of Annex 3 of the Premises Licence at times during the proposed new Premises layout is in place. The application proposes the following condition:

Conditions 4, 5, and 8 of Annex 2 and condition 1 of Annex 3 shall not apply during times the premises layout is set out in accordance with plans ref. 13078_023.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			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 6)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			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 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			
Fri			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 (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue			<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Wed			<u>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 6)</u>		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 5)</u>		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Wed						
Thur						
			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 6)			
Fri						
Sat						
Sun						

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)			
Mon						
Tue						
Wed						
Thur			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

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 9).

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 Conditions 4, 5, and 8 of Annex 2 and condition 1 of Annex 3 shall not apply during times the premises layout is set out in accordance with plans ref. 13078_023:

Annex 2

4. On Thursday, Friday & Saturday SIA registered door staff are to be employed at the premises from 21:00 until 30 minutes after the premises closes at the ratio of 1 door supervisor to every 100 customers. At times when a DJ and/or live music is provided, door supervisors shall be employed 30 minutes before the beginning of the event until closing time at a ratio of 1:100.

5. The licensee shall ensure that at all times that this licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system set to music noise level thresholds approved by, and in conjunction with the Council's Noise Team.

8. On days when door supervisors are employed, they are to carry wands for periodic/random searching of persons entering the premises.

Annex 3

1. Drinks shall be served in toughened glass in the back room whilst live music is being performed.

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The premises licence has not been issued following a transfer application of even date.

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The applicant is an experienced and professional food led operator. The premises will operate as a bar and family friendly restaurant with a high standard of fit out and substantial seating.

The style of operation and fit out will ensure all four Licensing Objectives are promoted with no adverse impact in the Council's special policy area.

b) The prevention of crime and disorder

Please see above.

c) Public safety

Please see above.

d) The prevention of public nuisance

Please see above.

e) The protection of children from harm

Please see above.

Checklist:**Please tick to indicate agreement**

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Thomas & Thomas</i>
Date	22 October 2013
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

JS/TB/CAB.1.5

Thomas & Thomas Partners LLP

38a Monmouth Street

Post town	London	Post code	WC2H 9EP
Telephone number (if any)		020 7042 0415	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
tburton@tandtp.com			

PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN/7638-221013		
Postal address of premises, or if none, ordnance survey map reference or description			
CABANA RESTAURANT 56 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence Ground floor <ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The performance of live music The playing of recorded music The performance of dance • The provision of entertainment facilities for: Making music Dancing • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																							
<ul style="list-style-type: none"> • The provision of regulated entertainment for the performance of live music: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Monday</td> <td style="width: 15%;">09:00</td> <td style="width: 10%;">to</td> <td style="width: 15%;">02:00</td> <td style="width: 45%;">the following day</td> </tr> <tr> <td>Tuesday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>09:00</td> <td>to</td> <td>02:00</td> <td>the following day</td> </tr> </table>					Monday	09:00	to	02:00	the following day	Tuesday	09:00	to	02:00	the following day	Wednesday	09:00	to	02:00	the following day	Thursday	09:00	to	02:00	the following day	Friday	09:00	to	02:00	the following day	Saturday	09:00	to	02:00	the following day	Sunday	09:00	to	02:00	the following day
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Saturday	00:00	to	00:00	the following day																																			
Sunday	00:00	to	00:00	the following day																																			

- The provision of regulated entertainment for the performance of dance:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of entertainment facilities for making music:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of entertainment facilities for dancing:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	02:00	the following day
Tuesday	23:00	to	02:00	the following day
Wednesday	23:00	to	02:00	the following day
Thursday	23:00	to	02:00	the following day
Friday	23:00	to	02:00	the following day
Saturday	23:00	to	02:00	the following day
Sunday	23:00	to	02:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	02:00	the following day
Tuesday	10:00	to	02:00	the following day
Wednesday	10:00	to	02:00	the following day
Thursday	10:00	to	02:00	the following day
Friday	10:00	to	02:00	the following day
Saturday	10:00	to	02:00	the following day
Sunday	12:00	to	00:30	the following day

Non standard timings:

To permit the sale of alcohol until 04:00 on the days following: Easter Saturday, Friday of August Bank Holiday, Saturday of August Bank Holiday and Christmas Eve.

To permit the sale of alcohol, late night refreshment and regulated entertainment until 04:00 on Boxing Day if the day falls on a Friday or Saturday and until 02:00 if the day falls on any other day.

