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## AGENDA FOR THE LICENSING SUB COMMITTEE C

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Members of Licensing Sub Committee C are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **4 October 2016 at 6.30 pm.**

**Lesley Seary**  
Chief Executive

Enquiries to : Jackie Tunstall  
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Despatched : 26 September 2016

### Membership

Councillor Gary Poole (Chair)  
Councillor Asima Shaikh (Vice-Chair)  
Vacancy

### Substitute

All other members of the Licensing committee

Quorum: is 3 Councillors

**Welcome :** Members of the public are welcome to attend this meeting.  
Procedures to be followed at the meeting are attached.



<b>A. Formal matters</b>	<b>Page</b>
1. Introductions and procedure	
2. Apologies for absence	
3. Declarations of substitute members	
4. Declarations of interest	

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences** - Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 10

<b>B. Items for Decision</b>	<b>Page</b>
1. The Old Sessions House, 22 Clerkenwell Green, EC1R 0NA - New premises licence	11 - 152

2. Holy Pitta Yeeros House, 74D Upper Street, N1 0NY - New premises licence 153 - 182
3. Star Food and Wine, 138-140 Balls Pond Road, N1 4AD - Premises licence review 183 - 206

**C. Urgent non-exempt items**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of public and press**

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**E. Urgent Exempt Items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

#### INTRODUCTION

#### TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **Responsible Authorities** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Interested Parties** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the objectors on matters arising from their submission.
- 8) **The applicant** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

- 12) **Responsible Authorities**
  - 13) **Interested parties**
  - 14) **Applicant**
- 2 mins each

#### DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.



## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING REVIEW APPLICATIONS UNDER THE LICENSING ACT 2003

#### INTRODUCTION

#### TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **The applicant (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Other representatives (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the other representatives (interested party or responsible authority) on matters arising from their submission.
- 8) **The licensee** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

- 12) **Applicant**
  - 13) **Oher representatives**
  - 14) **Licensee**
- 2 mins each

#### DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

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London Borough of Islington

## Licensing Sub Committee C - 9 June 2016

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 9 June 2016 at 6.30 pm.

**Present:**           **Councillors:**       Gary Poole (Chair), Diarmaid Ward and Flora Williamson

### Councillor Gary Poole in the Chair

**114**        **INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Poole welcomed everyone to the meeting and informed those present that the procedure was as detailed in the agenda papers.

**115**        **APOLOGIES FOR ABSENCE (Item A2)**

Councillor Shaikh and Perry submitted apologies for absence.

**116**        **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Williamson substituted for Councillor Shaikh and Councillor Ward substituted for Councillor Perry.

**117**        **DECLARATIONS OF INTEREST (Item A4)**

None.

**118**        **ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**119**        **MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 22 March 2016 be confirmed as a correct record of proceedings and the Chair be authorised to sign them.

**120**        **CALEDONIAN SUPERMARKET, 288 CALEDONIAN ROAD, N1 1BA - PREMISES LICENCE VARIATION (Item B1)**

The licensing officer stated that they had nothing further to add to the report.

The police reported that there had been a reduction in crime of 11% over the same period to the previous year, which they considered was due to the work carried out by the responsible authorities. They reported that there had been a large number of crimes in late night venues and increasing access to alcohol was not a risk that they wanted to take.

The Public Health department stated that the ambulance callouts in this geographical area was significantly higher than the borough average. This created a significant burden in

## Licensing Sub Committee C - 9 June 2016

terms of ambulance call outs, which peaked during the early hours. It was considered that all the responsible authorities needed to work in partnership to reduce these incidents.

The applicant stated that he struggled to pay his taxes. Many shops had closed and not re-opened. He considered that the increase in hours would be an improvement to help business owners and the local area. Bigger stores opening locally had affected trade. He had an oyster machine and pay point to improve the services he provided in his shop and wanted an extension in hours. He would work with the police. He said he was struggling to pay his workers but could pay them if the hours to trade were increased. He aimed to pay his taxes.

In response to a question regarding whether the premises would be an exception to the cumulative impact policy he stated that he had an oyster machine and would help people in the area. He could not afford representation. He stated that he did not sell alcohol to people when drunk and had a refusal book. He trained his staff well and asked for ID. He would require alcohol licensing hours to be the same as opening hours otherwise there might be trouble inside the store. If customers bought alcohol they might use other services.

In summary the police stated that their objection that the premises were in a cumulative impact area still remained.

### **RESOLVED**

That the application for a premises licence variation be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Kings Cross cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an 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.

Representations had been made by the licensing authority, the police and public health. There were four local resident representations in support of the application.

The Sub-Committee noted that the hours sought were outside the framework hours specified in licensing policy 8.

The Sub-Committee heard evidence from the police that there were 23 licensed premises within a 250m radius of the venue. Seven of these were off licences, that alcohol sales were ancillary to food and the existing licence with short licensing hours made the operation of a successful food led operation difficult.

The Sub-Committee concluded that the increase in hours would add to the existing cumulative impact in the area.

In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough was having on the promotion of the licensing objectives. The Sub-Committee was of the view that the licensing objectives would be undermined if the variation to the premises licence was granted.

The Sub-Committee concluded that the increased hours applied for would add to the availability of alcohol in an area where there is already a large number of licensed premises with associated anti-social and criminal behaviour and would therefore have a cumulative impact on the licensing objectives.

In accordance with licensing policy 2, the Sub-Committee was satisfied that to grant the application would undermine the licensing objectives. The applicant failed to rebut the presumption that the application if granted would not add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

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**SAINSBURYS, 211 BLACKSTOCK ROAD, N5 2LL - NEW PREMISES LICENCE (Item B2)**

The licensing officer stated that the opening hours had been amended from 07:00 to 23:00 and not 24 hours as stated in the application.

Further information regarding an additional police condition was circulated and would be interleaved with the agenda papers.

The Chair expressed concern that planning permission had not yet been determined as there was an expectation in the Council's licensing policy for this to be granted prior to a licensing application being made. The applicant stated that licensing and planning were two separate regimes and a policy statement would not override the Licensing Act.

During a short adjournment for members to consider how to proceed in this matter the applicant produced a grant of planning permission which he considered to include this premises. The Sub-Committee therefore agreed to proceed with the hearing.

The police reported that, although this premises was not in the cumulative impact zone, it fell with the Emirates Stadium Footprint which was very busy on event days. The event days were often more significant than the night-time economy. Local venues had been written to and agreements reached regarding conditions for event days. The goodwill of venues was required. The police had proposed a condition for event days which the applicant had not agreed. The police stated that they had agreed similarly worded conditions with other premises and considered that it was imperative that new licences were conditioned.

The applicant stated that on the police proposed condition dated 29 October 2015 they had not stated that the premises could not sell alcohol.

The licensing authority was concerned about the application and agreed that the police condition should be imposed. It was also stressed that this area was known for street drinkers, had several hostels in the area and asked that there be a 10:00 am start to alcohol sales rather than 8am.

The applicant stated that hours requested for alcohol sales were 8am to 11pm and that the premises were not in a cumulative impact area. He stated that there were only two premises in the area that were subject to event conditions on their licence. One of these was following a review of the licence when an additional 25 conditions were imposed. He considered that any condition regarding event days should be agreed through goodwill and not imposed on the licence. The proposed condition went further than the conditions on all of the other off licence conditions in the area. If this condition was imposed the premises would not be able to sell alcohol for 9 hours. This condition was considered

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disproportionate. The applicant stated that Sainsbury's would comply with any letter request from the licensing team. Sainsbury's already complied with police requests in other stores. They had not seen evidence that off licences created problems. Regarding the proposed 10:00 am start, the Sub-Committee was informed that the majority of off-licences in the area had licensing hours of 8am-11pm with a couple of 24 hour premises. Conditions had been agreed regarding the sale of single cans and high strength alcohol to respond to the problems of street drinking. An opening time of 8am would not make any difference to this issue. Of the four representations, two residents agreed with the hours of 7am to 11pm and the two remaining were concerns about the premises opening for 24 hours.

With reference to problems with serving alcohol in 2014 at the Stroud Green Road branch on a concert day following the receipt of a letter from the licensing team, the applicant stated that the branch had not received a letter from the licensing team and this had been accepted at licensing panel. The queues of people were the main issue and panel accepted that the store had not done anything wrong. Regarding CCTV issues at the Blackstock Road store, the Sub-Committee were informed that the manager had not been aware of any difficulties obtaining CCTV in the last 12 months. If there was an issue this should be reported to the Area Manager. The applicant would not expect management to be brought into question. This new licence would be the only one subject to this police condition. The applicant was happy to work with the police but this condition was disproportionately punishing the store.

In response to questions the applicant stated that he tried to reach agreement with the police but had not managed to do so. The response from the police had been a complete ban on alcohol on concert and match days. The conditions from the police had kept changing and they had not risk assessed the situation. They would prefer to work in partnership with the police and would abide by voluntary restrictions. The applicant was not sure of their pricing at these premises but there would be a similar pricing structure to the store in Holloway Road.

In summary, the police stated that their conditions had been chopped and changed and the final proposed condition was all encompassing in an effort to simplify the process. The licensing authority stated that a letter regarding the sale of alcohol at Stroud Green Road had been delivered by hand. The applicant stated that this should be emailed.

In summary, the applicant stated that the vast majority of premises selling high strength alcohol were open from 8am or earlier. There was no evidence to support a restriction for a later time for the sale of alcohol and the store was not in a cumulative impact area. He asked that there be trust between police and licensee, as for all the other 55 off licences nearby, rather than add a condition to this licence. There was a review procedure if Sainsbury's broke this trust.

### **RESOLVED**

1) That the application for a new premises licence in respect of Sainsbury's, 211 Blackstock Road, London, N5 2LL be granted:-

- a) To permit the premises to sell alcohol off supplies, Monday to Sunday from 10:00 until 23:00.
- b) To permit the opening hours, Monday to Sunday from 07:00 until 23:00.

2) Conditions as detailed on pages 61 and 62 of the agenda shall be applied to the licence with the deletion of condition 20.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act

2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 1 and 2.

There had been objections from the licensing authority and the police. There were four resident objections.

The Sub-Committee noted that the submission from the Licensing Authority and that although the premises were not in a Cumulative Impact Area it was very close to the Finsbury Park cumulative impact area and the Emirates Stadium with a very busy footfall on match days. The area was also home to a hostel for the homeless and a wet centre and outreach centre for street drinkers.

The police submitted that the imposition of a ban on street drinking in 2009 had worked well for pubs, bars and restaurants, but not for off licences. Since 2013, the police licensing team had ensured that all new licences for off sales were conditioned accordingly within the Emirates Stadium footprint in terms of the risk assessment. The police considered it to be imperative to impose a condition to restrict the sale of alcohol before and after matches and events held at the Emirates stadium, rather than rely on the goodwill of businesses. The police cited two incidents that had occurred in other Sainsbury's stores in the borough which in their view reflected poor standards of management and reinforced their recommendation for a condition to be imposed rather than a promise of goodwill.

The Sub-Committee took into account licensing policy 4 regarding shops selling alcohol and the restriction of licensing hours and also licensing policies 7 and 8 regarding licensing hours. The Sub-Committee considered the home office guidance, specifically paragraph 9.12, which states that the police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

The Sub-Committee considered that the imposition of the additional condition and the restriction to licensing hours was reasonable and proportionate and would promote the licensing objectives of the prevention of crime and disorder and public nuisance.

**122**

**ANGELO'S ITALIAN, 156A SEVEN SISTERS ROAD, N7 7PS - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that a response from a residents meeting had been tabled. The Chair stated they had all read the letter and it had been helpful. The letter would be interleaved with the agenda papers.

The applicant's agent stated that he had considered the licensing policy hours. He understood the concerns of the residents given the previous history of the premises. The applicant had been recommended and this would be a different type of premises to the previous one. This would be a top class Italian restaurant with no regulated entertainment. The residents meeting went well but he understood that not everyone present was convinced.

In response to questions, the applicant stated for thirty years he had been a sommelier and manager of premises. He would be the designated premises supervisor and would be on the premises about 4-6 hours each day. This business would be his main priority. About ten years ago he had run a restaurant as a manager but not as the owner. He planned to engage with the community and build confidence. He stated he was a qualified sommelier and had considered wine tastings at the premises. The previous occupier owned the building, rented out the flat upstairs and lived locally but would not have any day to day

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involvement with the business. This was not an application for an off licence. The applicant welcomed a condition that the previous owner would not have any involvement in the business.

### **RESOLVED**

1) That the application for a new premises licence in respect of Angelo's Italian, 156A Seven Sisters Road, N7 7PS be granted.

a) To permit the on sales of alcohol at the premises on Monday to Saturday from 11:00 until 23:00 and Sunday from 11:00 until 22:30.

b) The opening hours of the premises to be Monday to Saturday from 10:00 to 23:30 and from Sunday from 10:00 until 23:00.

2) Conditions as detailed on page 87 of the agenda shall be applied to the licence with the following additional condition:-

- Mr Detar Hekuri will have no involvement in any licensable activity at the premises.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Holloway and Finsbury Park cumulative impact area. Licensing policy 2 creates a rebuttable presumption that new applications for premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an 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.

There were four local resident objections. The Sub-Committee were provided with a statement on behalf of the residents who were unable to attend.

The Sub-Committee noted that there had been a licence at the premises in the recent past that had been revoked following a history of problems with the previous management. The interested parties were concerned that this application was connected to the previous management. The applicant's representative stated that the previous licence holder was the freeholder so would continue to have some contact with the premises but agreed to a condition being imposed on the licence, if it was granted, that the previous licence holder would not have any involvement in licensable activities at the premises.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8 and considered that the application fell within the exception to licensing policy 2 in that it was a small premises operating within hours specified and the premises were not alcohol led. The Sub-Committee also considered licensing policy 9, regarding the operating schedule.

In granting the application, the Sub-Committee took the view that, with the conditions, the licensing objectives would be promoted.

### **Note of the Committee**

The Chair stated that this had been a troubled venue and there was an expectation that in granting a new premises licence, the applicant would build bridges with residents who had been adversely affected by the previous licence holder.



123

**EMPARO PIZZA,1 STROUD GREEN ROAD, N4 2DQ - NEW PREMISES LICENCE (Item B4)**

The licensing officer reported that he had nothing further to add to the report.

The police stated that the hours requested fell outside the recommended hours contained within the licensing policy. The premises were situated in a very busy transport hub where 463 crimes had been reported over the past six months. The premises had been operating for five years without a licence and a warning letter sent in 2013 had been ignored. This reflected poor management standards. Four crimes had been linked to the venue and although they were not linked to poor management they were at times when the business should not have been operating. The applicant had been advised to operate within hours proposed by the policy but this had been rejected by the applicant.

In response to questions it was reported that the police had discussed the application with the applicant and would agree midnight during the week and 1am on Fridays and Saturdays. They agreed that deliveries could be made after this time. However, the applicant would not agree to this and requested 3 or 4 am for passing trade.

The applicant stated that the warning letter had not been sent to his address and was not in his name. It was addressed to another occupier who runs the basement premises and he did not pass the letter onto him. He wanted the opportunity to get ahead and had established his business. He stated that his business would not survive without a late night licence. Once he had received the letter about his hours he took action straight away. He stated that the business would be takeaway after 11pm. He would follow procedures and record incidents. He would ask customers to leave quietly and respect neighbours. This was not a licence for alcohol and music was not played on the premises. CCTV would be installed and shared with the police. He always called the police when necessary. He had made a mistake and needed a second chance. He was happy to agree to all the conditions.

In response to questions, the applicant stated that he had five years experience; he had handled the business with no problems and was happy to do what he instructed to do. He admitted that he had been operating without a licence for five years. He stated that Thursdays through to Saturdays was very busy. If he closed at 11pm he would only have four to five hours of business and he was very quiet before 11pm. He stated that other shops were trading in the area at 4am. The warning letter was sent to downstairs and he did not receive it. The applicant apologised but stated that he needed a second chance and if he had to operate only until 11pm he would lose too much business.

In summary, the police stated that they did not have an issue with the management of the business but stated that this was a cumulative impact area and they did not want people in the area late at night.

The applicant stated that he had already lost customers over the past few days. He had been using temporary event notices to operate. If hours were restricted until 11pm his business would operate for only five hours. His staff would also be working less hours. He stated he would like to carry on his business and would want to have 3 am at the earliest.

**RESOLVED**

That the application for a new premises licence in respect of Emparo Pizza, 1 Stroud Green Road, N4 2DQ be refused.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 1 and 2. The premises fall under the Holloway and Finsbury Park cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an 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.

Representations had been made by the police and the licensing authority. The Sub-Committee noted that the applicant had been operating the premises for about five years without a licence which in their view was a serious failure of the high standards of management expected of licence holders.

The Sub-Committee noted that the hours sought were outside the hours specified in licensing policy 8.

The Sub-Committee concluded that the increase in hours would add to the existing cumulative impact in the area.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application.

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**JOKER OF PENTON STREET, 58 PENTON STREET, N1 9PZ - PREMISES LICENCE VARIATION (Item B5)**

The Sub-Committee noted that there was only one resident objection remaining to this application.

The application was to extend the licence to include the ground floor.

The resident stated that he did not want noise from customers and smokers outside until 3am making it difficult for residents to sleep.

The applicant's agent stated that the premises had been purchased two years ago. There had been an issue in July 2014 regarding noise but there had been no complaints since. Acoustic work at a cost of £10000 would be carried out. The application was for an extension for regulated entertainment so conditions regarding drinks outside were not within the scope of the application; however the applicant was happy to agree the additional conditions. There was currently no restriction on smokers outside. Drinks would not be allowed outside after 11pm.

In response to questions, the applicant agreed to a condition to restrict the number of smokers after 11pm. Staff had been good at managing the outside areas and no

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complaints had been received. The outside space was visible from inside the premises. Once furniture was removed from outside, customers did not stay outside for a long period.

In summary, the resident stated that he could hear music when customers entered or left the premises. He stated that 20 smokers would be difficult to manage after 11 pm. The applicant stated that he had engaged with the responsible authorities and interested parties. There had been no representation from the police and eight conditions had been agreed which were beyond the scope of the variation. The application had brought in very significant controls which would promote the licensing objectives. He agreed an amendment to condition 7 to restrict the number of smokers outside after 11pm.

### **RESOLVED**

1) That the application for a premises licence variation in respect of Joker of Penton Street, 58 Penton Street, London, N1 9BZ be granted:-

a) To amend the premises licence so as to allow all currently authorised activities and hours to be extended to include the ground floor.

b) Allow an additional hour to the standard and non-standard times on the day when British summertime commences.

c) Update the company's registered address to:-  
Global House, High Street, Crawley, West Sussex, RH10 1DL

2) Conditions as on page 144 of the agenda shall be applied to the licence with the amendment of condition 7 to read.

