



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	9 June 2011		Clerkenwell

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE NEW APPLICATION
Subway, 4 Cowcross Street, London EC1M 6DR

1. Synopsis

- 1.1 This is an application for a new premises licence under the Licensing Act 2003 located in the Clerkenwell Cumulative Impact Area.
- 1.2 The application for determination by the Committee is to:
 - 1.2.01 Allow the supply of late night refreshment between 23:00 and 04:00, Fridays to Sundays, 23:00 and 01:00 on Mondays and Tuesdays, and 23:00 and 02:00 on Wednesdays and Thursdays;
- 1.3 The application was initially to allow the supply of late night refreshment to 05:00 on Fridays to Sundays, however following consultation with the Metropolitan Police the applicants have revised the proposed terminal hour on these days to 04:00.
- 1.4 The licensing authority has received representations from Islington's Health and Safety service and two local residents.
- 1.5 The applicants have provided additional information by way of a letter dated 23 March 2011 in support of their application.

2. Recommendations

- 2.1 To take into consideration the special policy relating to cumulative impact for the area, Licensing Policy 27 (see paragraph 3.6 to 3.7 below).

- 2.2 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.3 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See Appendix 6);
 - ii. conditions recommended by responsible Authorities (see Appendix 6);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 A premises licence application was originally submitted on 22 March 2011 however the statutory advertising requirements were not met. The application has now been made in accordance with the regulations.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form;
- Appendix 2: applicant's supporting letter, 22 March 2011;
- Appendix 3: list of persons making representations;
- Appendix 4: representations;
- Appendix 5: suggested conditions and location map of premises.

3.3 Representations

The Licensing Authority received three letters of representation: one from the responsible authority for public safety and two from local residents.

- 3.4 The Metropolitan Police raised concerns with the applicant about their initial licence application to supply late night refreshment to 05:00 hours, Fridays to Sundays. As a consequence the applicant's agent has requested that the terminal hour on these days be reduced to 04:00 hours.

3.5 Licensing Policy Implications

The premises is located in the Clerkenwell Cumulative Impact Area as defined in the Licensing Policy 2011 -14. Licensing Policy 27 states:

"The Licensing Authority has adopted a special policy relating to cumulative impact in relation to the south Clerkenwell Area. 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".

- 3.6 This means that the Committee will need to decide if this application is likely to add to the existing cumulative. This restrictive policy is not absolute but the committee will need to consider the application on its own merits and consider whether it is justified in departing from the cumulative impact policy. The committee should take into account the proposed style and character of the operation, as well as any control measures offered in the operating schedule, when considering whether to depart from the policy and grant the application.

4. Conclusion and reasons for recommendations

- 4.1 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 2011-2014

Licensing Act 2003

The Secretary of State's Guidance issued under s182 licensing Act 2003

Final Report Clearance

Signed by

Service Director – Public Protection

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Simon Gallacher

Tel: 020 7527 3879

Fax: 020 7527 3430

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

WK(2010Z1285)

Appendix 1

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

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

Part 1 - Premises details

Form with fields for postal address (4 COWCROSS STREET), date (16/3/11), fee paid (315.00), receipt number (46110), and post town (LONDON).

Telephone number at premises (if any)

07725 971 157

Non-domestic rateable value of premises

£ 38,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- a) an individual or individuals*
b) a person other than an individual*
c) a recognised club
d) a charity

Please tick yes 22 MAR 2011

COMMERCIAL LICENSING PUBLIC PROTECTION DIVISION 222 UPPER ST, LONDON N1 1XR

- checkboxes for 'please complete section (A)' and 'please complete section (B)'

COMMERCIAL LICENSING 22 MAR 2011 PUBLIC PROTECTION DIVISION 222 UPPER ST, LONDON

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick
✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS.

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

Name	SHAKUN SUBWAY LTD
Address	14 A, MARTYR ROAD, GUILDFORD, GU1 4LE
Registered number (where applicable)	
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	07725 971 157
E-mail address (optional)	SANDEEPSINGH22@YAHOO.CO.UK

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	5	2	0	1	1

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

Day		Month		Year			

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

Please give a general description of the premises (please read guidance note1)

A1 UNIT LOCATED WITHIN FARRINGTON, LOWCROSS STREET

THE FRONT OF THE UNIT OPENS DIRECTLY ONTO A FOOTPATH.