To extend the permitted hours to sell alcohol, late night refreshment and regulated entertainment until 02:00 if the day falls on a Sunday on the following days: Australia Day 26 January, Waitangi Day 6 February, St Patrick's Day 17 March, Anzac Day 25 April, Freedom Day 27 April, Queen's official birthday 9 June.

On no more than 12 occasions per calendar year and following 10 working day's notice to be given to the police (or such lesser time as may be agreed with the police), the hour for the provision of licensable activities currently provided at the premises be extended to such time as agreed with the police, the police having the power to veto any such application.

Gaming Machine Provision:

Not authorised.

The opening hours of the premises:

Monday	09:00	to	02:30	the following day
Tuesday	09:00	to	02:30	the following day
Wednesday	09:00	to	02:30	the following day
Thursday	09:00	to	02:30	the following day
Friday	09:00	to	02:30	the following day
Saturday	09:00	to	02:30	the following day
Sunday	09:00	to	02:30	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off supplies

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

Cabana Restaurants Limited
8 Lancashire Court
London
W1S 1EY

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

07627429

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

Mr Adam Dattis

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

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

Service Manager (Commercial)

Date of Issue

Licence

Annex 1 - Mandatory conditions

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

In this condition, an "irresponsible promotion" means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. The maximum number of persons accommodate at any one time in the premises shall not exceed the following: Ground Floor: 280 (including staff and performers).
2. The licence shall be subject to the Council's standard conditions for Places of Entertainment.
3. The licence shall be subject to the Council's technical standards for Places of Entertainment.
4. On Thursday, Friday & Saturday SIA registered door staff are to be employed at the premises from 21:00 until 30 minutes after the premises closes at the ratio of 1 door supervisor to every 100 customers. At times when a DJ and/or live music is provided, door supervisors shall be employed 30 minutes before the beginning of the event until closing time at a ratio of 1:100.
5. The licensee shall ensure that at all times that his licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system set to music noise level thresholds approved by, and in conjunction with the Council's Noise team.
6. There shall be no admission or re-admission to the premises after 01:30.
7. The Licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme. The Licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The Licensee shall keep records of training and instruction given to staff.
8. On days when door supervisors are employed, they are to carry wands for periodic/random searching of persons entering the premises.

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

1. Drinks shall be served in toughened glass in the back room whilst live music is being performed.
2. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

Annex 4 – Plans

Plan Reference Number: LS 1009/001-06/12/2011

License

Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/7638-221013		
Postal address of premises, or if none, ordnance survey map reference or description			
CABANA RESTAURANT 56 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number			

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Ground floor

- The provision of regulated entertainment by way of:
The performance of live music
The playing of recorded music
The performance of dance
- The provision of entertainment facilities for:
Making music
Dancing
- The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The provision of regulated entertainment for the performance of live music:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of regulated entertainment for the playing of recorded music:

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

- The provision of regulated entertainment for the performance of dance:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of entertainment facilities for making music:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of entertainment facilities for dancing:

Monday	09:00	to	02:00	the following day
Tuesday	09:00	to	02:00	the following day
Wednesday	09:00	to	02:00	the following day
Thursday	09:00	to	02:00	the following day
Friday	09:00	to	02:00	the following day
Saturday	09:00	to	02:00	the following day
Sunday	09:00	to	02:00	the following day

- The provision of late night refreshment:

Monday	23:00	to	02:00	the following day
Tuesday	23:00	to	02:00	the following day
Wednesday	23:00	to	02:00	the following day
Thursday	23:00	to	02:00	the following day
Friday	23:00	to	02:00	the following day
Saturday	23:00	to	02:00	the following day
Sunday	23:00	to	02:00	the following day

- The sale by retail of alcohol:

Monday	10:00	to	02:00	the following day
Tuesday	10:00	to	02:00	the following day
Wednesday	10:00	to	02:00	the following day
Thursday	10:00	to	02:00	the following day
Friday	10:00	to	02:00	the following day
Saturday	10:00	to	02:00	the following day
Sunday	12:00	to	00:30	the following day

Non standard timings:

To permit the sale of alcohol until 04:00 on the days following: Easter Saturday, Friday of August Bank Holiday, Saturday of August Bank Holiday and Christmas Eve.

To permit the sale of alcohol, late night refreshment and regulated entertainment until 04:00 on Boxing Day if the day falls on a Friday or Saturday and until 02:00 if the day falls on any other day.