- After 11pm, there shall be no more than 20 smokers at any one time outside and the smokers will be supervised.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for variations to premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an 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. However, the application did not require the applicant to rebut the presumption.

There was one local resident objection. He raised concerns in regard to customers smoking outside the licensed premises late at night.

There had been no representations made by the responsible authorities.

The Sub-Committee noted that the applicant wanted to extend the provision of regulated entertainment after 11pm to include the ground floor of the premises. The Sub-Committee noted that the applicant had held a premises licence for two years with extended hours which had not caused concerns in the past. The Sub-Committee noted that the applicant had worked with the Council's noise team and had agreed conditions which would promote the licensing objectives of prevention of public nuisance.

## **Licensing Sub Committee C - 9 June 2016**

The Sub-Committee considered licensing policy 9 and 10 regarding standards of management, licensing policy 18 relating to noise and licensing policy 20 relating to smoking, eating and drinking outside and were satisfied that the grant of the variation, with the conditions agreed with the noise team and the amended condition relating to smokers outside the premises, would promote the licensing objectives.

The meeting ended at 9.45 pm

**CHAIR**



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 <sup>th</sup> October 2016		Clerkenwell

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION**  
**The Old Sessions House, 22 Clerkenwell Green, London EC1R 0NA**

## 1. Synopsis

1.1 This is an application for a new premise licence under the Licensing Act 2003.

1.2 The application is for a licence to allow:

- The sale of alcohol for consumption on and off the premises, the exhibition of films, live music, recorded music, performance of dance:
  - Ground floor: 10:00 to 23:00, Sundays to Thursdays, 10:00 to 23:45, Fridays and Saturdays;
  - 4<sup>th</sup> floor (private dining room): 10:00 to 23:00, Sundays to Thursdays, (Fridays and Saturdays not specified);
  - 4<sup>th</sup> floor (Judges Room) 0:00 to 23:00, Sundays to Thursdays, 10:00 to 00:00, Fridays and Saturdays;
  - Roof terrace: 10:00 to 23:00, Sundays to Thursdays, (Fridays and Saturdays not specified).
- The provision of Late Night Refreshment, Ground Floor and 4<sup>th</sup> floor (Judges Room), 23:00 to 23:45, Fridays and Saturdays.
- The following opening hours:
  - Ground floor: 08:00 to 23:00, Sundays, 08:00 to 23:30, Mondays to Thursdays, 08:00 to 00:00, Fridays and Saturdays;

- 4<sup>th</sup> floor (private dining room): 08:00 to 23:00, Sundays, 08:00 to 23:30, Mondays to Thursdays (Fridays and Saturdays not specified);
- 4<sup>th</sup> floor (Judges Room) 08:00 to 23:00, Sundays to Thursdays, 08:00 to 00:30, Fridays and Saturdays;
- Roof terrace: 08:00 to 23:00, Sundays to Thursdays, (Fridays and Saturdays not specified).
- On New Year's Eve permitted hours will be extended until the start of licensable activities the following day.

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	No
Noise	Yes
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Planning	No
Local residents	Yes
Other bodies	No

## 3. Background

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: LSC decision 24 May 2016;

Appendix 4: suggested conditions and map of premises location.

3.2 A premises licence was previously held in respect of these premises by the Central London Masonic Centre Limited. This licence permitted the sale of alcohol for consumption on the premises only, 10:00 to 23:00, Monday to Saturday and 12:00 to 22:30 on Sundays. Late night refreshment was permitted to 23:00, Monday to Saturday, and Recorded Music was permitted 24hours, 7 days a week. The licence contained conditions restricting the sale of alcohol:

- To members of Masonic Lodges and their guests.

- To persons attending conferences, trade exhibitions or lectures organised by the companies firms or societies, attendance at which is restricted to Directors, Principals, Employees and members of such companies, firms, societies and the organisers of and lecturers at such conferences, exhibitions or lectures and to persons attending by ticket or invitation ISSUED IN ADVANCE
- 3.3 An earlier application submitted by the current applicants for the same premises was considered by the Licensing Sub-Committee on 24 May 2016. This previous application was for longer licensed hours and included floors 1 to 3, which are not included with this current application. The application was refused for the reasons given in the decision notice shown at appendix 3.
- 3.4 The licensing authority has received representations from 43 local residents, plus three petitions containing 83 signatories.

#### 4. Planning Implications

4.1 The site is subject to two Planning Permissions, P2014/3878/FUL and P2014/3871/FUL.

4.2 P2014/3878/FUL permits:

“Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar and office (Sui Generis use), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of boundary railings to rear and flank elevations and internal alterations/restoration works (including lowering of (including excavation of sub-basement below yard). Listed building consent application also submitted, reference P2014/4039/LBC.”

4.3 P2014/3871/FUL permits:

“Change of use from Masonic Lodge to a mixed use scheme comprising retail, restaurant/bar, office and **Private Member’s Club** (Sui Generis), erection of roof extension and alterations to roof to create two roof terraces (including a roof top pool) and insertion of rooflights, installation of roof top plant, replacement of windows, erection of ground floor boundary railings to rear and flank elevations and internal alterations/restoration works (including excavation of sub-basement below yard). Listed building consent application also submitted, reference P2014/4040/LBC.”

4.4 Both permissions are subject to very similar conditions. In respect of permitted hours of operation, relevant conditions state:

Condition 10:

No further persons shall be given access to the external areas serving the property, including all external lower ground floor areas and the roof terraces hereby permitted after 2200 hours and these areas shall not be available for use after 2230 hours on any day. After this time, all entry and exit doors and windows onto the external areas shall be kept shut and any lighting to the roof terraces must be turned off on any day

REASON: In the interest of protecting neighbouring residential amenity.

Condition 18:

The cafe / restaurant (A1/A3 use class), drinking establishment (A4 use class) and \*Private Members Club (sui generis use class) shall only operate during the hours of:

- 10:00 - 23:30 Monday to Saturday
- 12:00 - 23:00 Sundays

Except on Good Friday: 12:00 to 23:00  
Christmas Day: 12:00 to 15:30 and 19:00 to 23:00  
New Year's Eve except on a Sunday: 10:00 until the time authorised on the following day  
New Year's Eve on a Sunday, 12:00 until the time authorised on the following day.  
If there are no permitted hours on the following day, 00:30 on the 31st December.

(\*Omitted from P2014/3878/FUL)

Note: These closure hours are inclusive of a maximum 30 minutes drinking up time.

## 5 Recommendations

- 5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 5.2 To consider that this address is in the 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.
- 5.3 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 4)
  - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

## 6 Conclusion and reasons for recommendations

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

### Background papers:

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

### Final Report Clearance

#### Signed by

Service Director – Public Protection

Date

#### Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)



WRK/160023921

TL.  
OK?  
5/8/14

London Borough of Islington

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We Satila Farringdon Limited  
(Insert name(s) of applicant)

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
The Old Sessions House 22 Clerkenwell Green			
Post town	London	Postcode	EC1R 0NA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 186,000.00	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

COMMERCIAL LICENSING  
3 AUG 2016  
PUBLIC PROTECTION DIVISION  
222 UPPER ST, LONDON N1 1XR

ISLINGTON COUNCIL LICENSING			
Date	5/8/16	Fee Paid	635
Cash/Cheque Number (please circle)	001205	please complete section (B)	
Receipt Number	36296		
Received By	JW		

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

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

I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

✓	Name Satila Farringdon Limited
✓	Address 80-83 Long Lane London EC1A 9ET
✓	Registered number (where applicable) 05179124 0
	Description of applicant (for example, partnership, company, unincorporated association etc.)  Limited Company
	Telephone number (if any)
	E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

The premises are The Old Sessions House and will provide restaurant facilities with a bar area on the ground floor and on the top floor with a roof terrace above the top bar.

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

N/A
-----

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- 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)

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

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri					
			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b>Please give further details here</b> (please read guidance note 3)</p> <p><u>Ground Floor</u> Friday and Saturday 10:00 - 23:45</p> <p><u>Judges Dining Room</u> Friday and Saturday 10:00 - 00:00</p> <p><b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)</p> <p><b>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</b> (please read guidance note 5)</p> <p>On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.</p>		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	See further details				
Sat	See further details				
Sun	10.00	23.00			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)</p>		
Mon					
Tue					
Wed					

Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b>
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)	
Wed			<b><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></b> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)  <u>Ground Floor</u> Friday and Saturday 10:00 - 23:45  <u>Judges Dining Room</u> Friday and Saturday 10:00 - 00:00  <b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	See further details				
Sat	See further details				
Sun	10:00	23:00	<b>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</b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)  <u>Ground Floor</u> Friday and Saturday 10:00 - 23:45  <u>Judges Dining Room</u> Friday and Saturday 10:00 - 00:00  <b>State any seasonal variations for the playing of recorded music</b> (please		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			



			read guidance note 4)
Thur	10:00	23:00	
Fri	See further details		
Sat	See further details		<b><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</u></b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.
Sun	10:00	23:00	

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)  <b>Ground Floor</b> Friday and Saturday 10:00 - 23:45  <b>Judges Dining Room</b> Friday and Saturday 10:00 - 00:00		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur	10:00	23:00			
Fri	See further details		<b><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></b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.		
Sat	See further details				
Sun	10:00	23:00			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	23:00	<b>Please give further details here</b> (please read guidance note 3)		
			<u>Ground Floor</u> Friday and Saturday 10:00 - 23:45		
Wed	10:00	23:00	<u>Judges Dining Room</u> Friday and Saturday 10:00 - 00:00		
Thur	10:00	23:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	See further details				
Sat	See further details		<b>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</b> (please read guidance note 5)		
			On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.		
Sun	10:00	23:00			

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p> <p><u>Ground Floor</u> Friday and Saturday 23:00 - 23:45</p> <p><u>Judges Dining Room</u> Friday and Saturday 23:00 - 00:00</p> <p><b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)</p> <p><b><u>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</u></b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.</p>		
Mon					
Tue					
Wed					
Thur					
Fri	See further details				
Sat	See further details				
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)  <u>Ground Floor</u> Friday and Saturday 10:00 - 23:45  <u>Judges Dining Room</u> Friday and Saturday 10:00 - 00:00	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)           <b>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</b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	See box above				
Sat	See box above				
Sun	10:00	23:00			

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

<b>Name</b> Oliver Grebelius	
<b>Address</b> Satila Farringdon Limited, 22 Clerkenwell Green, London	
<b>Postcode</b>	EC1R 0NA
<b>Personal licence number (if known)</b> To be advised	
<b>Issuing licensing authority (if known)</b> To be advised	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).  
Not applicable

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	<u>Ground Floor Opening Hours</u> Friday and Saturday 08:00 - 00:00  <u>Judges Dining Room Opening Hours</u> Friday and Saturday 08:00 - 00:30
Mon	08.00	23:30	
Tue	08.00	23:30	
Wed	08.00	23:30	
Thur	08.00	23:30	
Fri	See box above		
Sat	See box above		
Sun	08.00	23:00	<b><u>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</u></b> (please read guidance note 5) On New Years Eve - permitted hours will be extended until the start of licensable activities the following day.

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

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

1. The licensee shall ensure that the premises are responsibly managed and supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.

**b) The prevention of crime and disorder**

1. The sale of alcohol in those areas coloured blue will only be to customers who are seated and eating food.
2. In the area coloured brown/Pink on the ground floor ('the bar') a minimum of 50% of the public floor space will at all times be covered by tables and chairs.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
6. After 9.00pm all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises other than to the areas marked 'outside area' and shaded white.
7. Any tables and chairs outside the ground floor and roof terrace of the premises shall be rendered unusable by 22:30 each day when licensable activities are taking place.
8. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
9. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.
13. An incident log shall be kept at the premises, an made available on request to an authorised officer of the Council or the Police, which will record the following:-
  - (a) All crimes reported to the venue
  - (b) All ejections of patrons
  - (c) Any complaints received concerning crime and disorder

- (d) Any incidents of disorder
  - (e) All seizures of drugs or offensive weapons
  - (f) Any faults in the ECRV system or searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service.
14. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
  15. As soon as possible, in any event within 1 month from the grant of the licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
  16. The consumption of alcohol shall be restricted to those parts of the premises identified on the plan attached to the premises licence and coloured blue, pink or white.
  17. The licensee shall participate in any current Best Practice scheme in relation to licensed premises in operation in the Borough.

**c) Public safety**

1. The number of persons permitted in the premises at anyone time (including staff) shall be confirmed prior to the premises opening to the public. (Current estimates attached)
2. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
3. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
4. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
5. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
6. All staff shall be trained as appropriate in respect of relevant Licensing Law, the implementation of licence conditions, Health and Safety, First Aid, alcohol and drug awareness and conflict management.
7. A fire detection and warning system shall be in place along with fire extinguishers.
8. An emergency lighting system shall be in place.
9. Safety signs and notices shall be maintained in place.
10. Floor staff shall conduct regular checks to remove hazardous objects/waste.
11. An adequate supply of first aid equipment and materials shall be available at the premises at all times.

**d) The prevention of public nuisance**

1. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and amplified or raised voices coming from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for music and dancing. Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team. The controls for the entertainment noise limiting system shall be located in a secure, lockable cupboard or similar location. The entertainment noise limiting system is to be independent of control by persons other

than the licensee. Access to the entertainment noise limiting system is to be restricted to the Licensee or a designated manager. The noise limiting device shall be checked and calibrated to the agreed sound levels by the Acoustic Consultant annually and the calibration certificate submitted to the Licensing Team.

2. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
3. The licensee shall develop a Noise Management and Dispersal Policy to control noise coming from the venue, including people noise, and to control noise from customers either congregating outside or leaving the area. The Noise Management and Dispersal Policy shall be agreed with the Council's Licensing Authority and be reviewed and revised periodically or after incidences to ensure that public nuisance is prevented from recurring.
4. All windows and external doors shall be kept closed after 2200 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. A direct telephone number at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
8. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. No waste collections, bottling out or deliveries at the premises shall take place between 21:00 hours and 08:00 Monday to Saturday or before 10:00 or after 20:00 on Sundays and Bank Holidays.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
12. There shall be dedicated smoking areas for patrons with a maximum number of smokers to be calculated for that area and clearly marked or cordoned off and supervised. Smokers should not be allowed to take drinks to those areas after 22:30. The dedicated areas shall be agreed with the Licensing Officers to prevent the likelihood of public nuisance.
13. The licence holder shall ensure the areas immediately outside the premises are swept and cleaned and that all cigarette butts are removed and disposed of within the premises.
14. On the Ground floor Access and egress will be from entrances on Clerkenwell Road, Farringdon Lane and Clerkenwell Green North.
15. Access and egress to the top floor will be via the Clerkenwell Green North entrance.
16. A Terrace smoking area will be available at all times.

**e) The protection of children from harm**



**Checklist:**


**Please tick to indicate agreement**

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

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

**Part 4 – Signatures (please read guidance note 10)**

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

Signature	
Date	4 August 2016
Capacity	Woods Whur 2014 Limited - Solicitors for applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)**

Andrew Woods  
 Woods Whur 2014 Limited  
 Devonshire House  
 38 York Place

Post town	Leeds	Postcode	LS1 2ED
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Telephone number (if any)	0113 234 3055
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
 andrew@woodswhur.co.uk

## Old Sessions House

### Calculating Estimated Occupancy:

	Estimated number of people – Seated	Estimated number of people – Standing	<u>Operation Hours</u>
Ground Floor (bar area)	87	60	<u>Monday – Thursday</u> Closed at 23:30 (alcohol served until 23:00) <u>Friday &amp; Saturday</u> Closed at 00:00 (alcohol served until 23:45) <i>Judges Dining Room</i> Closed at 00:30 (alcohol served until 00:00) <u>Sunday</u> Closed at 23:00 <u>All outdoors areas closed at 22:30.</u>
Ground Floor (restaurant area)	162	65	
Private dining (ground floor)	16	n/a	
Judges Dining Room	79	45	
Private dining (third floor)	14	n/a	
Roof	69	40	



woodswhur

Devonshire House  
38 York Place  
Leeds  
LS1 2ED

33 Cavendish Square  
London  
W1 0PLW

Tel: 0113 234 3055

info@woodswhur.co.uk  
www.woodswhur.co.uk

OK to  
process  
TL  
5/8/16

Licensing Service  
Islington Council  
Public Protection Division  
222 Upper Street  
LONDON  
N1 1XR

Our ref AW/CC/SAT001-1-6/2249

Your ref

4 August 2016

Dear Sir

**The Old Sessions House, 22 Clerkenwell Green, London, EC1R 0NA**  
**Grant of Premises Licence**

We act on behalf of Satila Farringdon Limited and we are instructed to submit an application for the grant of a Premises Licence in respect of the above.

Accordingly, please find enclosed the following:

- 1 Notice of application
- 2 DPS Consent Form
- 3 Estimated Occupancy Schedule
- 4 Site Plan
- 5 Layout plan - Ground floor
- 6 Layout plan - Fourth floor
- 7 Layout plan - Roof Terrace
- 8 Cheque in the sum of £635.00

We confirm arrangements are being made for the public notice to be advertised in a local paper and displayed at the premises.

We should be obliged if you would acknowledge receipt of this letter and enclosure and if you require any further information, please contact Andrew Woods at this office.