THE PREMISES WILL BE USED FOR A SUBWAY FOOD CHAIN UNIT WITH LIMITED SEATING.

THE PREMISES WILL BE SERVING WARM FOOD AND BAKING BREAD ON SITE.

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

Please tick ✓ yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	23:00	01:00	Please give further details here (please read guidance note 3)	Both	
Tue	23:00	01:00			
Wed	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	02:00			
Fri	23:00	05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	05:00			
Sun	23:00	05:00			

M

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

P

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

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

THE OWNER WILL ENDEAVOUR TO PROVIDE THEIR STAFF WITH THE APPROPRIATE TRAINING AND EQUIPMENT TO ENSURE ALL FOUR LICENCING OBJECTIVES (BELOW) ARE MET AND PROVIDE A GOOD SERVICE TO THE LOCAL COMMUNITY

b) The prevention of crime and disorder

- EFFECTIVE USE OF A QUEUING SYSTEM, TO ALLOW THE FLOW OF PEOPLE IN AND OUT OF THE UNIT.
- THE OPERATION OF CCTV IN AND AROUND THE STORE.

c) Public safety

- EFFECTIVE QUEUING
- HELPFUL STAFF TO HAND
- ANY TRIP HAZARDS TO BE MADE VISIBLE

d) The prevention of public nuisance

- STAFF WILL ENDEAVOUR TO CONTROL NOISE LEVELS IN AND AROUND THE UNIT AND PROVIDE A GOOD SERVICE TO KEEP CUSTOMERS HAPPY.

e) The protection of children from harm

- THE OPERATION OF CCTV
- DILIGENT STAFF WORKING WITHIN THE STORE.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

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

Signature G. Andreou

Date..... 21/03/11

Capacity AGENT

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

Signature

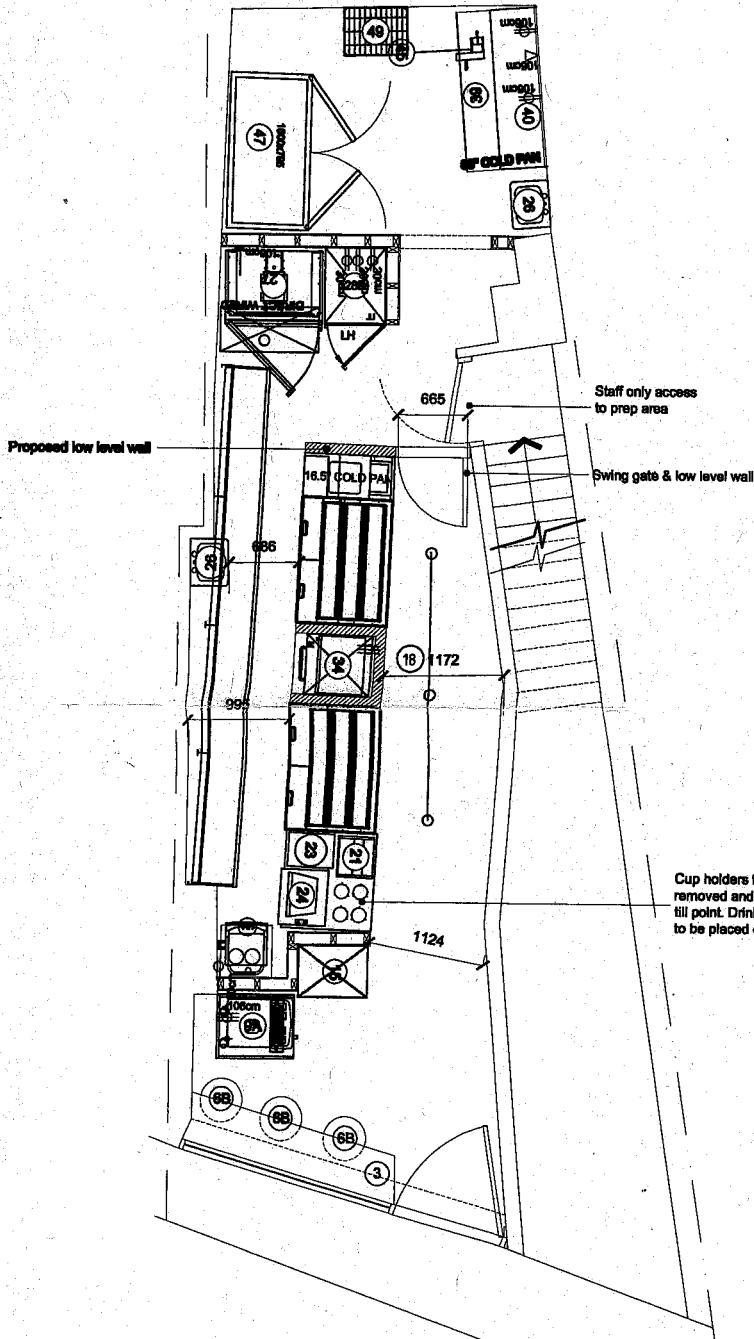
Date.....