To extend the permitted hours to sell alcohol, late night refreshment and regulated entertainment until 02:00 if the day falls on a Sunday on the following days: Australia Day 26 January, Waitangi Day 6 February, St Patrick's Day 17 March, Anzac Day 25 April, Freedom Day 27 April, Queen's official birthday 9 June.

On no more than 12 occasions per calendar year and following 10 working day's notice to be given to the police (or such lesser time as may be agreed with the police), the hour for the provision of licensable activities currently provided at the premises be extended to such time as agreed with the police, the police having the power to veto any such application.

Gaming Machine Provision:

Not authorised.

The opening hours of the premises:

Monday	09:00	to	02:30	the following day
Tuesday	09:00	to	02:30	the following day
Wednesday	09:00	to	02:30	the following day
Thursday	09:00	to	02:30	the following day
Friday	09:00	to	02:30	the following day
Saturday	09:00	to	02:30	the following day
Sunday	09:00	to	02:30	the following day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off supplies

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

Cabana Restaurants Limited
8 Lancashire Court
London
W1S 1EY

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

07627429

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Adam Dattis

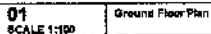
State whether access to the premises by children is restricted or prohibited

It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

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

Summary

- The location for all the emergency lighting and fire equipment is here shown as proposed and may be moved in consultation with the Fire Officer
- All licensable activities can take place anywhere within the red line.
- The position of any loose furniture or equipment is shown for diagrammatic purposes only.



The location of any fire equipment is shown on the data record but may be moved with the fire officer's consent.

The location of large families is shown for diagnostic purposes.

The location of loose furniture is shown for diagrammatic purposes.

The location of loose furniture is shown for diagrammatic purposes.

Licenseable activities can take place anywhere within the red line

- | | |
|-------------|---------------------|
| 02 | Baseman] Floor Plan |
| SCALE 1:100 | |

[illegible][illegible]

PROJECT:	RATTLESNAKE	
CLIENT:	RATTLESNAKE	
DRAWING TITLE:	Ground Floor and Basement LICENSING	
DRAWING NO.	1009001	DATE: 04/12/2011
SCALE:	1:100 @ A3	
STATUS:	FOR INFORMATION.	
AUTHOR:	LS	

PDDS

Paul Daly Design Studio

Unit 7
11 Hoxton Square
London
N1 6NU

Tel +44 (0) 207 813 0855
Fax +44 (0) 207 813 0842
email studio@pauldaly.com
www.pauldaly.com

①

Your

Our Licensing/NL

Date: 19/11/2013



**METROPOLITAN POLICE
SERVICE**

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

Telephone: 07799133204

Email:

Licensingpolice@islington.gov.uk

Date 19th November 2013

Cabana
56 Upper Street
London N1 0NY

Dear Sir **Re: Cabana, 56 Upper Street, London N1 0NY**

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

The venue is situated in the 'Angel, Upper Street Cumulative impact zone', a locality where this is traditionally high crime and disorder and there are concerns that this application will cause further policing problems in an already demanding area.

There are no proposals within this application to satisfy us that if the requirement for Door Supervisors was to be removed there would not be a potentially negative impact on the levels of crime and disorder within and directly outside the premises.

It is for these reasons that we are objecting to the application and propose that it is refused.

If the Committee is of a mind to grant the application then we would ask for the following conditions.

1. There is to be no vertical drinking within the premises or outside.
2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal. (Exception see 5 below)
3. Alcohol consumed outside the premises building shall only be consumed by patrons seated taking a table meal and ancillary to their meal.
4. The supply of alcohol shall be by waiter or waitress service only. (Exception see 5 below)
5. Alcohol may be supplied and consumed by patrons prior to their meal and seated in the designated bar area, by up to a maximum at any one time of 10 persons dining at the premises.
6. There shall be no sales of hot food or hot drink for consumption off the premises after 2300hrs.
7. All tables and chairs shall be rendered unusable by 2300hrs each day.
8. All tables and chairs will be removed from the outside area by 2300hrs each day.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, Licensingpolice@islington.gov.uk

Yours sincerely

Islington Police Licensing Team

Pc Steven Harrington 425NI

Pc Paul Hoppe 208NI

Pc Peter Conisbee 575NI



ISLINGTON

Thomas and Thomas Partners LLP
38a Monmouth Street
London
WC2H 9EP

Noise Team
222 Upper Street
London N1 1XR

T 020 7527 3047

F 020 7527 3059

E anne.brothers@islington.gov.uk

W www.islington.gov.uk

Our ref: abr/201328849

Your ref: JS/TB/CAB1.5

Date: 31 October 2013

This matter is being dealt with by:
Anne Brothers

Dear Sir

**PREMISES LICENCE VARIATION APPLICATION, CABANA, 56 UPPER STREET, LONDON
N1 0NY, LICENSING ACT 2003**

Please find enclosed a copy of a representation from Islington's Noise Team acting as Responsible Authority for the prevention of public nuisance in relation to the above application. The representation is self-explanatory.