Yours faithfully

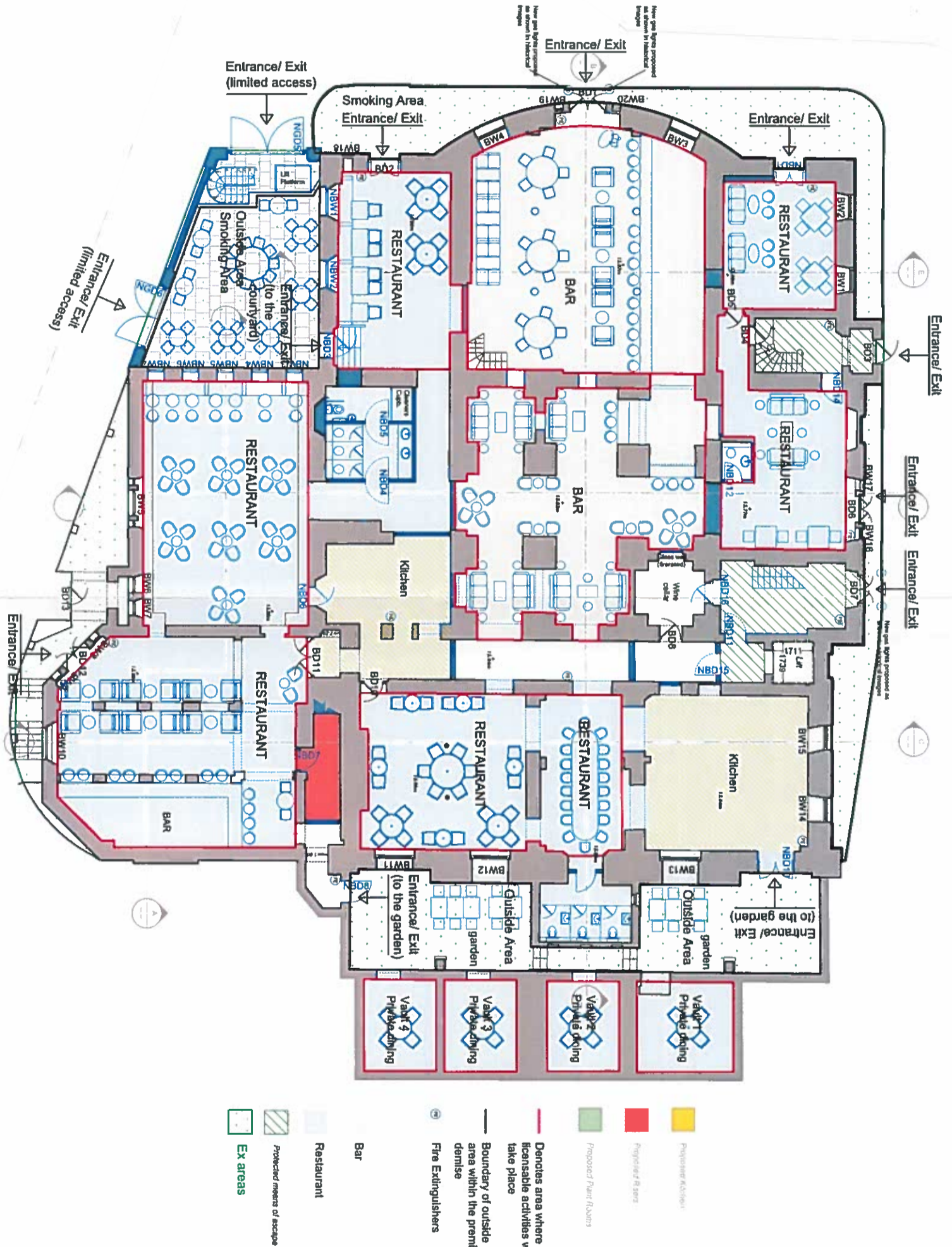
*Woods Whur*

**Woods Whur**

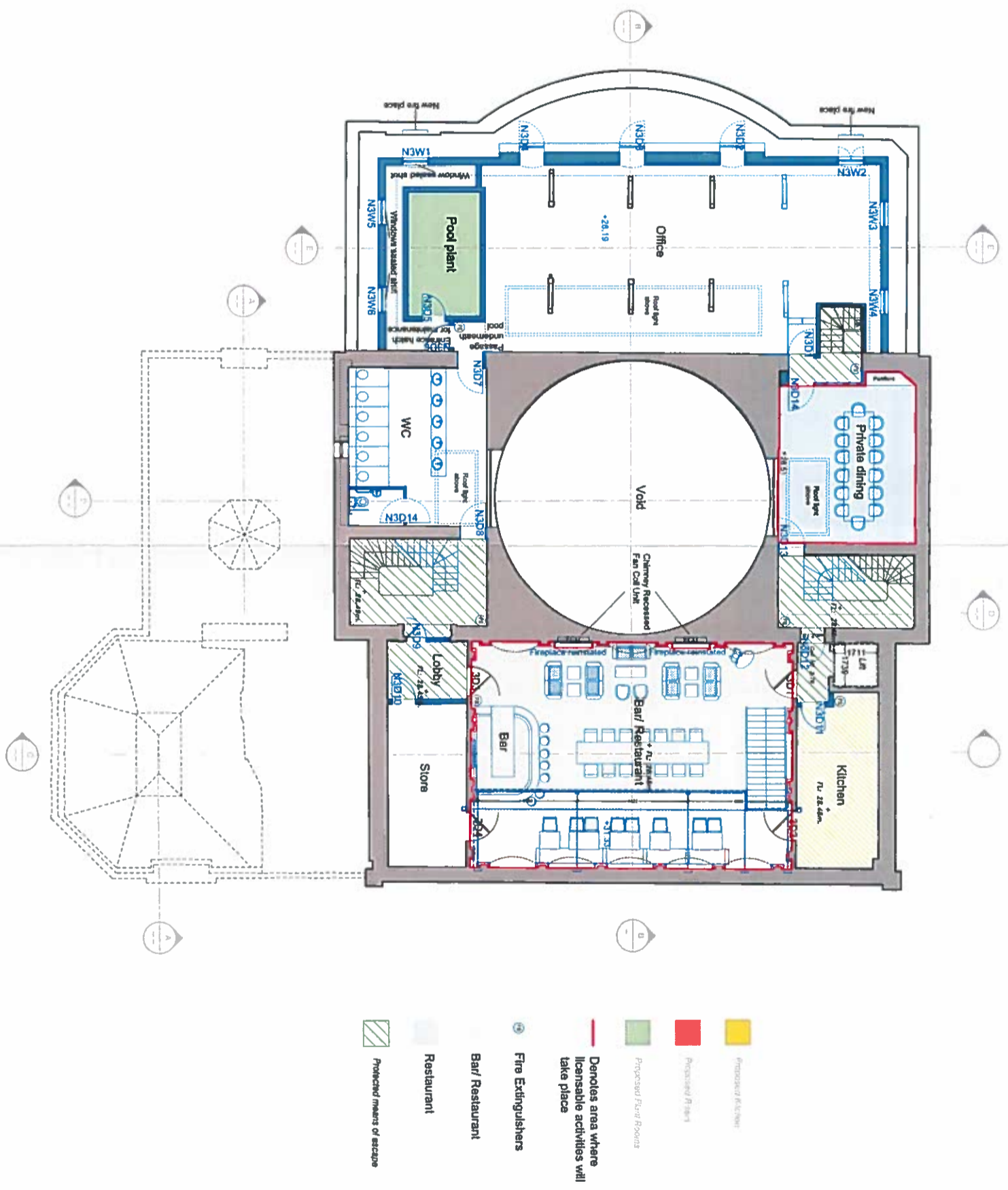
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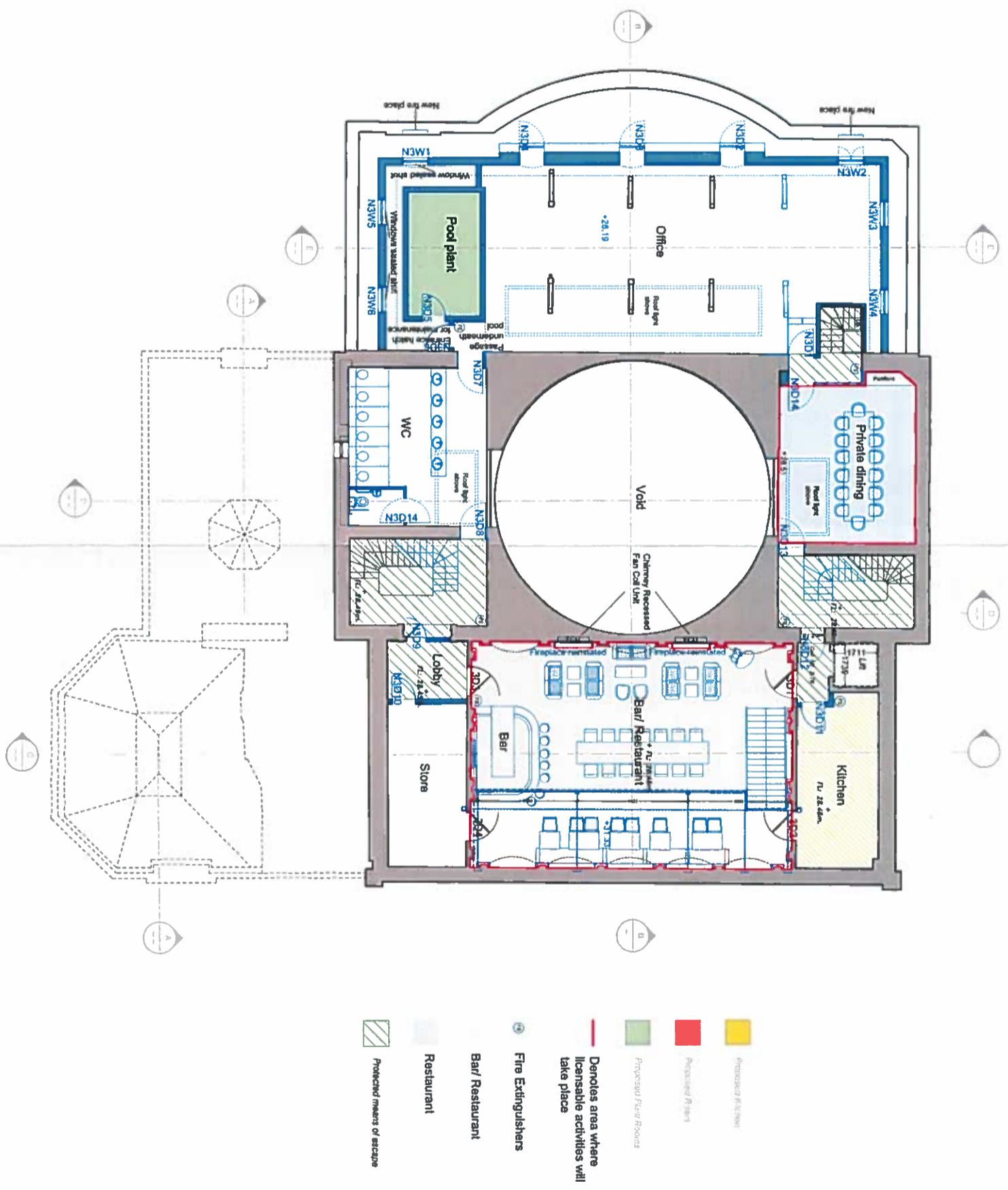


Ground floor plan as proposed 1:200 @A3  
 Old Sessions House  
 22 Clerkenwell Green London EC1R 0NA



Fourth floor plan as proposed 1:200 @A3  
 Old Sessions House  
 22 Clerkenwell Green London EC1R 0NA





Fourth floor plan as proposed 1:200 @A3  
 Old Sessions House  
 22 Clerkenwell Green London EC1R 0NA

**Licensing Act 2003- Representation from the Licensing Authority**  
**Application: Old sessions House 22 Clerkenwell Green London EC1**

I am submitting a representation on behalf of the Licensing Authority with respect to the new application for licensable activities as set out below:

Area	Licensable activity	Proposed licensed times	Opening times
Ground Floor	Films, live music, recorded music, performance of dance, sale of alcohol (on and off)	10:00 – 23:00 Sun – Thurs 10:00 – 23:45 Fri – Sat	08:00 – 23:00 Sun 08:00 – 23:30 Mon -Thurs 08:00 – 00:00 Fri – Sat
	Late night refreshment	23:00 – 23:45 Fri – Sat	
Fourth Floor Private Dining	Films, live music, recorded music, performance of dance, sale of alcohol (on and off)	10:00 – 23:00 Sun – Thurs Not specified Fri – Sat	08:00 – 23:00 Sun 08:00 – 23:30 Mon -Thurs Not specified Fri – Sat
Judges Room (fourth floor and roof terrace)	Films, live music, recorded music, performance of dance, sale of alcohol (on and off)	10:00 – 23:00 Sun – Thurs 10:00 – 23:45 Fri – Sat	08:00 – 23:00 Sun 08:00 – 23:30 Mon -Thurs 08:00 – 00:30 Fri – Sat
	Late night refreshment	23:00 – 00:00 Fri – Sat	

The grounds for the representation are:

- Public Nuisance
- Public Safety
- Crime and Disorder
- Protecting Children from Harm

### Background

This is the second licence application that the current applicants have submitted in respect of these premises, the first application being refused by the Licensing Sub-Committee on 24 May 2016. The applicants have made some changes to the original application, notably the proposed private members clubs in respect of floors 1 to 3 has been removed, and the proposed hours for licensable activities have been reduced.

The original application proposed the following hours for licensable activities:

- Ground floor 8 to 12 midnight (00:30 closing) 7 days
- The top floor 8 to 00:30 (01:00 closing) 7 days.
- Floors 1 to 3, private members club, members only and up to 4 guests, 8 to 00:30 (1am closing) 7 days.

The premises operated as a masonic lodge from the 1970s to 2013. The premises held a licence until March 2015 when it was surrendered. The licence permitted the playing of Recorded Music, 24/7, the provision of Late Night Refreshment to 23:30, Mondays to



Saturdays, the sale of Alcohol (on sales only) 10:00 to 23:00, Mondays to Saturdays, 12:00 to 22:30 on Sundays. This licence restricted the sale of alcohol to:

- a) To members of Masonic Lodges and their guests.
- b) To persons attending conferences, trade exhibitions or lectures organised by the companies firms or societies, attendance at which is restricted to Directors, Principals, Employees and members of such companies, firms, societies and the organisers of and lecturers at such conferences, exhibitions or lectures and to persons attending by ticket or invitation ISSUED IN ADVANCE

Notwithstanding, a) and b), alcohol was not to be sold or supplied in the basement otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.

### Licensing Policy Considerations

<i>Licensing Policy 1 and 2</i>	<i>Cumulative Impact Areas</i>
<i>Licensing Policy 4 and 5</i>	<i>Shops selling alcohol</i>
<i>Licensing Policy 7 and 8</i>	<i>Licensing Hours</i>
<i>Licensing Policy 9, 10 and 11</i>	<i>Standards of Management – Operating Schedule</i>
<i>Licensing Policy 17</i>	<i>Drugs policy – Nitrous Oxide</i>
<i>Licensing Policy 18</i>	<i>Noise – outside exemption</i>
<i>Licensing Policy 20</i>	<i>Smoking, Drinking and Eating outside</i>
<i>Licensing Policy 21</i>	<i>Dispersal Policy</i>
<i>Licensing Policy 22</i>	<i>Safer Travel at Night</i>

The premises is located in the Clerkenwell Cumulative Impact Policy area. The immediate area is a mix of residential and commercial dwellings. The area has a high concentration of licensed premises which attracts many visitors and incidents of associated nuisance, criminal and disorderly behaviour are often reported to the Licensing Service by local residents. The current application shows an estimated occupancy of 637, with a final figure to be confirmed prior to opening. While less than the potential numbers associated with the original application, the Licensing Authority is still concerned about the potential impact that such a large volume of additional people arriving in the area will have. The applicants have as yet not provided copies of noise management and dispersal policies for the Licensing Authority to consider. This particular concern was raised by the licensing sub-committee when refusing the original application.

Existing venues in the area already experience nuisance issues associated with patrons pre-loading in the vicinity and departing with drinks in opening vessels. The application does not adequately address how alcohol consumption outside the premises will be managed and supervised.

The application does not adequately explain how the supply and consumption of alcohol on the premises will be managed to ensure the responsible retail of alcohol. The application if granted as sought provides opportunity for large parts of the premises to be used for the consumption of alcohol, without the requirement of a substantial meal or customers to be seated. The proposed blue areas, where customers are required to be seated and eating food, accords with at most 241 of the 637 estimated occupancy. What constitutes food is not elaborated upon and could theoretically be bar snacks rather than a substantial meal.

The application makes no reference to a drugs policy. The area has seen an increase in illicit drug dealing who are targeting patrons of late licensed venues.

The Licensing Service is in receipt of regular complaints concerning disturbance from patrons of licensed premises using outside drinking and smoking areas. The current application refers to several outside drinking and smoking areas with no detailed information proffered as to how they will be adequately supervised and managed, particularly during later hours.

The application contains inadequate details concerning dispersal arrangements and safer onward travel arrangements.

**Recommendations and reasons**

The premises is located in the Clerkenwell Cumulative Impact area which means that the council has determined that the area is already saturated with licenced premises and any licence applications need to be carefully examined to ensure that the proposed activities, opening hours, style of operation and management arrangements contained in the operating schedule will not add to the cumulative impact to such as extent that the licensing objectives are undermined.

The Licensing Authority has considered the style and hours of operation proposed by the applicant, the management arrangements described in the operating schedule, the special considerations described in paragraphs 5, 6 and 7 of the Licensing Policy and Licensing Policies 1, 2, 4, 5, 7, 8, 9, 10, 11, 17, 18, 20, 21 and 22.

The Licensing Authority made representation in respect of the original application due to a number of concerns and unfortunately many of those concerns have still not been addressed by this current application. The Licensing Authority is still of the opinion that the application as submitted will add to the cumulative impact. The application should be refused because the applicant has failed to demonstrate in their operating schedule that the operation of the premises will not add to the cumulative impact.

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

2 September 2016



**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority Environmental Protection

<b>Your Name</b>	Anne Brothers	
<b>Job Title</b>	Noise Liaison Officer	
<b>Postal and email address</b>	222 Upper Street, London N1 1XR anne.brothers@islington.gov.uk	
<b>Contact telephone number</b>	020 7527 3047	
<b>Name of the premises you are making a representation about</b>	The Old Sessions House	
<b>Address of the premises you are making a representation about</b>	22 Clerkenwell Green	
<b>Which of the four licensing Objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
To prevent public nuisance	Yes	The applicant has put forward a number of suggested noise conditions for this premises licence which I understand is for the lower ground floor, the fourth floor and roof area only. I disagree with some of the conditions put forward and therefore I request Committee consider possible alternatives and additional conditions. In addition, the applicant refers to a Noise Management and Dispersal Policy. I have not seen a copy of this document.
<b>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.</b>	<b>See attached sheet.</b>	

Signed: Anne Brothers Date: 2 September 2016 \_\_\_\_\_

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](mailto: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**

**Suggested noise conditions in addition or to replace those put forward in the operating schedule for The old Sessions House, 22 Clerkenwell Green.**

- The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which shall include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment. (amended from suggested condition)
- Once agreed maximum levels of sound shall be expressed on the premises licence for each area designated for entertainments as follows:

Area/Room (e.g. lower ground floor bar area)	Linear	"A"	125 Hz	63 Hz
Measurement point: XXXXXXXXXXXXXXXXXXXX	XX dB (1 min)	XX dB (1 min)	XX dB (1 min)	XX dB (1 min)

- The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.
- All other areas shall be limited to ambient background levels of sound.
- In the event of a noise complaint substantiated by an authorised officer, the licensee shall immediately take appropriate measures in order to prevent further disturbance.
- Windows shall be closed at all times when regulated entertainments are on-going and in any case by 21:00 every night. Windows (apart from windows designated as fire exits) shall be locked closed after 21:00 using key operated locks. (amended from suggested condition)
- All doors to noise generating rooms shall be kept closed apart from access and egress when entertainments are on-going.
- There shall be a dedicated smoking area for patrons with maximum numbers of smokers to be agreed with the Licensing Authority. The smoking area shall be clearly marked and cordoned off and supervised. Smokers shall not be permitted to take drinks outside to the smoking area(s) after 21:00. . (amended from suggested condition)
- Outside smoking areas shall be supervised after 22:00.
- There shall be no amplified sound in any outside areas including the roof terrace.