Capacity

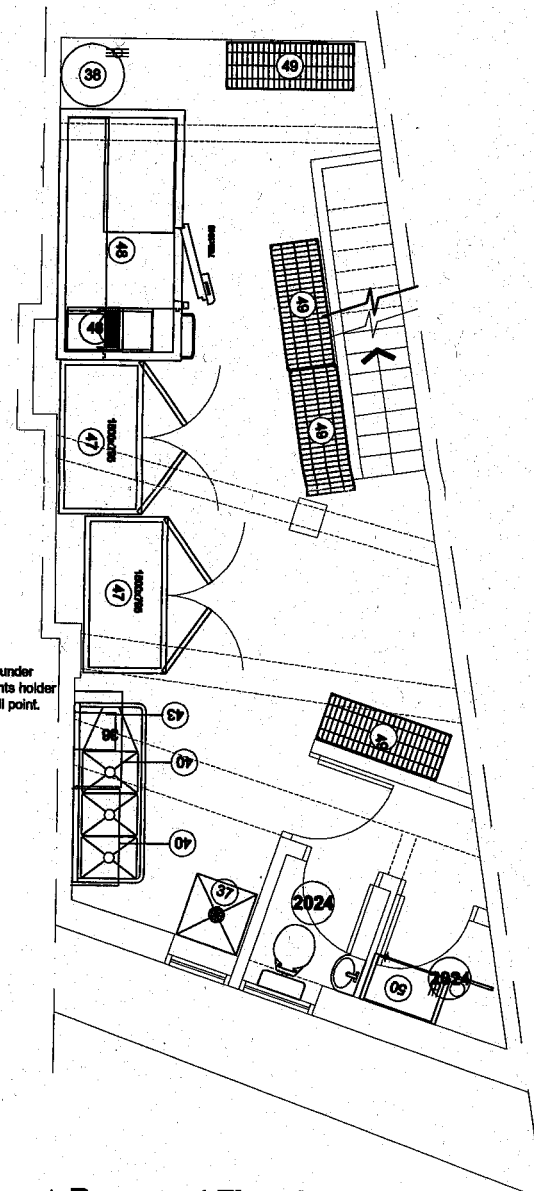
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) <u>GREGORY ANDREOU, CURRIE & BROWN (UK) LTD</u> <u>DASHWOOD HOUSE, 69 OLD BROAD STREET,</u>	
Post town <u>LONDON</u>	Post code <u>EC2M 1QS</u>
Telephone number (if any) <u>020 7920 9220</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) <u>GREGORY.ANDREOU@CURRIEBROWN.COM</u>	

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Ground Floor Plan
Proposed - 1:50



Basement Floor Plan
Proposed - 1:50

Appendix 2

Currie & Brown UK Ltd

Dashwood House
69 Old Broad Street
London
EC2M 1QS
United Kingdom

Tel: +44 (0) 207 920 9220
Fax: +44 (0) 207 920 6701
www.curriebrown.com



Simon Gallacher
Licensing Support Team
Public Protection
222 Upper Street
London
N1 1XR

Ref GA/j/LN3859M/PremisesLicence/02

23/03/2011

Dear Simon

Proposed Subway – 4 Cowcross Street, London, EC1M 6DR

Thank you for your letter sent through via email on the 22nd of March 2011.