If you have any queries, please contact me at the above office.

Yours faithfully,

Anne Brothers

Anne Brothers
Principal Technical Officer
cc. Dan Whitton, Licensing Officer



Islington Licensing Authority Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority: Environmental Protection

Your Name	Anne Brothers	
Job Title	Noise Liaison Officer	
Postal and email address	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
Contact telephone number	020 7527 3047	
Name of the premises you are making a representation about	Cabana	
Address of the premises you are making a representation about	56 Upper Street, London N1 0NY	
Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Yes	<p>The applicant has requested that noise conditions 4, 5 and 8 of Annex 2 be removed from the premises licence.</p> <p>Noise Team is opposed to this application as the licensee has not requested that any regulated entertainments be removed from the premises in association with this application. In addition they have not suggested a reduction in hours.</p> <p>Without the noise conditions there will be nothing to prevent this premises operating as a late night drinking venue. It appears from the plan drawings submitted that the seating is not fixed and it could easily be removed to create a dance floor area</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 and refer to checklist.		Should the licensee agree to remove entertainments from the premises licence and run the premises as a restaurant with background levels of sound only Noise Team proposes the following conditions be applied to the premises licence: <ul style="list-style-type: none"> • No vertical drinking permitted. • All service of alcohol should be ancillary to the service of a table meal.

Signed: Anne Brothers Date: 31 October 2013

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

3



ISLINGTON

Thomas & Thomas Partners LLP
38a Monmouth Street
London
WC2H 9EP

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref: JS/TB/CAB.1.5

Date: 18 November 2013

Dear Sirs

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Cabana 56 Upper Street N1 0NY**

With reference to the recent application to vary premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

The proposed arrangements for the premises as shown on the submitted plan do not show compliance with the Technical Standards for Places of Entertainment; will require a reduction in the accommodation figure and will prejudice the fire safety separation between the ground floor emergency exit route and the living accommodation exit route.

The premises should be inspected and approved by the responsible authority for health and public safety before the premises can be used under the licence.

When approved the premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for the attention of the licensee are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the completion of the works so an inspection of the premises can be made. Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986

Name and address of the premises concerning the representation	Cabana 56 Upper Street N1 0NY
---	-------------------------------------

Public Safety	<p>The proposed arrangements at the premises as shown on the submitted plan do not show compliance with the Technical Standards for Places of Entertainment; will require a reduction in the accommodation figure and will prejudice the fire safety separation between the ground floor emergency exit route and the living accommodation exit route.</p> <p>The premises should be inspected and approved by the responsible authority for health and public safety before the premises can be used under the licence.</p>
----------------------	--

Suggested conditions that could be added to the licence to remedy the public safety representation	<p>(1) 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.</p> <p>(2) Plans 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.</p> <p>(3) 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 Ansul fire suppression system</p> <p>(4) Annex 2 condition 1 on the licence to be changed to read: The maximum number of persons accommodated at any one time in the premises shall not exceed the following: Ground floor 240 (including staff and performers)</p>
---	--

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and 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.

Senler, Yesim

From: [REDACTED]
Sent: 14 November 2013 11:20
To: Senler, Yesim
Subject: RE: Cabana Restaurant

[REDACTED]

> From: Yesim.Senler@islington.gov.uk
 > To: [REDACTED]
 > Subject: RE: Cabana Restaurant
 > Date: Thu, 14 Nov 2013 11:11:56 +0000
 >
 > Dear [REDACTED]
 >
 > Please provide your postal address for us to process your representation as a valid one.
 >
 > Kind regards,
 >
 > Yesim Senler
 > Licensing Technical Support Officer
 > Licensing Team
 > Public Protection Division, Environment & Regeneration, Islington Council, 3rd Floor, 222 Upper Street, London, N1 1XR
 > Tel: 020 7527 1829, e-mail: yesim.senler@islington.gov.uk, website: www.islington.gov.uk
 >
 >

> -----Original Message-----

> From: [REDACTED]
 > Sent: 14 November 2013 09:56
 > To: Whitton, Daniel
 > Subject: RE: Cabana Restaurant
 >

> Hi Dan,

> I would like to object to this application to vary licensing conditions.