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:22  
**To:** Williams, John  
**Subject:** FW: Objection to Old Sessions House licence application  
**Attachments:** OSH objection September 2016.pdf

**From:** [REDACTED]  
**Sent:** 02 September 2016 07:56  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Objection to Old Sessions House licence application

Dear Simon,

Hope you've had a good summer.

I am writing to object to the licence application for Old Sessions House, applied for in August when most people are on holiday. Thankfully, [REDACTED] has put in a most comprehensive and eloquent objection which I attach. I am in complete agreement with this attached objection and grateful for all the hard work put into it which has saved me a lot of time. Please accept this as my objection.

I also want to keep my objection anonymous. When the applicants begin to show some respect for their neighbours I'll be happy to receive correspondence from them, but for now I have no wish to.

There is much to object to, not least of which is the audacity of applying for 365 day use in a residential area with a population of mainly older people and families.

This is still an alcohol-led proposal with 545-person capacity open 365 days a year with vast outdoor space, on and off premises alcohol sales and entertainment like films, music, live music and dance.

The applicants did reduce the hours of operation, but they're still beyond that granted by planning and far longer than other restaurants.

They reduced the number of people by applying only for the ground floor, top floor and rooftop. And they labelled parts of the building restaurants and added a condition that food must be served with alcohol there (but they're so vague it could just be some olives to meet the condition).

There is still no management plan, dispersal plan, traffic & parking plan or noise report showing it won't cause disturbance, nuisance or cumulative impact.

They seem to have completely ignored most of the concerns that caused the committee to throw out their first application just 3 months ago.

In addition to this objection I have added my name to the petition which Leora will be forwarding to you today.

Thank you Simon, best wishes,

[REDACTED]

**Gallacher, Simon**

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**From:** Williams, John  
**Sent:** 14 September 2016 15:36  
**To:** Gallacher, Simon  
**Subject:** RE: objection to OSH license application

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:16  
**To:** Williams, John  
**Subject:** FW: objection to OSH license application

**From:** [REDACTED]  
**Sent:** 01 September 2016 21:35  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** objection to OSH license application

Dear Mr Gallacher,

I am writing to object the licensing application at Old Sessions House, 22 Clerkenwell Green. The reasons are as attached document.

It looks pretty similar to many other residents as we have discussions among ourselves, and that the attached document gives a good summaries of the most sounding arguments. Our similarities should not make my objection discounted.

Please note that I request to be kept anonymous in this objection. My last objection resulted direct approach from the applicants and their representatives.

Thank you

Best regards,

[REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:24  
**To:** Williams, John  
**Subject:** FW: Old Sessions House License Application

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**From:** [REDACTED]  
**Sent:** 02 September 2016 10:53  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Old Sessions House License Application

I wish to object to the subject license application.

In May,2016, the Licensing Sub-Committee rejected OSH's license application citing very serious concerns with it.

The current application ignores these concerns, as discussed below. This demonstrates the applicants lack of respect for the licensing process, for the Councillors who decisively rejected the May application, and for the 200 residents that objected to the application.

Concern 1) In May, the Sub-Committee noted the requested licensing hours exceeded the hours in the approved planning application.

The new application exceeds approved licensing hours on friday,saturday and sunday. As with the prior application, no justification is provided as to why such a massive venue should be granted extra drinking hours in a Cumulative Impact Area.

Concern 2) The Sub-Committee noted the applicant had not identified tenants for the different parts of the premises.

The new application suffers from the same problem. The operators of the multiple(up to 10) bars and restaurants are unknown.

Concern 3) The Sub-Committee noted that updated management and dispersal plans had not been provided.

The new application suffers from the same problem that the Sub-Committee noted in May. The applicant still has not provided updated, comprehensive management or dispersal plans.

Concern 4) The Sub-Committee was concerned that the huge number of potential drinking customers would add to the area's Cumulative Impact.

The current application confirms the Sub-Committee was right to be concerned. The floors covered by this application will have capacity for 500-600 drinkers.

In summary, this application ignores several serious concerns raised by the Sub-Committee in May. And it wastes the time of everyone involved--the Sub-Committee Councillors, the Licensing activity, and local residents.

This application should be rejected and the applicant should be directed to NOT APPLY for any licenses until:

- Operators of the different premises are identified ,
- Detailed management and dispersal plans are developed, and
- Capacity is reduced to minimise the Cumulative Impact

Regards,





**Gallacher, Simon**

---

**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:23  
**To:** Williams, John  
**Subject:** FW: ■

**From:** [REDACTED]  
**Sent:** 02 September 2016 10:26  
**To:** Gallacher, Simon  
**Subject:**

Simon, [REDACTED] and I vehemently object to the recent application made by the owners of The Old Sessions House and would like our names added to the list of other Clerkenwell residents who are protesting similarly.

I am in the [REDACTED] with limited access to wifi so hope my short message will suffice.

[REDACTED]

**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA  
 Your Name: [REDACTED]  
 Interest: Resident  
 Your Address: [REDACTED]  
 Email: [REDACTED]

Dear Licensing and Councillors,

*I wish my identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to myself, my family and other residents who had objected to that application.*

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH).

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

1. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

Laughable. They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

This OSH application asks for 936 hours per year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity Conran Albion which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted that the restricted hours and stringent conditions which had been agreed with residents, plus further conditions added by the Committee, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest."

Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any relevant experience, we ask the Committee to reject this application for failure to promote the licensing objectives as well as for the potential impact that such a large volume of additional people arriving in the area will have on vulnerable residents living in such close proximity.

(Continued as per Rep 17)

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:23  
**To:** Williams, John  
**Subject:** FW: Representation against premises licence for 22 Clerkenwell Green

**From:** [REDACTED]  
**Sent:** 02 September 2016 10:36  
**To:** Gallacher, Simon  
**Subject:** Representation against premises licence for 22 Clerkenwell Green

Dear Simon,

I submit the below representation requesting that the Old Sessions House application be refused.

Kind regards,

[REDACTED]

**Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA**

[REDACTED]

Resident

[REDACTED]

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licensed premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licensed premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b) Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c) Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d) Still an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e) Still requests a vast competitive advantage for no reason

This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.
- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.
- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

### **Objections based on the four licensing objectives**

#### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:24  
**To:** Williams, John  
**Subject:** FW: Objection to OSH

**From:** [REDACTED]  
**Sent:** 02 September 2016 11:21  
**To:** Gallacher, Simon; [REDACTED]  
**Subject:** Objection to OSH

Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licensed premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a. Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b. Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c. Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d. Still an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e. Still requests a vast competitive advantage for no reason

This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.
- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.
- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f. Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g. Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

### **Objections based on the four licensing objectives**

#### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the

premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.

From [REDACTED]  
[REDACTED]  
[REDACTED]) Full time residence.  
[REDACTED])

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:44  
**To:** Williams, John  
**Subject:** FW: Objection to licensing application

**From:** [REDACTED]  
**Sent:** 31 August 2016 22:16  
**To:** Gallacher, Simon  
**Subject:** Objection to licensing application

**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Interest: Resident

Dear Licensing and Councillors,

*I wish my identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to myself, my family and other residents who had objected to that application.*

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH).

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

**1. Please reject this application.**

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

Laughable. They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

(Continued as per Rep 17)

- Dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy
- No policy suggested by the applicant to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement. Also notably no waiting area proposed in the applicant's floor plan to help manage this cumulative impact
- No evidence presented by the applicant that noise will not emanate from premises

### Crime and Disorder

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It also does not rebut the presumption in Licensing Policy 2, which states that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will accordingly normally be refused.

Clerkenwell is an area the Council has recognised as having a high number of licensed premises, which collectively lead to problems related to the licensing objectives. The Council has noted that further licenses in the area could provide disproportionately negative effects for local residents. Specifically, it could lead to an increase in crime and disorder, such as disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity associated with the consumption of alcohol.

### Protection of Children from Harm

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Protection of Children from Harm.

Licensing Policy 1 notes the character of the area must also be considered. The increase in crime, disorder and antisocial behaviour also further threatens children.

### Public Safety

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

Yours faithfully

**Licensing Act 2003 representation pro-forma**

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

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

Premises Name and address THE OLD SESSIONS HOUSE  
22 CLERKENWELL GREEN EC1R 0NA

Your Name: [REDACTED]

Interest: RESIDENT

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

Your Address: [REDACTED]

Email: [REDACTED]

Telephone [REDACTED]

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

**Public Nuisance** IF THESE LICENCES ARE GRANTED THERE WILL BE POTENTIALLY THOUSANDS MORE PEOPLE DAILY COMING INTO AN AREA ALREADY A CUMULATIVE IMPACT AREA. THE O.S.H. IS WITHIN 20 METRES OF THE CLERKENWELL GREEN ESTATE AND I FEAR THE GROUNDS OF THE ESTATE AND SURROUNDING AREAS WILL BECOME AN OUTSIDE TOILET FOR SOME OF THE CLIENTS OF THE O.S.H. TO GRANT THESE LICENCES WOULD BE THE FIRST STAGE OF CREATING ANOTHER "TURNHILLS" NOW THANKFULLY DEFUNCT OR A "FABRIC" WHICH IS THE SUBJECT OF A LICENSING REVIEW.

**Crime and Disorder**

COMMERCIAL LICENSING

0 : SEP 2016

PUBLIC PROTECTION DIVISION  
222 UPPER ST, LONDON N1 1XR



**Protection of Children from Harm**

**Public Safety**

I wish my identity to be kept anonymous Yes/~~No~~ -

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

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

Signature

Date 31<sup>st</sup> August 2016

**Please ensure name and address details completed above**

Return to:

Licensing Service  
London Borough of Islington  
3<sup>rd</sup> Floor  
222 Upper Street  
London N1 1XR

or send by email to:

[licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:04  
**To:** Williams, John  
**Subject:** FW: Old Sessions House  
**Attachments:** objection template.docx; ATT00001.txt

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 02 September 2016 19:27  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House

Dear Simon,

Please find attached my objection for planning and licensing for Old Sessions House.

Kind regards,

[REDACTED]

**Gallacher, Simon**

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**From:** [REDACTED] >  
**Sent:** 02 September 2016 09:58  
**To:** Gallacher, Simon; Williams, John  
**Cc:** [REDACTED]  
**Subject:** Objection Old Sessions House  
**Attachments:** objection template.docx

Dear Simon,

Please find attached my objection to the recent licence application of Old Sessions House. As part of a residents group, we have discussed our objections so mine might be similar to others you have/ will receive.

Regards,

[REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:49  
**To:** Williams, John  
**Subject:** FW: Objection

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**From:** [REDACTED]  
**Sent:** 01 September 2016 13:42  
**To:** Gallacher, Simon  
**Subject:** Objection

**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Interest: Resident

Dear Licensing and Councillors,

*I wish my identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to myself, my family and other residents who had objected to that application.*

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH).

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

1. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

Laughable. They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

This OSH application asks for 936 hours per year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted that the restricted hours and stringent conditions which had been agreed with residents, plus further conditions added by the Committee, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest."

Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any relevant experience, we ask the Committee to reject this application for failure to promote the licensing objectives – as well as for the potential impact that such a large volume of additional people arriving in the area will have on vulnerable residents living in such close proximity.



**Gallacher, Simon**

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**From:** Williams, John  
**Sent:** 14 September 2016 15:36  
**To:** Gallacher, Simon  
**Subject:** RE: Old Sessions House latest application

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:50  
**To:** Williams, John  
**Subject:** FW: Old Sessions House latest application

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**From:** [REDACTED]  
**Sent:** 01 September 2016 15:22  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House latest application

Attn Simon Gallacher

I would like to object to the latest application relating to the Old Sessions House.  
Rep 17

Please see [REDACTED]'s objection. I agree with all [REDACTED] points and [REDACTED] expresses my opinions very succinctly.

**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Sep 1, 2016

**Application details: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA**

Representation made by : [REDACTED], London [REDACTED]  
[REDACTED]

Dear Licensing and Councillors,

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This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

This OSH application asks for 936 hours per year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

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The Committee's Sep 2015 decision to grant the Conran licence noted that the restricted hours and stringent conditions which had been agreed with residents, plus further conditions added by the Committee, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest."



**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Your Name: [REDACTED]

Interest: [REDACTED]

Your Address: [REDACTED]

Email: [REDACTED]

Dear Licensing and Councillors,

*I wish my identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to myself, my family and other residents who had objected to that application.*

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The Committee's Sep 2015 decision to grant the Conran licence noted that the restricted hours and stringent conditions which had been agreed with residents, plus further conditions added by the Committee, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest."

Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any relevant experience, we ask the Committee to reject this application for failure to promote the licensing objectives as well as for the potential impact that such a large volume of additional people arriving in the area will have on vulnerable residents living in such close proximity.

2. This is an attempt to circumvent the May 2016 licensing decision without redressing many of the reasons why that application was rejected.

Many significant concerns were raised during the May 2016 Licensing Committee's meeting by the Licensing Committee, Licensing Authority and 201 residents.

The filing of this application on Friday 5th August is a clear attempt to circumvent the licensing process by limiting residents' ability to make representations. This is a cheap tactic used by many applicants to limit objections by filing in August or December. Such applicants then falsely assert the second application is better received by residents. We trust the Licensing Committee is wise to this tactic.

Yet even the August timing cannot disguise the fact that this proposal still materially fails to meet the concerns which led to the first licence being rejected in May.

3. This application fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces items prohibited by recently licensed premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

There are numerous ways in which this application ignores or fails to redress the reasons why the Sub-Committee rejected its earlier April licensing application:

- a) Exceeds the hours granted in the planning approval ... 936 hours per year more than the planning department approved

And in doing so, the applicant ignores the decisions and advice made by both Planning and Licensing Committees. This shows a disregard for the planning and licensing processes, and a lack of respect for the time such applications require by Committee members, the licensing department and residents.

Here's how:

The applicant disregarded the hours granted by Planners and their reasons for doing so.

- "[limited hours] In the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..." June 2015 Planning Decision

Instead they filed an April 2016 premises licence application for hours outside of the planning approval and more in-line with guideline licensing hours for a Nightclub. This formed part of the bases for the Licensing Sub-Committee's May rejection.

- "The Licensing Authority expects applicants to ensure that they have planning consent for the intended hours of operation before making application for a premises licence. The licensing authority will only grant licences for premises without planning consent in

exceptional circumstances which were not established in this case." May 2016 Licensing Decision

And rather than heed this expectation which is clearly set out in Licensing Policy, or follow through with the acknowledgement that they made during the May Licensing hearing...

- "The proposed hours in the application are more extensive than permitted under the planning consent and the applicants recognised that they needed to amend their planning consent to operate the licence as proposed." May 2016 Licensing Decision

... the applicant instead filed this August 2016 premises licence application, once again asking for hours beyond the planning approved hours of operation. They attempt to get around earlier problems by applying only for the ground floor, fourth floor and rooftop terrace thus delaying a licence application for the Private Members Club (floors 1-3).

Why, one might ask, would the applicant proceed in this manner?

First, because the Planning department had already advised them in their June 2015 decision that in order to amend the planning hours they would need operators on board, procedures proposed by operators and the applicant to mitigate cumulative impact and likely separate applications and hours for each unit

- "The applicant may wish to seek to vary the imposed hours of operation condition once known operators are on board for the scheme for all of the uses that require licensing for alcohol including the consented café / restaurant / drinking establishment and Private Members Club. Such an application would be considered on its merits at that time, based on the cumulative impacts in the surrounding area and based on any mitigation and management procedures proposed by the operator / applicant. The council anticipates that separate applications (or different hours of operation) for the different licensable uses may need to be made as they may warrant different permitted hours." June 2015 Planning Decision

Second, because the applicant felt it needed the alcohol licence in order to sign operators before applying for amended planning hours. And they said exactly as much in a meeting the hosted with residents on 4th November 2015.

- "They [the applicant] will be filling 1 licence application for all 3 parts of the building. The licence they say will make clear for each of the 3 parts what hours they are requesting for each day for what activities. They will be applying for hours longer than their operating hours received from planning. They said 2am last sale (2:30am close) for top floor restaurant/bar and the PMC (parts 1 and 2 of the building). Earlier close of midnight for the ground floor public space. Need the licence so they can get operators to sign a lease. Then with exact operators they can submit a more detailed management plan to apply for planning to extend their operating hours. Their business plan is based on them getting 2am hours." quoted from my personal notes taken during the 4 Nov 2015 meeting and emailed by me to other interested residents on 5 November

This candid discussion with residents highlights the applicant's admission that it requires operators on board in order to submit a more detailed management plan. The lack of which the Licensing Sub-Committee noted as a reason to reject the earlier licence application.

b) Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well."