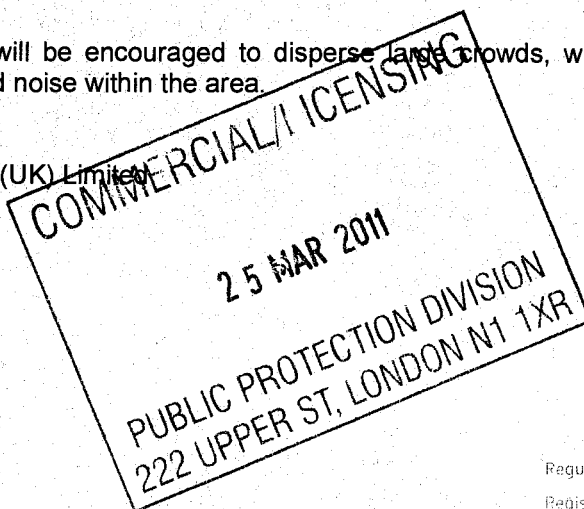
We have reviewed your comments and we would like to add the points below to the list included in our application regarding the steps we intend to take to promote the four licensing objectives.

- Store employees will be responsible for keeping the immediate area outside the shop clean and clear of any litter during the operation of the Subway store in line with the Council Charter.
- The Franchisee is looking forward to joining any pubwatch or similar programme to promote safety within the area and will cooperate fully with the Council and Police to make sure this continues.
- The Franchisee would be happy to employ door staff to assist with the management of people in and out of the store.
- Take away orders will be encouraged to disperse large crowds, which in turn will reduce nuisance and noise within the area.

Yours Sincerely

For and on behalf of Currie & Brown (UK) Limited

Gregory Andreou
Assistant Project Manager



Regulated by the RICS

Registered in England no 1300409
Registered Office
Dashwood House
69 Old Broad Street
London EC2M 1QS

Appendix 4

1

KEPI



ISLINGTON

Mr Gregory Andreou
Currie C Brown (UK) Ltd
Dashwood House
69 Old Broad Street
London
EC2M 1QS

Building Control Service
Public Protection
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:

Date: 18 April 2011

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Subway 4 Cowcross Street EC1M 6DR**

With reference to the recent application for a 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.

There is insufficient detail on the plans to determine that all parts of the premises have adequate health and public safety requirements. The premises are being refurbished and the building works should be inspected and approved by the responsible authority for health and public safety before the premises can be used under the licence.

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 commencement and completion of the works.

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)



CUSTOMER SERVICE EXCELLENCE



**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	Subway 4 Cowcross Street EC1M 6DR
Public Safety	The premises are being constructed and the building works should be inspected and approved before the premises are occupied under the licence. Insufficient detail on the premises plan of the ventilation, normal and emergency lighting, fire fighting appliances, fire and emergency warning systems, exits and exit signage.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until 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.

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.

REP 2
2

Gallacher, Simon

From: licensing@islington.gov.uk
Sent: 26 March 2011 20:29
To: Licensing; Gallacher, Simon
Subject: WK/201021285 : Your recent Online Enquiry

Address: Subway, 4 Cowcross Street, Islington, London, London, EC1M 6DR

Thank you for making representations regarding the licensing application. Your email has been forwarded to the appropriate officer dealing with this application.



I live opposite the proposed location for the licence request, and my bedroom window directly looks onto 4 Cowcross Street. A late night extension would create significant noise, leading to a public nuisance. Peter's Lane next to the proposed location is already used as a public lavatory by a number of people each evening, and a late-night eating establishment next door will just encourage this public nuisance.