> I understand that Cabana plan to operate the premises as a restaurant but would be entitled, at any time, to use them as a bar / club instead or as well. I therefore object to removal of any conditions that Islington Council deemed necessary when the premises were operating as a bar / club.
 >

> The reasons are obvious- the conditions are imposed for good reason (avoidance of disorder and nuisance). These issues remain legitimate for as long as the owners of the property have the right to use the premises in such a way as could cause disorder or nuisance.
 >

> I live opposite the property and therefore my amenity would be significantly affected if this were to become the case. I presume it would also cause a lot of problems for the council and result in needless expenditure of tax payers money.
 >

> The appropriate and proper step for Cabana to take would be to apply to vary the licence conditions to reflect their apparent planned usage of the property- namely as a restaurant. Otherwise, all of the safeguards currently in place should remain.

>
>

> Kind regards

> [REDACTED]

>> From: Daniel.Whitton@islington.gov.uk

>> To: [REDACTED]

>> Subject: RE: Cabana Restaurant

>> Date: Fri, 8 Nov 2013 09:30:17 +0000

>>

>> I can confirm that there is nothing volunteered within the application that would restrict the premises operating as a bar/club at any time it was not operating as a restaurant.

>>

>> Please note that the last date for representations for this application is 20th November so any objection must be received before that date.

>>

>> Best regards,

>>

>> Dan Whitton

>> Licensing Officer

>> Licensing Team

>> Public Protection Division

>> Environment & Regeneration

>> Islington Council

>> 3rd Floor, 222 Upper Street, London, N1 1XR

>> Tel: 020 7527 3841

>> Alternative contact: Terrie Lane 020 7527 3233

>> Email: dan.whitton@islington.gov.uk

>> Website: www.islington.gov.uk

>>

>> The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

>>

>> The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

>>

>> Please help save resources by not printing this e-mail if you can avoid it, and by using recycled paper

>>

>>

>>

>> -----Original Message-----

>> From: [REDACTED]

>> Sent: 07 November 2013 16:44

>> To: Whitton, Daniel

>> Cc: Senler, Yesim

>> Subject: RE: Cabana Restaurant

>>

>> Hi Daniel,

>>

>> Thanks for this prompt response and for clarifying the point. I do have another question. It appears that the property will change from being a bar to a restaurant. It seems, however, that Cabana would like to keep the bar licence. They are applying to remove conditions that, in the event that the premises are used as a bar, have been deemed necessary by yourselves.

>>

>> Cabana offer no guarantee anywhere within the licence that they will not also use the premises as a bar or drinking venue, e.g later in the evening. This would mean that they would have the lawful right to use the premises as a bar just like Rattlesnake, should they so desire, without any obligation to comply with the conditions that were imposed on Rattlesnake.

>>

>> Please let me know if I have this right as, if so, I would like to make representations.

>>

>>

>> Thanks

>>

>

>>

>>

>>> From: Daniel.Whitton@islington.gov.uk

>>> To: [REDACTED]

>>> CC: Yesim.Senler@islington.gov.uk

>>> Subject: RE: Cabana Restaurant

>>> Date: Mon, 4 Nov 2013 10:43:14 +0000

>>>

>>> Dear [REDACTED]

>>>

>>> The entrance will remain at the front of the premises and on the right as you look at the building. The difference is that the central entrance will be removed and replaced with a large, retractable window.

>>>

>>> If you require any further information or assistance please contact me.

>>>

>>> Best regards,

>>>

>>> Dan Whitton

>>> Licensing Officer

>>> Licensing Team

>>> Public Protection Division

>>> Environment & Regeneration

>>> Islington Council

>>> 3rd Floor, 222 Upper Street, London, N1 1XR

>>> Tel: 020 7527 3841

>>> Alternative contact: Terrie Lane 020 7527 3233

>>> Email: dan.whitton@islington.gov.uk

>>> Website: www.islington.gov.uk

>>>

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>>>

>>>

>>> -----Original Message-----

>>> From: Senler, Yesim

>>> Sent: 04 November 2013 10:16

>>> To: Whitton, Daniel

>>> Subject: FW: Cabana Restaurant

>>>

>>> -----Original Message-----

>>> From: [REDACTED]

>>> Sent: 02 November 2013 10:48

>>> To: Licensing

>>> Subject: Cabana Restaurant

>>>

>>> Hi,

>>> I received the applicaiton to vary the premises licence at 56 Upper St. I live [REDACTED] the property. The application refers to the entrance being relocated. In order to form a meaningful view on this I would need to know where they are proposing to relocate the entrance to. Please could you give me this information?