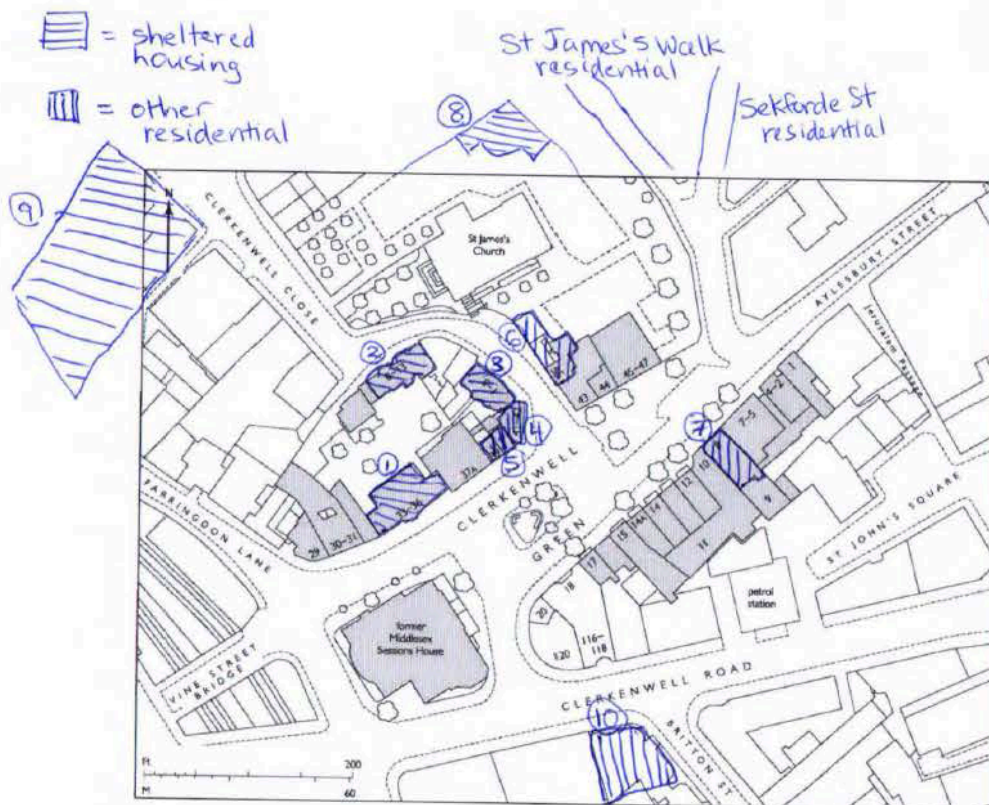
The applicant knows that some of the key factors that the Licensing Committee considered in terms of protecting residential amenity included the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

The current application continues to create significant risk from these same key factors. Whilst this application does not suggest a maximum occupancy, a detailed analysis of the floor plans and vertical drinking capacity illustrates this proposal will conservatively see between 750-980 customers using the building on any given day. (And that excludes any future uses of floors 1-3).

The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers who will enter and exit the 4th floor and rooftop units exclusively via doors opposite their homes just 19m away.

These residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

The applicant claimed during the May licensing hearing "that this was a good location for this operation, it was an island site close to Farringdon Station" (quoted from the minutes to that hearing). This is patently not true given the proximity of several sheltered housing estates and private residents, all of whom would feel the cumulative impact of noise, additional people passing through, deliveries, traffic etc. resulting from this application.



1, 2 & 3 Clerkenwell Green & Clerkenwell Close Estates. 4, 5, 6 & 7 residences. 8 Priory House Estate for the elderly. 9. Peabody Estate. 10. large block of residential flats.

c) Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have".

This decision was based on a 921 seated capacity shown in the April application.

The August application now proposes a 463 seated capacity. They achieved this reduction by removing 3 floors of the building from the licence, and then adding 36 net new seats on the ground floor. This is an enormous capacity for the vicinity, and for a cumulative impact area.

Furthermore, the realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff (see calculations below next section).

d) Continues to be an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led.

"Licensing Policy 2 provides examples of applications that the licensing authority may consider as exceptional including small premises with a capacity of fifty persons or less, small premises operating within core hours as set out in licensing policy 8 or premises which are not alcohol led. The characteristics of these premises are very different to the exceptions envisaged by the policy..." May 2016 Licensing Decision

We demonstrate the above is true of the current August application using the below tables setting out capacity figures and percentage of the proposed operations that are alcohol led. This application should be rejected on the same grounds as stated in the above quote.

In May "The Chair raised a concern that there was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." Minutes from the May 2016 Licensing hearing

The current application presents 10 units that are alcohol led, with no conditions preventing 10 different bars in this location and no guarantee that there had to be food with alcohol in those units. Therefore, the Chair's concern regarding the first application is still materially the same. And I don't see how the applicant can claim this was not the intention.

Furthermore, the applicant's proposed Condition 2 is so vague as to enable operators to serve alcohol to a customer with merely a bowl of olives, nuts, etc. Therefore, as filed, the August application actually remains 100% alcohol-led in practice.

**Total capacity figures, number of units, % alcohol led, patrons/day**

	Total	Ground Floor	Fourth Floor	Roof Terrace
Seated capacity in restaurant units	191	177	14	0
Seated capacity in bar units	181	88	49	44
Seated capacity in outdoor areas (off licence available)	91	52	0	39
Vertical drinking capacity *	82	42	15	25
<b>Total capacity at any point</b>	<b>545</b>	<b>359</b>	<b>78</b>	<b>108</b>
Total capacity of alcohol-led areas	354	182	64	108
<b>% capacity that is alcohol-led</b>	<b>65%</b>	<b>51%</b>	<b>82%</b>	<b>100%</b>
Patrons/day **	980	646	140	194
Patrons/day of alcohol-led areas	636	328	115	194
Number of restaurant units	12	11	1	0
Number of alcohol-led units	10	5	1	4
<b>Total number of units</b>	<b>22</b>	<b>16</b>	<b>2</b>	<b>4</b>
<b>% of units that are alcohol led</b>	<b>45%</b>	<b>31%</b>	<b>50%</b>	<b>100%</b>
* conservatively estimate standing capacity = 30% of seated capacity in bar units and outdoor areas				
** conservatively estimate units are 60% full with 2.5 people/day				

I recognise the applicant will likely try to discredit the above figures and percentages. Because the applicant refuses to submit figures, we are forced to count seats on the plans, interpret alcohol-led areas based on the conditions and estimates of vertical drinking.

The above table does so in a conservative matter.

Furthermore, even if the applicant claims the assumptions are incorrect and you remove them, you are still left with 55% of seated capacity being alcohol-led. There is no way the applicant can claim this is confused or misleading since it is based on the seats shown by them in their submitted plans.

***Even if you remove estimates of vertical drinking capacity as 30% of seated capacity in bar units or outdoor off licence areas on top of the total seated capacity...***

	Total	Ground Floor	Fourth Floor	Roof Terrace
Seated capacity in restaurant units	191	177	14	0
Seated capacity in bar units	181	88	49	44
Seated capacity in outdoor areas (off licence available)	91	52	0	39
<b>Total capacity at any point</b>	<b>463</b>	<b>317</b>	<b>63</b>	<b>83</b>
<i>Total capacity of alcohol-led areas</i>	<i>272</i>	<i>140</i>	<i>49</i>	<i>83</i>
<b>% capacity that is alcohol-led</b>	<b>59%</b>	<b>44%</b>	<b>78%</b>	<b>100%</b>
Patrons/day **	833	571	113	149
Patrons/day of alcohol-led areas	490	252	88	149

***And even if you also remove capacity in outdoor areas that are not specifically designated as outdoor off licence areas by the plans and conditions...***

	Total	Ground Floor	Fourth Floor	Roof Terrace
Seated capacity in restaurant units	191	177	14	0
Seated capacity in bar units	181	88	49	44
Seated capacity in outdoor areas (off licence available)	52	52	0	0
<b>Total capacity at any point</b>	<b>424</b>	<b>317</b>	<b>63</b>	<b>44</b>
<i>Total capacity of alcohol-led areas</i>	<i>233</i>	<i>140</i>	<i>49</i>	<i>44</i>
<b>% capacity that is alcohol-led</b>	<b>55%</b>	<b>44%</b>	<b>78%</b>	<b>100%</b>
Patrons/day **	763	571	113	79
Patrons/day of alcohol-led areas	419	252	88	79

- e) Continues to request a vast competitive advantage over recently licensed premises in the immediate vicinity both in terms of hours of operation but also in terms of use of outdoor space and rooftop terraces

This application requests 936 hours per year more than the Granger & Co licence (90 person maximum capacity), and 572 hours per year more than the Conran Albion licence (225 person maximum capacity). Both of these are operated by very experienced restaurateurs with many years of experience and other locations.

The applicant provides zero explanation as to why it should be granted such competitive advantage. And no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

*Comparison of Operating hours to two recently granted licences close to OSH:*

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres).

Granger was eventually licenced in Nov 2013 after earlier having been rejected. The final licence was granted because of shorter hours and stringent conditions being offered.



The licence specifies a maximum capacity of 90 people which 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.

- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres).

Conran Albion was eventually licenced in September 2015 after earlier having been rejected. The final licence was granted because of shorter hours and stringent conditions offered.

The licence specifies a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.

- By comparison, OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

#### *Discussion of outside space proposed in this proposal*

The applicant completely fails to redress the Licensing Authority's earlier concerns regarding the lack of any information regarding management of the outside space . All of the reasons for these concerns still exist with this current application.

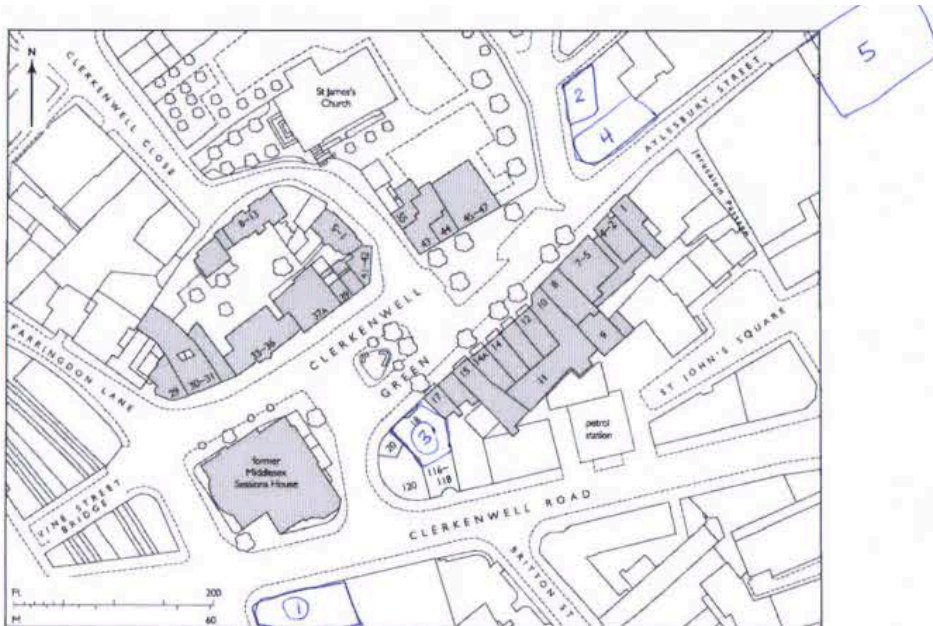
"The Licensing Service is in receipt of regular complaints concerning disturbance from patrons of licensed premises using outside drinking and smoking areas. The current application refers to several outside drinking and smoking areas with no information proffered as to how they will be adequately supervised and managed, particularly during later hours." Licensing Hearing Minutes, May 2016

#### *The only roof terraces in the vicinity of OSH:*

- Turnmill building's office occupants have no licensable activities for their terrace
- Wallacespace licence prohibits any use of the terraces when licensable activities occur
- Hill & Knowlton licence prohibits alcohol consumption on the terrace at any time, no smoking permitted on the terrace and terrace closes at 8pm with doors locked
- 1 Aylesbury St planning prohibits any use of the terraces on Saturdays, Sundays and before 8am or after 8pm Mondays to Fridays

#### *Licensing restrictions on other outdoor space for recently granted licences:*

- Conran Albion no open drinks can be removed outside, no queuing permitted, a maximum of 5 smokers at a time, smokers must leave drinks inside,
- Granger & Co no drinks can be removed or consumed outside, no queuing permitted, no chairs or tables or signage or display boards permitted on the pavement outside, a maximum of 10 smokers at a time, and no smoking permitted outside after 10pm
- Unilever prohibits smokers taking alcoholic drinks outside
- Turnmill Social prohibits alcohol to be consumed outside and prohibits smokers taking alcoholic drinks outside



1 Turnmills with offices, Conran Albion, Turnmill Social. 2. Granger & Co. 3. Wallacespace. 4. Buckley Building with Hill & Knowlton and Unilever. 5. 1 Aylesbury St

f) Failed to submit updated management and dispersal plans or identify tenants

This application ignores the fact that in rejecting the first application "The Sub-Committee noted that the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." May 2016 Licence Decision

The applicants provide absolutely no attempt to explain why the Sub-Committee should now consider granting the proposed licence without any tenants identified and without an updated management plan. The conditions offered with this application are not adequate enough to redress the concerns or constitute a management and dispersal plan.

For the May 2016 licensing hearing, the applicants submitted their January 2015 draft management plan. It was noted that this was out of date, having not been updated to reflect specifics in the April licensing application. The applicants replied that "they had not updated the management plan as they were waiting to see what would happen with the licensing application." (quoted from the May 2016 Minutes).

The applicants saw what happened the licence was rejected. And yet they decided to file yet another licence application without a relevant management and dispersal plan.

This application doesn't have a coherent plan even for drinking up time. The 16 ground floor units have a standard 30 minute drinking up time Mondays to Thursdays. But on Fridays and Saturdays only 15 minutes. And all units on all floors have 0 minutes drinking up on Sundays.

There is no explanation how the applicant proposes to ensure persons do not remain in the units after the terminal hour. And this is especially unrealistic on Sundays. Demonstrating the applicant's lack of any relevant experience.

The applicant also completely fails to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. All of the reasons for this concern still exist with this current application.

"The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues." Licensing Hearing Minutes, May 2016



g) Failed to provide any noise analysis

The applicant continues to fail to demonstrate how it can ensure no cumulative impact posed by the noise of patrons on the rooftop terrace, on the ground floor outside space on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at recently licensed premises like Granger & Co, Conran Albion, Turnmill Social, Wallacespace, Hill & Knowlton and Unilever all of which do not pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

The proposed conditions also make no effort to explain how noise from patrons on the roof terrace, outside ground floor areas and smoking areas will not cause cumulative impact.

**In Summary**

I object because this is still an alcohol-led proposal far outside planning permitted hours and the restricted hours required of other nearby licensees due to proximity to residents in a cumulative impact area.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off premises sales, films, live music, recorded music, dance and similar (albeit now with shorter than usual hours for a Nightclub).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because the application does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object because it will have a negative and significant cumulative impact on local residents and the area.

I object because of the size and extent of the operation which will significantly increase foot and road traffic. Smokers alone are likely to block the highway, as well as queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning approval. I object to the extensive hours 7 days a week including Sundays and Bank Holidays creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced nearby premises. Wallacespace, Unilever, H&K, Granger & Albion are 40-120m away with a fraction the capacity, shorter hours and more conditions. And none of those are alcohol led like this.

I write as a local resident, a founding member of the Friends of Clerkenwell Green association and as a member of the Clerkenwell Green Preservation Society. I also write as a resident who has invested many hours in meetings with OSH developers and their licensing lawyer. We advised numerous changes that have been ignored.

This application shows a woeful disregard for Islington Council's licensing policies and goals, the Cumulative Impact Area, local residents, existing traffic problems to name just a few concerns. It is not an exception to the Licensing Policy, and as such should be rejected.

The applicants also demonstrate a lack of regard for the Council's licensing policies and goals. They have openly stated to residents on a number of occasions that they plan to: 1) apply for this licence, then 2) apply to extend planning hours and then 3) apply to further extend the hours of the alcohol licence. They state this regardless of the Cumulative Impact Policy, the many surrounding residential buildings and the list of resident concerns.

**Please reject this application. It undermines the Licensing Objectives.**

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs.

This application does not. It will add to cumulative impact in an area defined as saturated by Islington's licensing policy. It is contrary to the character of the Conservation Area and would disrupt the residential/commercial balance in the borough.

Astonishingly, the application does not even state maximum capacity despite residents' requests and the fact this premises dwarfs other licensed premises in the immediate area. We counted the seats shown on the plans and calculate 424 person seated capacity. This volume will create a very significant cumulative and detrimental impact.

The proposed conditions are not in line with other recently granted licences for smaller premises with fewer hours located further from residential premises. It provides less detail to adequately manage egress, noise, acoustics, capacity, smokers, rubbish, deliveries, traffic, etc. than recently licensed 90-person and 200-person food-led restaurant premises in the immediate vicinity and this is a 500-person alcohol-led premises.

Other recent applications in the borough have been rejected for far less. This application must also be rejected. It is unacceptable on its face and it would create a very dangerous example for other existing and potential licence operators.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime.

Please don't further aggravate these conditions with an additional (and large, extensive) licence. We ask that you please reject this application outright.

Many thanks for your time and consideration.

*Please note residents have discussed this application. If multiple objections are similar, it is due to our approach as a community. No objection should be discounted for being similar.*

## **Objections based on the specific Licensing Policies**

### Part One Location, Cumulative Impact and Saturation

LP1 fails given the premises is located in a Cumulative Impact area & a Conservation Area with many surrounding residents, the PMC and other bars/restaurants are alcohol led, the proposed hours are far outside the local norm and Islington recommendations (they are closer to recommended hours for a nightclub than for restaurants & cafes), the vast numbers of customers likely to attend the premises (921 estimate seated capacity \* 5 covers minimum per day), and the physical suitability of this Grade II listed building for licensable activities especially noise control.

LP2 fails on the basis that the application singularly fails to rebut the presumption that applications for new premises or club licences are likely to add to the existing cumulative impact and will therefore normally be refused. The application also fails to meet examples of an exception based on size, capacity and alcohol-led proposals. And any claims by the application (i.e. the premises will be well managed and run, constructed to a high standard, operated as similar to other premises or similar to other local premises) are not aspects the Licensing Authority may consider as exceptions under LP2.

Furthermore, LP2 notes Clerkenwell already has one of the highest concentrations of late licensed premises in the borough, with 10% of Islington's "on licensed" venues located within this small geographical area. As a consequence, the area sees an influx of many thousands of people in the evening and at weekends. Adding a new 1,000+ capacity licence covering multiple operators will greatly exacerbate the problems that led the Licensing Authority to define Clerkenwell as saturated with licensed premises and to extend the cumulative impact area to cover the entire ward.

LP4 fails on the basis that this application would add an enormous off licence premises with very extensive hours to an already saturated area that experiences high crime rates as a result of off sales. LP4 notes these off-sales have a detrimental impact on local communities in terms of noise, disturbance and antisocial behaviour.

LP5 fails on the basis that the application is incomplete since the application did not include a management plan to prevent obstructions and potential risk to pedestrians with the creation of a new 1,000+ capacity licensed premises with multiple operators.

LP6 fails on the basis that this application is requesting licenced hours outside of the approved hours granted in the planning consent for OSH. Planning awarded operating hours of 10:00-23:00 Mondays to Saturdays and 12:00-23:00 Sundays. This application requests 08:00 to 01:00 7 days a week including Bank Holidays.

### Part Two Licensing Hours

LP7 fails since representations were received thus activating the rebuttable presumption of cumulative impact. Also this application will further exacerbate the saturation of late night premises selling alcohol and the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

LP8 fails on the basis that this application does not seek to align with the recommended hours upon which the Licensing Authority will give more favourable consideration. The closing times applied for of 1am is the the recommended closing time for Nightclubs rather than for restaurants, cafes and public houses/bars. And even if the applicant reduces the requested hours to within those recommended for Restaurants and Cafes, LP8 specifies that there is no presumption the application will be automatically granted in cases where relevant representations are made.