Gallacher, Simon

From: [redacted]
Sent: 01 April 2011 12:49
To: Licensing
Subject: Written Representation (WK/201021285 - Subway, 4 Cowcross Street, London EC1M 6DR)

Licensing Act 2003 - Application for a Premises Licence
Subway, 4 Cowcross Street, London EC1M 6DR

Dear Mr Simon Gallacher,

I write in relation to the application for a premises licence at Subway, 4 Cowcross Street, London EC1M 6DR (Islington ref: WK/201021285).

As a resident living [redacted] the premises in question, I am deeply concerned by application in question. It is my belief that the proposed extended hours of operation will cause significant harm to surrounding residents, business and character through higher levels of disturbance, nuisance and the support of crime and disorder. As a result, I write to request that the application be rejected in its entirety.

In recent years, the Farringdon area has supported a number of license applications. Residents on Cowcross Street are already subject to a considerable level of nuisance as a result of nearby bars and nightclubs such as Fabric (77A Charterhouse Street), Raduno (85 Charterhouse Street), and The Hope (94 Cowcross Street) public house, as well as the 24hr alcohol permit of Jasmine Newsagents (93 Cowcross Street), and the late night refreshment and alcohol licences of Kurz and Lang (1 St John Street) and (the recently permitted) Farm Collective (91 Cowcross Street). In line with the Special Policy for the area, I would argue that this trend has led to a significant increase in the level of nuisance for residents and businesses operating in the area, and supports anti-social behaviour, crime and disorder. It is my strong belief that the granting of this application (Subway, 4 Cowcross Street) would damage the already fragile character of the Farringdon area, and significantly exaggerate the levels of disturbance already experienced by residents during the night. Furthermore, it is likely that competition between premises for late-night trade could be encouraged if this application were to be granted, that could see this disturbance extend increasingly further into the night.

Living [redacted] the premises in question, we already face the daunting prospect of having to cope with the nuisance associated with a shop selling fast-food (deliveries, smells and noise associated with the cooking process, talking and music etc). Before now, the shop was used solely for A1 purposes (mobile phones). A change of use to food and drink take-aways is already a significant shift of character for the premises and the street as a whole. Extending the premises hours of operation will emphasise this shift further, damaging the very nature of the area and doing little to prevent nuisance. As a result of this application, we now face the prospect of having to endure the noise, smell and general nuisance associated with the shop for almost 24hrs a day (Fridays, Saturdays and Sundays); this is surely unacceptable, especially considering the wealth of late night refreshment options already available to prospective customers.

As I am sure you are aware, the Fabric nightclub is located nearby. On days of its operation (some Wednesdays, Fridays, Saturdays and Sundays), the queue for the nightclub extends round the corner into Cowcross Street. This itself is a significant issue for residents on Cowcross Street, with frequent disturbances, disorder, and in some cases crime (the police have been present on a number of occasions). My fear is that Subway will support this disturbance, by allowing it to spread across the street, and into the premises. Customers will be allowed to loiter outside the premises to consume their purchases, causing further disturbance, especially to those of us in close proximity of the shop.

Unfortunately, the prospect of living [redacted] the premises in question is already

driving us to consider moving out of the area. I fear that the granting of this application will expedite this process, and could be a tipping point to encourage other residents to do the same.

I hope that I have made my position on this application very clear; I must request that the Council oppose this application in its entirety.

Please feel free to contact me if you would like to discuss these concerns.

Yours sincerely,

[Redacted signature block]

Suggested conditions of approval consistent with the operating schedule

1. The licensee shall provide staff employed at the premises with training about the promotion of the Licensing Objectives.
2. An effective queuing system shall be implemented to allow the flow of people in and out of the premises.
3. CCTV shall be operated in and around the premises.
4. Staff at the premises shall endeavour to control noise levels in and around the premises.
5. Store employees shall be responsible for keeping the immediate area outside the shop clean and clear of any litter during the operation of the business.
6. The licensee shall join the local pubwatch scheme, and will fully cooperate with the Council and Police to make sure the scheme continues.
7. The licensee shall employ door supervisors to assist with the management of people in and outside the premises.
8. Customers shall be encouraged to disperse.

Suggested conditions of approval recommended by Health and Safety Officer

9. 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.

Subway - 4, Cowcross Street, London, EC1M 6DR