>>> Thanks

>>> [REDACTED]

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>

ISLINGTON COUNCIL LICENSING SUB-COMMITTEE **DECISION FORM**

Licensing Sub-Committee C – 17 December 2013

Cabana Restaurant, 56 Upper St, N1

DECISION

The Sub-Committee have decided to grant the application for a variation of a premises licence in part only in respect of **Cabana Restaurant, 56 Upper Street, N1**

To vary the layout of the premises in accordance with the new plans, the changes include:

- Removal of rear bar
- Increase in size of the kitchen area;
- Installation of additional fixed seating and
- Relocation of entrance.

The remainder of the application shall be deferred to a future meeting.

The determination of the sub-committee (including the reasons for the decision) will be provided to you in writing within 5 working days.

Appendix 3

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material.

During deliberations the Sub-Committee sought clarification on the suggested conditions as set out on page 55 of the agenda and the summary of amendments and agreed conditions presented by the applicant. The Sub-Committee noted that suggested conditions 1-4 were agreed by the applicant. The Sub-Committee returned to the meeting and legal advice was provided in open session.

The Sub-Committee decided to defer making a decision and requested that, at the next Sub-Committee, documentation should be provided to reflect any agreement reached between the applicant and the responsible authorities and setting out clear proposed conditions.

The applicant addressed the Sub-Committee regarding the variation to the layout of the premises which had already been undertaken. The Sub-Committee noted that no responsible authority had raised any objection to the new layout and the applicant had accepted suggested conditions from the Health and Safety officer and therefore decided to agree the variation, in part only, to allow for the new layout.

The Sub-Committee took the view that the necessary amendments to the licence could be dealt with at the next meeting.

Note of the Committee

Whitton, Daniel

From: Harrington, Steve
Sent: 08 January 2014 17:39
To: Whitton, Daniel
Cc: LicensingPolice
Subject: Cabana. Further information.

Hello Dan I would like the following information provided to the Committee please.

During the Committee on the 17th December the legal representative for Cabana made several references to the other premises run by the Cabana group and the experience that this gave them in running late night premises without the use of door staff.

I decided it would be a good idea to have a look at their website to see how the other premises operated and this is what I found:

Cabana have four other sites, 1 at Wembley, Two at the Westfield Shopping Centre and one at Covent Garden.

Having looked at all of these it appears that none of these premises actually operate after 11pm
???

They all operate the following times as taken from their website.

12.00pm - 11.30pm, Mon – Sat 12.00pm - 10pm, Sun

I am a little bit perturbed by this as I feel that the Representative for Cabana placed great weight on the experience gained at these other premises and led the Committee to believe that Cabana had vast experience running late night premises without door staff?

I feel that this extra information should be made available to the Committee members as I believe that they were misled during the hearing and this will allow them to make a more informed decision.

Regards

Steve

Islington Police Licensing Team

Pc 425 NI Steve Harrington

Pc 208 NI Paul Hoppe

Pc 575 NI Pete Conisbee

Mobile 07799133204

E-Mail Licensingpolice@islington.gov.uk

Whitton, Daniel

From: Whitton, Daniel
Sent: 19 December 2013 16:12
To: jspiegler@tandtp.com; tburton@tandtp.com; 'Athomas@tandtp.com'
Cc: LicensingPolice; Brothers, Anne
Subject: Cabana Restaurant, 56 Upper Street
Attachments: Noise & Police Proposals.docx

Dear All,

The Islington Police and Council's Noise service have had a meeting to agree proposals in response to the Premises Licence Variation application for Cabana Restaurant, 56 Upper Street.

The agreed schedule is attached for your assessment and response.

If you require any further information or assistance please contact me.