### Part Three Standards of Management

LP9 fails since this application is woefully inadequate in demonstrating how the highest standards of management will be achieved in relation to promoting the licensing objectives.

LP11 fails on the basis that substantial meals are not required with the sale of alcohol.

LP18 fails on the basis that this Grade II listed building cannot be sufficiently sealed to ensure residents do not suffer undue noise disturbance as a result of this application.

Double glazing, for example, is not possible on a Grade II listed building thus reducing the ability to acoustically seal OSH. The policy states that the amenity of residents in the vicinity of licensed premises must be protected.

This application also fails to meet LP18's expectation that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered so as not to cause undue disturbance. No acoustic report has been submitted. Condition 4 in the applicant's proposed conditions simply states a noise limiter would be fitted to music amplification systems with no limit yet defined and no evidence such limit would not cause a noise disturbance. Their proposed condition 4 therefore lacks any details or evidence to rebut the presumption in LP2 that new licences will create additional cumulative impact.

LP19 fails on the basis that the proposed conditions do not introduce adequate measures to minimise the impact of deliveries and collections where appropriate. With residents living as close as just 19m away, we would expect the proposed conditions to at least not exceed those of other recently licensed, smaller premises in the immediate vicinity. But they don't.

Waste collections and deliveries are proposed between 08:00-23:00 Mondays to Saturdays and between 09:00-22:00 Sundays and Bank Holidays. This is far more extensive than other recently licensed premises opposite OSH that allow for rubbish collections and deliveries only from 08:00-18:00 Mondays to Fridays, 09:00-17:00 Saturdays and not at all on Sundays and Bank Holidays.

LP20 fails given the application does not define how the outside areas will be managed to prevent noise, smell and pavement obstructions as expected by the Licensing Authority. There is no management plan defining locations and numbers of smokers permitted (as has been the case with other recently licensed premises). LP20 also states that the applicant should first obtain a license for the proposed tables, chairs and barriers adjacent to the highway they did not. And the application fails to provide the proposed management controls for the tables, chairs and barriers adjacent to the highway showing they can minimise the risk of public nuisance as per LP20.

LP22 fails because late night applications are expected to demonstrate their ability to provide facilities to allow patrons to wait in a secure environment, arrangements to manage the impact of waiting customers on the local neighbourhood, toilet provision for patrons waiting for transport and adequate supervision of customers waiting outside the premises. This application utterly fails to do any of this.

LP23 may fail since the applicant failed to complete the application in full. They selected the option to apply for Section H "anything of a similar description to that falling within (e), (f) or (g)" where e, f and g are live music, recorded music and performances of dance. However, Section H expressly states "Please give a description of the type of entertainment you will be providing" and this is blank in the application form. Thus "similar" may refer to adult entertainment it is unclear. If this is the case, then the application fails LP23 which expects all applicants to include relevant operating details for such adult entertainment. Since the premises is near residential accommodation, schools, Priory House old age home and St James' Church then it is wholly inappropriate for such activity to take place at OSH.

LP24 fails because the application does not sufficiently protect children from this high volume alcohol-led premises with off-sales that will increase traffic, block the public footpath and add ASB pressure in the neighbourhood. The premises are within metres of St James Church and a toddler playground. It is also along the route to Farringdon tube for many residential streets and one local school where many children commute via tube.

LP24 also fails because the application includes the showing of films but there is no management plan to ensure compliance with the BBFC age restrictions. It also fails to provide a management plan showing adequate numbers of adult staff to ensure the safety and well-being of any admitted children during an emergency.

#### Part Four Enforcement

The application also fails Enforcement because the application and its proposed conditions fail to show the licensed premises will operate in ways consistent with community interested and fails to demonstrate that it will not undermine the licensing objectives.

## **Objections based on the four licensing objectives**

### Public Nuisance

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Prevention of Public Nuisance.

This application would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. There is the added possibility of public nuisance caused by alcohol-related antisocial behaviour and crime and off sales.

This premises would significantly increase foot and road traffic, thus having a cumulative impact upon residential neighbours for public nuisance through increased volume of people walking, talking, smoking and driving through the area. This license stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 01:00 and 08:00 given that the application requests opening times of 08:00-01:00 7 days a week. But the management plan, which lacks many details also lacks clarification on this point.

Specific concerns also include:

- Dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy
- No policy suggested by the applicant to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement. Also notably no waiting area proposed in the applicant's floor plan to help manage this cumulative impact
- No evidence presented by the applicant that noise will not emanate from premises

### Crime and Disorder

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It also does not rebut the presumption in Licensing Policy 2, which states that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will accordingly normally be refused.

Clerkenwell is an area the Council has recognised as having a high number of licensed premises, which collectively lead to problems related to the licensing objectives. The Council has noted that further licenses in the area could provide disproportionately negative effects for local residents. Specifically, it could lead to an increase in crime and disorder, such as disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity associated with the consumption of alcohol.

### Protection of Children from Harm

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Protection of Children from Harm.

Licensing Policy 1 notes the character of the area must also be considered. The increase in crime, disorder and antisocial behaviour also further threatens children.

### Public Safety

This application fails to demonstrate that the grant of the premises licence would not give rise to a negative cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

**Licensing representation**

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA  
 Your Name: [REDACTED]  
 Interest: Resident  
 Your Address: [REDACTED]  
 Email: [REDACTED]

Dear Licensing and Councillors,

*I wish my identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to myself, my family and other residents who had objected to that application.*

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH).

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

1. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

Laughable. They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

This OSH application asks for 936 hours per year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity Conran Albion which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted that the restricted hours and stringent conditions which had been agreed with residents, plus further conditions added by the Committee, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest."

Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any relevant experience, we ask the Committee to reject this application for failure to promote the licensing objectives as well as for the potential impact that such a large volume of additional people arriving in the area will have on vulnerable residents living in such close proximity.

**Gallacher, Simon**

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**From:** Williams, John  
**Sent:** 14 September 2016 15:37  
**To:** Gallacher, Simon  
**Subject:** RE: Old Sessions House Licence Application

-----Original Message-----

**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:45  
**To:** Williams, John  
**Subject:** FW: Old Sessions House Licence Application

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 01 September 2016 06:46  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House Licence Application

Dear Simon,

I note that a renewed licence application has been submitted to Islington Council in relation to the Old Sessions House, Clerkenwell Green, following the Council's rejection of an earlier licence application in respect of the same premises.

It appears clear to me that the new application fails to address many of the objections made by local residents (myself included) in relation to the earlier rejected applications. It is reasonable to assume that the Council found such objections persuasive in considering the rejected application and so it is disappointing to be confronted with a further ill-considered application quite so soon.

I have carefully read the detailed objections to the new application submitted to you by [REDACTED]. I entirely agree with [REDACTED] objections and so, for convenience, kindly record me as objecting to the new application in the like form to [REDACTED]. (Rep 17)

Thank you for your assistance with this.

Yours sincerely

[REDACTED]

[REDACTED]





### Licensing representation

Premises: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Interest: Resident

Thursday 31 August 2016

Dear Licensing and Councillors,

*We wish our identity to be kept **anonymous** because, contrary to instructions from the Council Licensing team to the applicant and, I understand, contrary to the Data Protection Act, after the applicant's first licence application in April 2016 the applicant wrote letters directly to ourselves, attempting to counter our original objections to their application.*

We object to this new licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH) as we believe that it will detrimentally and irrevocably change the entire character of Clerkenwell Green with significant increases in cumulative impact noise, nuisance and public disorder.

Furthermore, this applicant has already demonstrated gross irresponsibility and inexperience in their management of separate local premises (10-11 Clerkenwell Green) and our complaints, objections and concerns have already been raised and documented with Islington Licensing and Councillors.

We believe that the granting of any License to this premises that might offer terms more favourable or flexible than those awarded to Granger & Co., and other local businesses, would demonstrate unacceptable and questionable favouritism.

We continue to question, and object to, the fact that Islington Councillors have already invited this Applicant to be a stake holder in the future development of Clerkenwell Green while this (highly contentious) License Application remains in process.

The specific details of our objection are set out below.

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

1. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This grand proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing when questioned by the Chair, they claimed, and I quote from the minutes, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation."

They offered zero information to back their bold assurance that they could "manage the situation".

To put this application in context:

This OSH application asks for 936 hours per year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity - Conran Albion - which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.



**Gallacher, Simon**

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**From:** [REDACTED]  
**Sent:** 02 September 2016 09:55  
**To:** Gallacher, Simon  
**Cc:** Williams, John; [REDACTED]  
**Subject:** Re: Objection Old Sessions House  
**Attachments:** objection template.docx

Dear Simon,

I hope this now works?

Best  
[REDACTED]

> On 1 Sep 2016, at 20:48, Gallacher, Simon <[Simon.Gallacher@islington.gov.uk](mailto:Simon.Gallacher@islington.gov.uk)> wrote:

>  
> Dear [REDACTED]  
>  
> Are you able to please resend as I have been unable to open the attachment, please copy in my colleague John to your response.

> With thanks

> Simon

>  
> Simon Gallacher  
> Licensing Officer  
> Licensing Team  
> Public Protection Division  
> Environment and Regeneration  
> Islington Council  
> 3rd Floor, 222 Upper Street, London N1 1XR  
> Tel: (020) 7527 3879  
> Alternative contact: Terrie Lane (020) 7527 3233

> <https://protect-eu.mimecast.com/s/R2aWBUe0v7OI4>

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

> From: [REDACTED]  
> Sent: 01 September 2016 09:50  
> To: Gallacher, Simon  
> Cc: [REDACTED]  
> Subject: Objection Old Sessions House

> Dear Simon,

> Please find attached my objection to the recent licence application of Old Sessions House. As part of a residents group, we have discussed our objections so mine might be similar to others you have/ will receive.

> Regards,  
> [REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:07  
**To:** Williams, John  
**Subject:** FW: Objection to Old Sessions House

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**From:** [REDACTED]  
**Sent:** 02 September 2016 23:14  
**To:** Gallacher, Simon  
**Subject:** Objection to Old Sessions House

Hi Simon,

I wish to object to the most recent licensing application for Old Sessions House. My bedroom and that of my two infant children are within 40 metres of the building and the noise pollution from a roof terrace would be detrimental to their sleep.

Taxis would congregate outside my home and the surrounding streets which will be a further nuisance to us as residents.

In addition, I believe the hours to be outside core hours and the scale of the project not in keeping with the rest of the area such that it is inappropriate for the licensing committee to accept such an application.

Best regards,

[REDACTED]  
(I do not consent to my personal details being made available.)

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:24  
**To:** Williams, John  
**Subject:** FW: Objection to Old Sessions House  
**Attachments:** objection template.docx

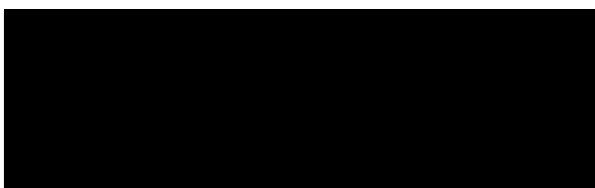
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**From:** [REDACTED]  
**Sent:** 02 September 2016 11:12  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Objection to Old Sessions House

Hi Simon

Please find attached our objections re above.

In case of queries please do get in touch. Note we are on leave and will endeavour to respond to your queries in a speedy manner.



## Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licensed premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licensed premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b)  Ignores Planning & Licensing Committee's concerns about protecting residential amenity  
May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c)  Still proposes an enormous capacity out of scale for the neighbourhood  
The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d)  Still an alcohol-led proposal with vertical drinking  
This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e)  Still requests a vast competitive advantage for no reason  
This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.
- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum

capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.

- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

### **Objections based on the four licensing objectives**

#### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the

presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.


**Objections to the Old Sessions House Alcohol Licence Application, 22 Clerkenwell Green, EC1R 0NA**

This is a new alcohol licence application for Old Sessions House in Clerkenwell Green. The developers' first licence application was thrown out by Islington in May after 201 residents and the Licensing Authority objected. This one must also be thrown out for many of the same reasons.

The proposal is alcohol-led. It is a 500-person bar and restaurant with vast outdoor terraces plus late night music, dance, films and other entertainment smack in the middle of a residential area. It would include up to 22 different restaurants, bars, cafes or wine bars. And it would be open 8am-11pm/midnight 7 days a week including Bank Holidays causing noise disturbance to neighbours 365 days a year.

For these and other reasons, this application fails to promote Islington's four licensing objectives that are designed to limit public nuisance, crime and disorder as well as protect public safety and protect children from harm. Clerkenwell already has regular noise complaints due to outside drinking and smoking from licensed premises, and is experiencing an increase in drug dealing targeting patrons of late licensed venues.

**Please reject this application. Thank you.**

Name (print clearly please)	Signature	Address	Phone	Email	Anonymous
					Yes ✓
					Yes ✓
					Yes ✓
					Yes ✓
					Yes ✓
					Yes ✓
					Yes
					Yes
					Yes
					Yes



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:22  
**To:** Williams, John  
**Subject:** FW: Licensing application Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

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**From:** [REDACTED]  
**Sent:** 01 September 2016 23:15  
**To:** Gallacher, Simon  
**Cc:** Licensing  
**Subject:** Licensing application Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Dear Simon & Islington Licensing

I write with reference to the above license application for the OLD Sessions House EC1R 0NA

I am a local resident and attended the Council sub-committee meeting of this licence application on 24th May. I note the shortness of time from the applicants to reapply for this licence. I do not feel the applicants have taken on board the extensive reasons for the rejection of this licence.

Fundamentally the requested hours of the licence exceed Islington's core hours. I would ask the licence committee to reject any licence that requests hours outside Islington's core hours, particularly given this premises is crucially in the heart of the Clerkenwell cumulative impact area.

The applicants have failed to demonstrate a dispersal or management plan, relating to the management of the very large volume of people they are proposing to attract to this significantly large property late at night. I have no doubt this would further exacerbate the problem of anti-social behaviour and unacceptable noise levels in this area.

They are proposing to have a large area of outside space given over to food and drink consumption. The other premises on the Clerkenwell Green, the Crown Tavern, has a strict closing time of 10.30pm. No other drinking establishment in this sensitive heritage and residential area should exceed that time. This is wholly reasonable.

I am dismayed that I received a letter from the applicant written to myself and other residents, relating to their previous application, urging me to reject my opposition to it. This is completely unacceptable and contrary to the Data Protection Act.

Please reject this application as it flies in the face of Islington Council's own core licensed hours for this very special cumulative impact area in Clerkenwell. There is a groundswell of support for the residents stance on this issue. I am not anti-development but developers and new license applicants must adhere to the Council's rules and stipulations already in place for licensing and not seek to flout them for their own ends.

Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.A black rectangular redaction box covering contact information, likely a phone number or email address.

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:43  
**To:** Williams, John  
**Subject:** FW: OSH License application  
**Attachments:** objection template.docx

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**From:** [REDACTED]  
**Sent:** 31 August 2016 20:48  
**To:** Gallacher, Simon  
**Subject:** OSH License application

Dear Simon,

As a local Clerkenwell resident I am writing to object to the latest license application for the Old Session House as attached below.

Regards

[REDACTED]

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[REDACTED]

[REDACTED]

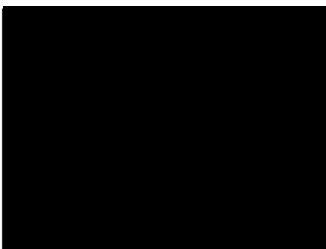
**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:16  
**To:** Williams, John  
**Subject:** FW: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

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**From:** [REDACTED]  
**Sent:** 01 September 2016 21:16  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

**Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA**

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact

- remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licenced premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licenced premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This newproposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b) Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c) Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d) Still an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

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This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

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- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other

entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.

- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

## **Objections based on the four licensing objectives**

### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests

opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.



I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.

Regards



**The Old Session House, Clerkenwell Green, London EC1R 0NA (“the Premises”)**

**Satila Farrington Limited (“the Applicant”)**

**Objections to Licence Application**

**Licensing Act 2003 representation pro-forma**

Premises Name and address: **The Old Session House, Clerkenwell Green, London EC1R 0NA**

Your Name: [REDACTED]

Interest (i.e. resident, business): **RESIDENT**

Your Address: [REDACTED]

Email: [REDACTED]

Telephone: [REDACTED]

Date: **1 September 2016**

I wish my identity to be kept anonymous No

Signature \_\_\_\_\_ Sent via email, please accept as signed

Send by email to: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

Dear Sirs,

**SATILA FARRINGTON LIMITED  
OLD SESSION HOUSE, CLERKENWELL GREEN, LONDON EC1R 0NA  
SECOND APPLICATION (“the Second Application”)**

Following over 200 residents’ objections, and no letters of support, the Committee unanimously and comprehensively rejected the Applicant’s first application for a new licence for the Premises (“**the First Application**”).

The Committee rejected the First Application for a large number of reasons and the key issues for rejection were as follows:

- The size of the premises, the operations outside of Islington Core Hours and the failure to tie alcohol sales to substantial food sales meant the Premises did not qualify for exceptional treatment under Licensing Policy 2.

- The premises licence for the previous occupants, the Masonic Lodge, had a Premises capacity of 686 people but the use by the Masonic Lodge was very different from that proposed being much larger at 1000+ and the impact of the Applicant's type of use was likely to be significantly greater. The Licensing Committee noted in particular the Islington Licensing Authority's concern about the potential impact that such a large volume of additional people arriving in the area would have.
- The Applicant had not provided a detailed management plan or the conditions for the operation of a Private Members' Club ("PMc") on the second and third floors of the Premises.
- The Applicant had provided no dispersal plans to evidence how the licensing objectives would be promoted and there would be a sizeable number of customers leaving through the Clerkenwell Green North exit.
- The licensing objectives would be undermined and that the proposed conditions would be an ineffective solution since they were almost entirely generic and non-specific to the issues relating to the premises
- The applicants failed to rebut the presumption that the application would add to the existing cumulative impact of the Clerkenwell Cumulative Impact Area.
- The hours sought exceeded the permitted planning hours granted for the Premises by the Planning Committee and the Licensing Committee noted specifically that "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning".

With the First Application having received such a large number of local residents' objections and having been comprehensively rejected by the Licensing Committee, it was to be expected that the Applicant would take time to consider addressing the various concerns specifically and submit an entirely different application with the detail so sadly significantly lacking from the First Application.