Best regards and Happy Christmas,

Dan Whitton
Licensing Officer

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Proposals in response to the Premises Licence Variation application for Cabana
Restaurant, 56 Upper Street

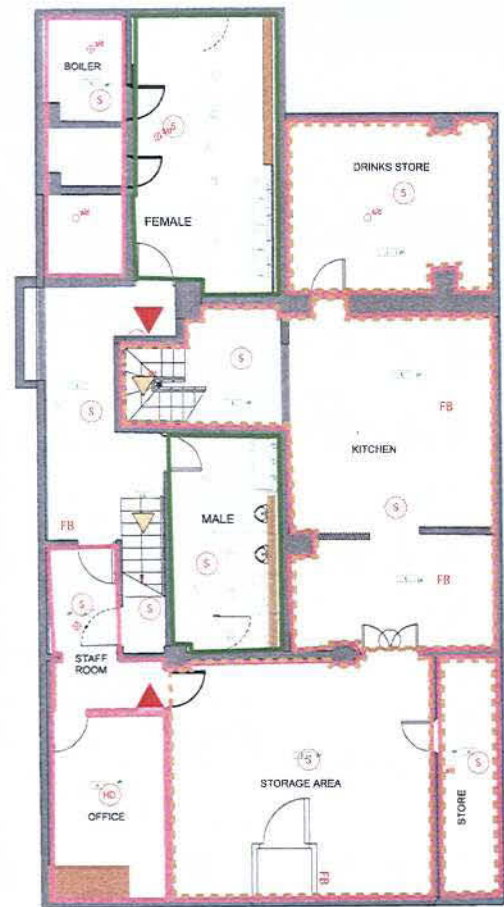
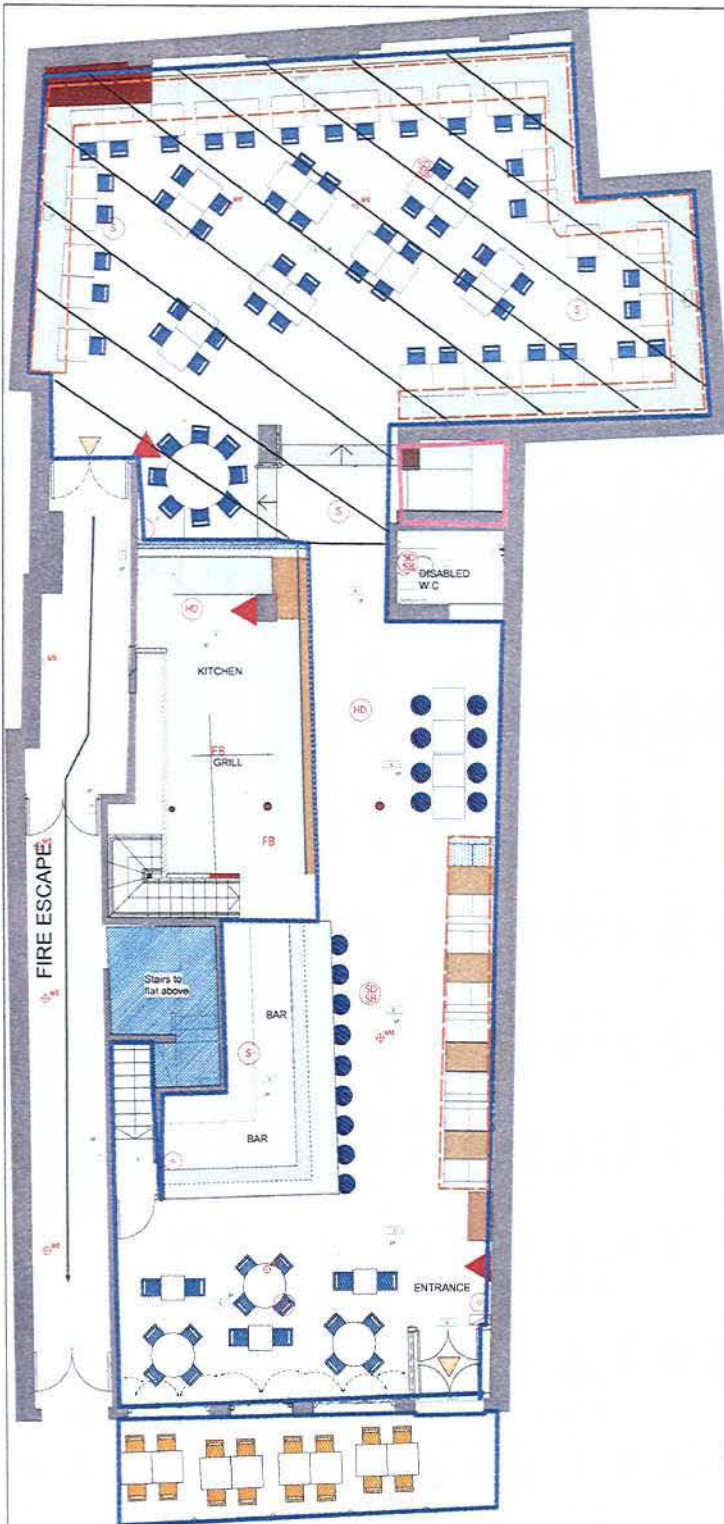
The proposed removal of Condition 5 at Annex 2 of the current premises licence (as laid out below) shall be refused.