The Applicant has indeed taken a very different approach to the Second Application:

1. The Second Application does not relate to the entire Premises; Floors 2 and 3 which are (and to the best of our knowledge remain) intended by the Applicant for PMc use do not form part of the Second Application despite being a crucial part of the use of the Premises with significant implications for late night use until 0100- 0200.

By splitting up the licence application into separate applications, it appears the Applicant hopes to get its foot in the door with these floors and then having got a licence, attempt to push the door wider with a licence for more controversial longer and later hours for floors 2 and 3.

When [REDACTED], another local resident objector, and I met with Andrew Woods the solicitor for the Applicant and the Grebelius brothers prior to the

First Application, Mr Woods stated specifically, when asked about how they intended to deal with seeking hours outside of those permitted by Planning and Islington Council's recommended Core Hours, they might seek a licence within those hours and then push for more later; we objected to that approach at that meeting.

2. The Applicant has clearly given up on any pretence of consulting the local community or a cooperative consensual approach to obtaining a new licence. The Second Application was filed without any notice to the local residents, which they had previously given as a courtesy having been requested by local residents.

Whilst the Applicant has absolutely no legal obligation to give any such notice, it is a clear mark of the Applicant's now hostile approach and adverse attitude to the local community that there has been no attempt to consult on the Second Application or even to notify the surrounding community that a Second Application was being made.

It does have to be said that the local community having engaged actively and in good faith with the Applicant on more than half a dozen occasions prior to the First Application, it was apparent from the shoddy, vague and wholly inadequate First Application that the Applicant had heard but not listened to any of what the local community had said and had blundered on regardless with precisely what the Applicant wanted. That regrettable approach continues with the Second Application.

3. The Second Application was filed barely 2 months after the comprehensive rejection of the First Application. Instead of addressing the reasons for the rejection of the First Application in detail, it is largely a repeat of the previous non-specific vague approach but removes the PMC Floors 2 and 3 which will require much later opening in order to work and would more likely cause the rejection of the Second Application.

The Committee is therefore being asked to grant a licence but without being given a clear understanding of the Applicant's true intentions on the use of the entire building. That use is crucial to any decision about any licence for the OSH and by excluding Floors 2 and 3, the Applicant is deliberately obscuring from the Committee the true licensing intentions of the Applicant and the likely impact of the licensed operations from the Premises.

4. The timing of the Second Application on 5 August 2016 also gives the distinct impression that it is a somewhat pathetic dirty tactic we have seen used by other licensing applicants who are struggling with justifying their greedy application and overcoming the onus of proof on them against the presumption against granting a licence in the CCIA. By filing in the middle of summer holidays The Applicant appears to hope that many local residents are away and/or too busy to be able to make the necessary entirely new second set of objections.

It is a highly regrettable cynical tactic which appears designed to disadvantage local objections and suppress the level of objections. Whilst it is not illegal, it is an abusive use of the licensing process to gain an advantage for the Applicant by putting the local objectors to a significant amount of trouble when they are distracted or unavailable. In itself it is major cumulative impact on the time and resources of unpaid local residents with entirely legitimate and genuine concerns.

I only received details of the Second Application three days prior to the objection deadline but have been forced to object quickly or be treated as agreeing to Second Application. I object to both the Second Application and the Applicant's dirty tactics.

## **Conclusion**

The Licensing Committee rejected the Applicant's First Application comprehensively barely more than 3 months ago. This Second Application deliberately obscures and excludes the more controversial late opening hours and requirements that will be needed for the intended Floors 2 and 3 PMC. This seems designed by the Applicant to prevent the Committee from getting the necessary complete understanding of the Applicant's true licensing intentions for the Premises which is essential to enable the Committee to assess the likely cumulative impact of granting any licence for the Premises. The Applicant's lawyer has previously advised of their intention to gain a licence and then come back to seek longer hours which will cause yet more cumulative impact on the residents in being obliged to object to each every such application. The Applicant should be obliged to disclose its intentions for the whole building so that the Committee can assess the likely impact of the Second Application

The Second Application should be rejected for the following specific licensing reasons:

- The hours sought, although marginally reduced from the First Application, still exceed Islington Licensing Policy's Core Hours without any proper stated justification
- The hours sought exceed the hours allowed by the Premises' Planning Permission. Islington Licensing Policy is generally to refuse any application that exceeds those allowed by Planning and is alone a reason to reject the Second Application outright
- The likely capacity is still so vague and uncertain that the Committee cannot properly assess the likely impact of any licensed activities
- There is no dispersal plan which was one of the reasons the First Application was rejected; even then a dispersal plan has limited value since the Applicant has no control of customers beyond the threshold of the Premises.
- There is no management plan for the Premises
- There is no adequate waste management plan
- There is no traffic management plan or consideration of the impact of taxis and traffic for late night collections
- The Premises capacity is still one of the largest in Clerkenwell and therefore it is likely to have a significant impact on the neighbourhood

- The sale of alcohol is not properly tied to the sale of food
- There is no explanation of how floors 2 and 3 or the PMC will be operated and by whom

Under LP2, the onus is entirely on the Applicant to prove that there will be no adverse cumulative impact on the licensing objectives. The size and likely capacity of these Premises mean that the onus on the Applicant is a significant one requiring comprehensive and detailed management proposals and effective licensing conditions and very solid justifications for any hours in excess of planning and Core Hours.

Having had the First Application rejected comprehensively and given detailed reasons for that rejection, this Second Application is a pathetic and again shoddy attempt to gain a licence without in any way properly addressing the specific reasons for rejection. It deliberately and cynically separates out Floors 2 and 3 to help enable securing a basic licence and the necessary foot in the door. It appears to show barely concealed contempt for the First Application's Committee's reasons for rejection and entirely fails to address the numerous inadequacies of the First Application. It has yet again put local residents to more trouble in having to object and this itself has a major cumulative impact on them whilst the paid lawyers and advisers of the Applicant play cynical games with the licensing process.

Please reject this Second Application in its entirety so that the Applicant finally understands that dirty tricks, ignoring residents' legitimate concerns and Islington Licensing Policy and contempt for the Licensing Committee's original decision will not be rewarded by continuing to file lazy vague and wholly inadequate applications that entirely fail to discharge the presumption against the grant of a licence in the CCIA.

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted address]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:51  
**To:** Williams, John  
**Subject:** FW: Objection to license for old session house

**From:** [REDACTED]  
**Sent:** 01 September 2016 20:13  
**To:** Gallacher, Simon  
**Subject:** Objection to license for old session house

I am one of the residents of Sekforde street, we would like to object to the licensing request for hundreds Of people to gather together in a residential area and drink, dance , and make a lot of noise while we try to sleep. This being every day of the week. Weekends are already full of people passing by our bedroom late at night, laughing, talking, shouting, swearing, fighting, drunk. We have only single pane Windows and are constantly disturbed through the night, another 300 or people will make this area a nightmare for residents. Sekforde street is a narrow residential street, yet cars speed down this road, it's only a matter of time before someone has a serious accident, especially after drinking.

Kind regards [REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:06  
**To:** Williams, John  
**Subject:** FW: Objections to Old Sessions House Alcohol Application at 22 Clerkenwell Green

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 02 September 2016 20:38  
**To:** Gallacher, Simon  
**Subject:** Objections to Old Sessions House Alcohol Application at 22 Clerkenwell Green

I received a petition to sign on my mail box today but could not send it and signed it today as not scanner but would like to send you this email my concern to this application being a resident nearby! Thus i would like to object to this application [REDACTED]

[REDACTED]



**From:** [Gallacher, Simon](#)  
**To:** [Williams, John](#)  
**Subject:** FW: Old Sessions House  
**Date:** 05 September 2016 09:46:39  
**Attachments:** [IMG\\_2517.JPG](#)  
[ATT00001.txt](#)

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-----Original Message-----

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 02 September 2016 12:34  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House

Please note my objection.

Regards,

[REDACTED]

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[REDACTED]

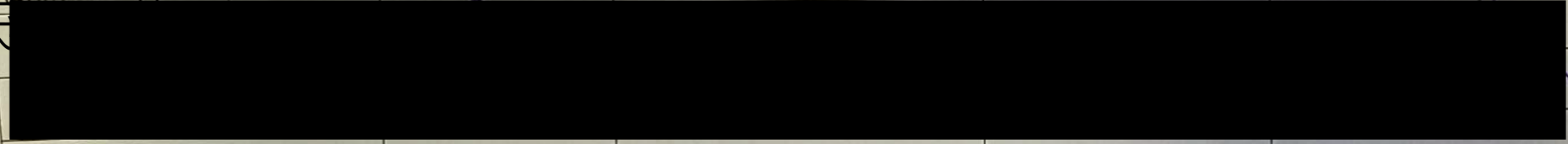

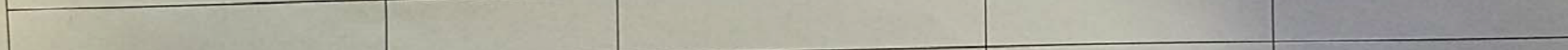
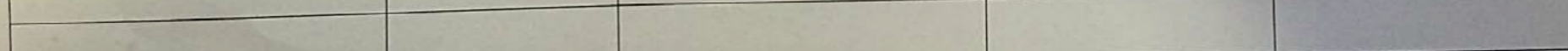
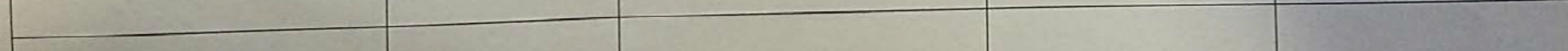
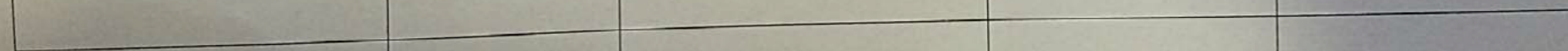
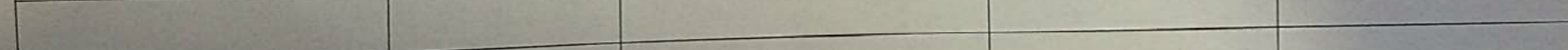
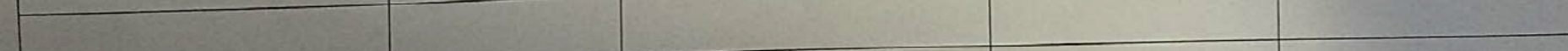
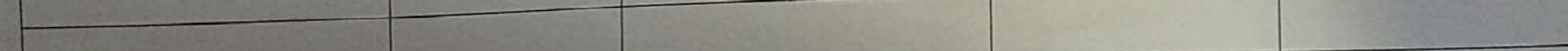
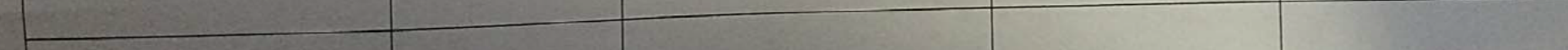
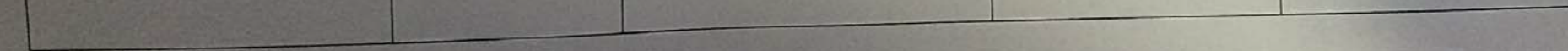
**Objections to the Old Sessions House Alcohol Licence Application, 22 Clerkenwell Green, EC1R 0NA**

This is a new alcohol licence application for Old Sessions House in Clerkenwell Green. The developers' first licence application was thrown out by Islington in May after 201 residents and the Licensing Authority objected. This one must also be thrown out for many of the same reasons.

The proposal is alcohol-led. It is a 500-person bar and restaurant with vast outdoor terraces plus late night music, dance, films and other entertainment smack in the middle of a residential area. It would include up to 22 different restaurants, bars, cafes or wine bars. And it would be open 8am-11pm/midnight 7 days a week including Bank Holidays causing noise disturbance to neighbours 365 days a year.

For these and other reasons, this application fails to promote Islington's four licensing objectives that are designed to limit public nuisance, crime and disorder as well as protect public safety and protect children from harm. Clerkenwell already has regular noise complaints due to outside drinking and smoking from licensed premises, and is experiencing an increase in drug dealing targeting patrons of late licensed venues.

**Please reject this application. Thank you.**

Name (print clearly please)	Signature	Address	Phone	Email	Anonymous
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes
					Yes

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**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:50  
**To:** Williams, John  
**Subject:** FW: Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

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**From:** [REDACTED]  
**Sent:** 01 September 2016 14:58  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

**Re: Licensing representation**

**Premises:** Old Sessions House, 22 Clerkenwell Green, EC1R 0NA  
**Interest:** Resident

Dear Licensing and Councillors

I object to this new licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH).

This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016.

Please reject this application.

I object because this is still an alcohol-led proposal far outside planning permitted hours and the restricted hours required of other nearby licensees due to proximity to residents in a cumulative impact area.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off premises sales, films, live music, recorded music, dance and similar (albeit now with shorter than usual hours for a Nightclub).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m, myself in Sekforde Street and many other residential premises.

I object because the application still does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object because it will have a negative and significant cumulative impact on local residents and the area.

I object because of the size and extent of the operation which will significantly increase foot and road traffic. Smokers alone are likely to block the highway, as well as queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning approval. I object to the extensive hours 7 days a week including Sundays and Bank Holidays - creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced nearby premises. Wallacespace, Unilever, H&K, Granger & Albion are 40-120m away with a fraction the capacity, shorter hours and more conditions. And none of those are alcohol led like this.

I write as a local resident, a founding member of the Friends of Clerkenwell Green association and as a member of the Clerkenwell Green Preservation Society. I also write as a resident who has invested many hours in meetings with OSH developers and their licensing lawyer. We advised numerous changes that have been ignored.

This application shows a woeful disregard for Islington Council's licensing policies and goals, the Cumulative Impact Area, local residents, existing traffic problems - to name just a few concerns. It is not an exception to the Licensing Policy, and as such should be rejected.

The applicants also demonstrate a lack of regard for the Council's licensing policies and goals. They have openly stated to residents on a number of occasions that they plan to: 1) apply for this licence, then 2) apply to extend planning hours and then 3) apply to further extend the hours of the alcohol licence. They state this regardless of the Cumulative Impact Policy, the many surrounding residential buildings and the list of resident concerns.

**Please reject this application. It undermines the Licensing Objectives.**

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs.

This application does not do this. It will add to cumulative impact in an area already defined as saturated by Islington's licensing policy. It is contrary to the character of the Conservation Area and would disrupt the residential/commercial balance in the borough.

Astonishingly, the application does not even state maximum capacity despite residents' requests and the fact this premises dwarfs other licensed premises in the immediate area. We counted the seats shown on the plans and calculate 424 person seated capacity. This volume will create a very significant cumulative and detrimental impact.

The proposed conditions are not in line with other recently granted licences for smaller premises with fewer hours located further from residential premises. It provides less detail to adequately manage egress, noise, acoustics, capacity, smokers, rubbish, deliveries, traffic, etc.

than recently licensed 90-person and 200-person food-led restaurant premises in the immediate vicinity - and this is a 500-person alcohol-led premises.

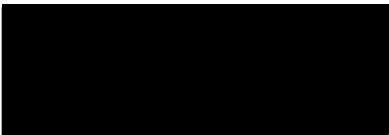
Other recent applications in the borough have been rejected for far less. This application must also be rejected. It is unacceptable on its face and it would create a very dangerous example for other existing and potential licence operators.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime.

Please don't further aggravate these conditions with an additional (and large, extensive) licence. We ask that you please reject this application outright.

Many thanks for your time and consideration.

*Please note we as a group of residents have discussed this application. If multiple objections are similar, it is due to our approach as a community. No objection should be discounted for being similar.*



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:23  
**To:** Williams, John  
**Subject:** FW: Old Sessions House licence objection  
**Attachments:** Objection 2nd Sept 16 old sessions house-signed.pdf

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 02 September 2016 09:02  
**To:** Gallacher, Simon  
**Subject:** Old Sessions House licence objection

Dear Gallagher,

I am a resident local to the Old Sessions House, please find attached my objection letter to licence.

Best wishes,

[REDACTED]  
[REDACTED]

**[REDACTED]**

**Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA**

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licensed premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licensed premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.



b)  Ignores Planning & Licensing Committee's concerns about protecting residential amenity  
May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c)  Still proposes an enormous capacity out of scale for the neighbourhood  
The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d)  Still an alcohol-led proposal with vertical drinking  
This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e)  Still requests a vast competitive advantage for no reason  
This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.
- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum

capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.

- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

### **Objections based on the four licensing objectives**

#### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the

presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:04  
**To:** Williams, John  
**Subject:** FW: Old Sessions House, Clerkenwell Green – objection to licence application  
**Attachments:** CH petition.pdf

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 02 September 2016 17:00  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Old Sessions House, Clerkenwell Green – objection to licence application

Dear Mr Gallacher,

Please note on the attached petition my objection to the recently lodged licence application in respect of the above property.

Thank you for your attention to this matter.

Yours sincerely,

[REDACTED]

[REDACTED]



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:24  
**To:** Williams, John  
**Subject:** FW: Ols Sessions House Licence Application

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**From:** [REDACTED]  
**Sent:** 02 September 2016 11:12  
**To:** Gallacher, Simon  
**Subject:** Ols Sessions House Licence Application

I write as a resident of Clerkenwell Green to object to the current licensing application concerning the above premises.

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees.

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

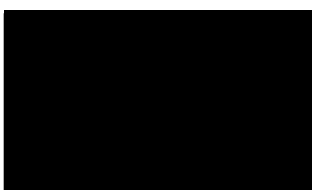
This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy.

Clerkenwell is already an area of cumulative impact, saturation, ASB and crime.

I trust that my views will be taken into consideration.

Thank you.

Yours sincerely





**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:01  
**To:** Williams, John  
**Subject:** FW: Objection to application for licencint by Old Sessions HOUse

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**From:** [REDACTED]  
**Sent:** 02 September 2016 15:04  
**To:** Gallacher, Simon  
**Cc:** [REDACTED] EmilyThornberry Islington Rep; Emily Thornberry I - Thornberry; Emily Thornberry MP I - Thornberry; Emily Thornberry MP; THORNBERRY, Emily; Andrews, Raphael; Islington People's Rights  
**Subject:** Fw: Objection to application for licencint by Old Sessions HOUse

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**From:** [REDACTED]  
**Sent:** 02 September 2016 14:01  
**To:** [simon.gallacher@islington.gov.uk](mailto:simon.gallacher@islington.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** Objection to application for licencint by Old Sessions HOUse

Dear Mr Gallacher,

I am copying and undersigning below a petition which has been circulating among local residents in Clerkenwell regarding the application for licence by the Old Sessions House.