- The licensee shall ensure that at all times that his licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system set to music noise level thresholds approved by, and in conjunction with the Council's Noise team.

Proposed Conditions:

1. On any night the premises is open for licensable activities beyond 00:00, SIA registered door staff are to be employed at the premises from 21:00 until 30 minutes after the premises closes at the ratio of 1 door supervisor to every 100 customers.
2. There shall be no vertical drinking within the restaurant area of the premises. The restaurant area is defined by the hatched area as shown on the layout plan ref XXXX.
3. The supply of alcohol within the restaurant area of the premises, as previously defined, shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
4. The supply of alcohol within the restaurant area of the premises, as previously defined, shall be by waiter or waitress service only.
5. There shall be no vertical drinking within the authorised outside area of the premises.
6. All external tables and chairs shall be rendered unusable or removed from the outside area by 2300hrs each day.
7. There shall be no more than 10 persons within the authorised outside area, at any one time, between 23:00 and the close of business.
8. Drinks shall not be consumed within the authorised outside area after 23:00.
9. There shall be no sales of hot food or hot drink for consumption off the premises after 2300hrs.
10. Doors will be kept closed after 23:00, except for access and egress.
11. All windows will be kept closed after 23:00 and/or when noise generating regulated entertainments is provided.

REF: 13078-023 - Rest Area



SEATING LAYOUT INDICATIVE ONLY



REVISIONS		
A	27/01/13	ISSUED FOR LICENSING
B	15/10/13	ISSUED FOR LICENCE TO ALTER
C	22/10/13	ISSUED FOR LICENCE TO ALTER
D	14/11/13	UPDATED DOORS

Michaelis Boyd Associates Ltd 108 Palace Gardens Terrace London W8 4RT t +44(0)20 7221 1237 f +44(0)20 7221 0130 michaelisboyd.com		
Client	CABANA	
Date Created	13/11/14	
Project	Cabana Islington	
Drawing Title	Licensing Plans	
Scale	1:50 @ A1	Revision Date
Drawing No.	13078_023	Drawn By
		Checked by
		Drawn

DO NOT SCALE FROM DRAWING, ALL DIMS TO BE CHECKED ON SITE. REPORT OMISSIONS AND DISCREPANCIES TO THE ARCHITECT IMMEDIATELY

Suggested conditions of approval consistent with the operating schedule

No additional controls proposed.

Suggested conditions of approval agreed with the Council's Health and Safety Officer

1. 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.
2. Plans 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.
3. 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; and
 - Annual fire suppression system.
4. Annex 2 condition 1 of the current premises licence to be changed to read:
The maximum number of persons accommodated at any one time in the premises shall not exceed the following:
 - Ground floor 240 (including staff and performers)

Suggested conditions of approval as recommended by the Council's Noise Team and Islington Police Licensing

5. On any night the premises is open for licensable activities beyond 00:00, SIA registered door staff are to be employed at the premises from 21:00 until 30 minutes after the premises closes at the ratio of 1 door supervisor to every 100 customers.
6. There shall be no vertical drinking within the restaurant area of the premises. The restaurant area is defined by the hatched area as shown on the layout plan ref: 13078_023-RestArea.
7. The supply of alcohol within the restaurant area of the premises, as previously defined, shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
8. The supply of alcohol within the restaurant area of the premises, as previously defined, shall be by waiter or waitress service only.
9. There shall be no vertical drinking within the authorised outside area of the premises.
10. All external tables and chairs shall be rendered unusable or removed from the outside area by 2300hrs each day.
11. There shall be no more than 10 persons within the authorised outside area, at any one time, between 23:00 and the close of business.
12. Drinks shall not be consumed within the authorised outside area after 23:00.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 2300hrs.
14. Doors will be kept closed after 23:00, except for access and egress.

15. All windows will be kept closed after 23:00 and/or when noise generating regulated entertainments is provided; and

The proposed removal of Condition 5 at Annex 2 of the current premises licence (as laid out below) shall be refused.

- The licensee shall ensure that at all times that his licence is in operation, all amplified sound and music played on the premises is subject to the control of an entertainment noise control system set to music noise level thresholds approved by, and in conjunction with the Council's Noise team.



Title : 56 UPPER STREET

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Boundary

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