As I have made it clear to you previously, I think it is outrageous that such an application should even have been accepted, seen that Clerkenwell is a Preservation Area and has agreed to SEVERELY LIMIT ANY FURTHER DEVELOPMENT of business which can be DISRUPTIVE to LOCAL RESIDENTS.

The arguments AGAINST accepting the application by the Old Sessions House for full licencing which is TOTALLY INCONSIDERATE of NEIGHBOURS are clear and indisputable and show well enough that those responsible for such an application have NO OTHER INTEREST in mind other than their OWN PROFIT, LEAST OF ALL the WELL BEING, SAFETY, and RIGHTS of local residents to PEACE and QUIET in their OWN HOMES!

As a resident of 23 years, I cannot emphasise enough the IMPORTANCE of PRESERVING OUR QUALITY of LIFE which is currently and increasingly threatened by UNSCRUPULOUS COMMERCIAL INTERESTS in the area! The Council NEEDS to PRIORITISE and UPHOLD OUR RIGHTS and be very firm with MAINTAINING the HEALTHY BOUNDARIES to protect Clerkenwell from these interests which threaten to DESTROY it and turn it into another Soho or Shoreditch!

Many thanks,

[REDACTED]

Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA  
Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- \* adequately demonstrate the promotion of the Licensing Objectives
- \* propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- \* rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- \* demonstrate valid reasons to be considered an exception to the CIA
- \* redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- \* define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- \* remove outdoor queues or outdoor drinking at street level or terraces – items prohibited by recently licensed premises in the area in the past 3 years
- \* remove recorded music, live music, films, dancing and other entertainment – aspects not included in other recent licences in order to mitigate cumulative impact
- \* propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- \* demonstrate valid reasons to be considered an exception to licensing policy 6
- \* propose hours in-line with recently-licensed premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- \* propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licensed premises in the vicinity – Conran Albion – which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b) Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.



This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c) Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.

d) Still an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e) Still requests a vast competitive advantage for no reason

This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

\* Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.

\* Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum

capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.

\* OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants

The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence

how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened – the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis

They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity – none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

Objections based on the four licensing objectives

Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details – also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

In Summary

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.

Many thanks,

A large black rectangular redaction box covering the signature and name of the sender.

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 01 September 2016 20:49  
**To:** Williams, John  
**Subject:** FW: Old Sessions House licence resubmission

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**From:** [REDACTED] [REDACTED]  
**Sent:** 01 September 2016 15:10  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Old Sessions House licence resubmission

Dear Mr Gallacher,

I want to lend my support to the objections raised about the resubmitted licence application for the Old Sessions House by [REDACTED] (copied in here). The licence application continues to breach limits carefully negotiated with other businesses in the area, especially but not only with respect to requested hours of operation.

The Sessions House is a fine building, and it would be good to see it come back to life, but that does not give its owners right to any exemption from licensing restrictions agreed with other businesses in the area. If allowed in its present form, this resubmitted licence application would have a considerably detrimental effect on residents. It would also make it impossible to hold other businesses to already agreed restrictions. Those businesses still find it profitable to operate in the area. Sessions House activities need to conform properly and fully to rules already in place in an area already saturated with licensed premises, where the interests of residents need protection by the Council.

I would be grateful if you could submit my comments to the relevant licensing body that will be considering this application.

Many thanks,

[REDACTED]

**From:** [REDACTED]  
**Sent:** 02 September 2016 12:21  
**To:** Gallacher, Simon  
**Subject:** Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Hi Simon,

I'm a resident in Clerkenwell.

After speaking to [REDACTED] I'm concerned about their proposal, specifically regarding the lack of management plan, dispersal plan, and noise report.

Please take this email as an objection to this application.

I would be grateful if you could let me know where I can view details of this proposal, updates to it and others in the area.

Kind regards,

[REDACTED]

**Gallacher, Simon**

---

**From:** Gallacher, Simon  
**Sent:** 02 September 2016 11:17  
**To:** Williams, John  
**Subject:** FW: Please object today - deadline Friday 2 Sept for Old Sessions House AGAIN  
**Attachments:** [REDACTED]

**From:** [REDACTED]  
**Sent:** 01 September 2016 21:51  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Fwd: Please object today - deadline Friday 2 Sept for Old Sessions House AGAIN

Dear Mr Gallacher,

my name is [REDACTED] and I am a resident at [REDACTED], London.  
With the objection attached I oppose the latest licence application filed by the Old Session House.

Please consider my objection

Best regards

--  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 09:47  
**To:** Williams, John  
**Subject:** FW: Objection to the Old sessions House Licence Application, 22 Clerkenwell green EC1R 0NA

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**From:** [REDACTED]  
**Sent:** 02 September 2016 13:05  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]  
**Subject:** Objection to the Old sessions House Licence Application, 22 Clerkenwell green EC1R 0NA

I object strongly to the proposed Licence application because;

1. The noise generated by such a club would clearly disturb ALL Clerkenwell Green residents.
2. The disturbance cause by up to 500 inebriated guests turning out onto the Green would be horrendous.

I have lived on the Green since 1996 and have witnessed "clubs" come and go, the last of which was situated directly next to my flat at [REDACTED] This club was eventually shut down after it became violent and someone was kidnapped I believe.

I witnessed clubbers taking drugs in our front porch/gate area, revellers regularly peed there too. When we asked that the noise be kept down we were intimidated.

Cabs coming and going through the evening, slamming of car doors, car sound systems etc etc!!!!

The granting of such a licence would do irreparable damage to the Green which is already way too noisy in the evenings.

[REDACTED]

[REDACTED]

**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:05  
**To:** Williams, John  
**Subject:** FW: Objection to Sessions House Proposal

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**From:** [REDACTED]  
**Sent:** 02 September 2016 19:56  
**To:** Gallacher, Simon  
**Cc:** [REDACTED]; [REDACTED]  
**Subject:** Objection to Sessions House Proposal

Dear Simon please accept this as an objection to the Sessions House Development.

Kind regards

[REDACTED]



**Gallacher, Simon**

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**From:** Gallacher, Simon  
**Sent:** 05 September 2016 10:02  
**To:** Williams, John  
**Subject:** FW: Planning Application Objection  
**Attachments:** objection.pdf

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**From:** [REDACTED]  
**Sent:** 02 September 2016 16:00  
**To:** Gallacher, Simon  
**Subject:** Planning Application Objection

Mr Gallacher

Please find attached my objection to this application.

Thank you

## Licensing representation for Old Sessions House, 22 Clerkenwell Green, EC1R 0NA

Dear Licensing and Councillors,

I object to this licence application for the Ground Floor, Fourth Floor and new Roof Terrace of Old Sessions House (OSH). This application is an attempt to circumvent the Licensing Sub-Committee's decision of 24 May 2016. Please reject this application.

This proposal is for an alcohol-led 545-person capacity premises located just 19m from sheltered housing for the elderly with multiple units operated by multiple to-be-confirmed tenants. It proposes no detailed management plan and no noise analysis despite being surrounded by residents, located in a Cumulative Impact Area, proposing vast outdoor space and roof terraces, having Grade II\* listed windows that cannot be acoustically sealed and their request for live music, recorded music, films, dance and other entertainment.

This proposal fails to:

- adequately demonstrate the promotion of the Licensing Objectives
- propose an offering that is not alcohol-led (65% of the capacity is still alcohol-led)
- rebut the presumption against new premises licences in a Cumulative Impact Area (CIA)
- demonstrate valid reasons to be considered an exception to the CIA
- redress the Licensing Sub-Committee's concerns about vertical drinking with a proposal that allows for 65% of estimated total capacity to be alcohol-led (or 55% of total seated capacity as shown on the plans to be alcohol-led)
- define a maximum capacity, which Licensing Sub-Committees have required of other recently-licensed premises in the CIA to mitigate cumulative impact
- remove outdoor queues or outdoor drinking at street level or terraces - items prohibited by recently licenced premises in the area in the past 3 years
- remove recorded music, live music, films, dancing and other entertainment - aspects not included in other recent licences in order to mitigate cumulative impact
- propose hours approved by Planning, which limited hours to protect residents and minimise anti-social behaviour & nuisance in the CIA
- demonstrate valid reasons to be considered an exception to licensing policy 6
- propose hours in-line with recently-licenced premises in the vicinity, where Licensing Sub-Committees limited hours to mitigate cumulative impact
- propose a maximum occupancy

This proposal is made by applicants who have zero restaurant/bar experience. And yet, during the May 2016 Licensing hearing they claimed, "The applicants stated that the top floor would be owned and operated by themselves. The applicants considered that they could manage the situation." But they offer zero information to back their bold assurances.

Many concerns were highlighted by the Licensing Committee, Licensing Authority and 201 residents significant during the May Licensing hearing. This new proposal still materially fails to meet the concerns which led to the decision to deny the first licence application.

### a) Exceeds the hours granted in the planning approval

It asks for 936 hours/year more than the planning department approved "in the interests of protecting residential amenity and minimising anti-social behaviour and nuisance within the Farringdon cumulative impact area (for alcohol licensed premises) that this site sits within..."

This OSH application asks for 572 hours per year more than the most recently licenced premises in the vicinity - Conran Albion - which is directly across Clerkenwell Road from OSH, 4 times farther from the nearest residents, 40% the

capacity of OSH, has only 9% of capacity alcohol-led (vs. 65% for OSH) and is operated by established restaurateurs Conran and Prescott and their team.

The Committee's Sep 2015 decision to grant the Conran licence noted restricted hours and stringent conditions agreed with residents, plus further conditions, "were appropriate and proportionate to the licensing objective of public nuisance and in the public interest." Given the lack of such restricted hours and stringent conditions in this application, plus the lack of any experience, this application fails to promote the licensing objectives.

b)  Ignores Planning & Licensing Committee's concerns about protecting residential amenity

May 2016 Licensing Decision said "the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well." In May the Licensing Committee considered the large number of new people that this proposal would attract to the vicinity, the traffic, the large capacity of the outdoor spaces at street and rooftop levels and late night dispersal of such a large number of patrons.

This application still creates significant risk. It will conservatively see between 750-980 customers using the building on any given day. The sheltered housing residents of Clerkenwell Green Estate will be overwhelmed by the 190-330 customers entering/exiting the 4th floor and rooftop units via doors opposite their homes just 19m away.

They and other neighbouring residents will be further inundated with cumulative impact noise and nuisance from the 80-200 patrons per day who will be using the roof top terrace with no sound insulation from outdoor voices required by this application. Along with the noise and smoke from the ground floor smoking area shown on the plans along the north elevation and available for off licence drinking as set out in the proposed conditions.

c)  Still proposes an enormous capacity out of scale for the neighbourhood

The Sub-Committee decided in May that the large capacity of the "premises would therefore substantially add to the cumulative impact area" and "concern about the potential impact that such a large volume of additional people arriving in the area would have". That decision was based on a 921 seated capacity shown in the April application.

The new August application proposes a 463 seated capacity. They reduced the number by removing 3 floors from the application. This is still an enormous capacity for the vicinity, and for a cumulative impact area. **The realistic total capacity at any point in the building is 545 customers plus staff, or 980 people per day plus staff.**

d)  Still an alcohol-led proposal with vertical drinking

This proposal's vertical drinking units would bring in 420-630 customers per day with no requirement for food with alcohol. That equates to 55-65% of capacity being alcohol-led. The Licensing Committee decided in May that "The characteristics of these premises are very different to the exceptions envisaged by the [Licensing] policy..." This is true.

The Committee Chair added "There was nothing to prevent 15 different bars in this location and there was no guarantee that there had to be food with alcohol. The applicants' representative stated that this was not the intention." This is still true - 10 vs. 15 now.

e)  Still requests a vast competitive advantage for no reason

This application requests 936 hours per year more than the Granger & Co licence and 572 hours per year more than the Conran Albion licence. Both are operated by very experienced restaurateurs with many years of experience and other locations. OSH would not be. The applicant provides no management plan or noise plan to

adequately explain how it will be able to operate multiple units with vast outdoor space, so many more hours and so many more customers without adding cumulative impact.

- Granger & Co restaurant is on the east side of Clerkenwell Green (120 metres away). The closest residents are 40 metres from the premises (vs. 19 metres). It has a maximum capacity of 90 people which is 1/5 the size of OSH and 15% smaller than just the Judge's Dining Room. Grangers must operate solely as a restaurant with a full table meal required for alcohol service, so 0% vertical drinking opportunity. There is no outside space and no outside tables or chairs are permitted. No new patrons are permitted to enter after 22:00. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises at any time. No more than 5 patrons or staff are permitted to smoke outside at any time. No deliveries are permitted on Sundays, and very limited deliveries by van on Saturdays.
- Conran Albion restaurant is opposite OSH on the south side of Clerkenwell Road (11 metres away). The closest residents are 70 metres from that premises (vs. 19 metres). It has a maximum capacity of 225 and is 1/2 the size of this proposed premises. Conran Albion requires a full table meal required for alcohol service for 92% of the maximum capacity, so 8% vertical drinking opportunity. There is no outside space. There is no live music, recorded music, films, dance or other entertainment. No queuing is permitted outside the premises. No more than 5 patrons or staff are permitted to smoke outside at any time, and smokers must leave all drinks glasses and open bottles inside. No more than 3 minicabs shall wait outside the premises at any time.
- OSH would be 55-65% alcohol led. Off licence alcohol is permitted in smoking areas. There is no maximum number of customers and no maximum number of patrons/staff permitted to smoke outside. And queuing is permitted and expected.

f) Failed to submit updated management and dispersal plans or identify tenants  
The first licence was rejected in part because "the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted." And because "they had not updated the [Jan 2015 draft] management plan as they were waiting to see what would happen with the licensing application."

They saw what happened - the licence was rejected. They ignored the reasons why and filed another licence application without a relevant management and dispersal plan.

The applicant also failed to redress the Licensing Authority's earlier concerns regarding the lack of a drugs policy. "The area has seen an increase in illicit drug dealing, notably through sellers of nitrous oxide who are targeting patrons of late licensed venues."

g) Failed to provide any noise analysis  
They don't prove no cumulative impact from the noise of patrons on the rooftop terrace, outside on ground floor on all 4 sides of the building and inside the premises.

The Grade II\* listed windows of this premises cannot be acoustically sealed to keep the noise from patrons inside so as not to cause a nuisance to local residents. This differs from the modern insulated glazing at all the recently licensed premises in the vicinity - none of which pose the added nuisance risk from entertainment since their licences do not include films, dance, live music etc.

## **Objections based on the four licensing objectives**

### Public Nuisance

Fail to rebut the policy's presumption that new licences will have cumulative impact on the Licensing Objective for the Prevention of Public Nuisance. This would significantly increase noise levels as people come in and out of the premises, especially after having consumed alcohol. Plus, alcohol-related antisocial behaviour and crime and off sales.

This would increase foot and road traffic, with increased volume of people walking, talking, smoking and driving in the area. It stands to increase disorder in the street at closing time, noise from customers leaving at night, noise from increased traffic at night, noise from deliveries and rubbish removal, noise and blocking of pavement from customers smoking outside, and noise and blocking of pavement from customers queuing/waiting outside.

And also increased late night public nuisance caused by cleaning of the facilities and arrival/departure of cleaning staff. Cleaning is likely to be done between 00:00 and 08:00 given that the application requests opening times of 08:00-23:00/00:00 7 days a week. But the management plan, which lacks many details - also lacks clarification on this point.

Specific concerns also include: dispersal of a greater number of people with late night alcohol, but no enforceable dispersal policy; no policy to actively manage or limit patrons smoking, queuing and/or waiting for tables outside the premises, thus creating a cumulative impact upon noise disturbance and blocking the pavement; no waiting area to avoid external queues; and no evidence that noise will not emanate from premises.

#### Crime and Disorder

It doesn't show the licence would not give cause negative cumulative impact on the Licensing Objective for the Prevention of Crime and Disorder. It does not rebut the presumption in Licensing Policy 2 that applications for new premises in areas such as Clerkenwell are likely to add to the existing cumulative impact and will normally be refused.

Clerkenwell is an area the Council recognises as having a high number of licensed premises, which lead to problems related to the licensing objectives. Further licenses could provide disproportionately negative effects for local residents. An increase in crime and disorder, disorderly conduct, littering, public urination, violence, noise nuisance, thefts, damage to property and vehicles, obstruction of the public highway and other unlawful activity.

#### Protection of Children from Harm

It doesn't show the licence would not cause negative cumulative impact on the Licensing Objective for Protection of Children. Licensing Policy 1 considers the character of an area. The increase in crime, disorder and antisocial behaviour also further threatens children.

#### Public Safety

It doesn't show the licence would not cause cumulative impact on the Licensing Objective for the Protection of Public Safety. This application threatens public safety not only due to the aforementioned increase in crime, disorder, and antisocial behaviour associated with alcohol consumption, but also due to loitering in the street after the licensed hours.

#### **In Summary**

I object because this is still an alcohol-led proposal outside planning permitted hours and the restricted hours required of nearby licensees due to proximity to residents in a CIA.

I object because it is fundamentally a 500 person 3-floor Nightclub with outdoor space, on & off sales, films, live music, recorded music, dance (albeit shorter than usual Nightclub hours).

I object given the inappropriate location surrounded by residents. Clerkenwell Green & Clerkenwell Close Estates with elderly residents 19m away, Peabody Estate 118m, Priory House for elderly 160m and many other residential premises.

I object because it does not include a noise or management plan, a maximum capacity or other critical conditions to demonstrate the promotion of the licensing objectives.

I object because OSH cannot be acoustically sealed in a manner satisfactory to its proposed uses given it is a Grade II listed building.

I object having considered the Licensing Act 2003 & regulations, national guidance, Cumulative Impact Area & Conservation Area status and Islington Licensing Policy.

I object on the grounds of all 4 of Islington's licensing objectives as well as on the grounds of Licensing Policies 1, 2, 4, 5, 6, 7, 8, 9, 11, 18, 19, 20, 22, 23, and 24.

I object due to the significant negative cumulative impact on local residents and the area due to the size and extent of the operation which will significantly increase foot and road traffic. Plus, the queues which are not prohibited in the proposed conditions.

I object because operating hours exceed planning. Extensive hours 365 days/year creating cumulative impact and anti-social behaviour pressures 365 days a year.

I object due to longer hours, greater capacity and less restrictive conditions than recently licenced premises 40-120m away that are not alcohol-led.

This application shows a woeful disregard for Islington's licensing policies, the CIA, local residents, existing traffic problems. It is not an exception to policy. Please rejected it.

A reasonable number of reasonably sized licensed premises are welcome provided they respect their domestic neighbours' reasonable needs. This application does not.

Islington is London's 2nd highest density of licensed premises and suffers from higher than London average for violent crimes attributable to alcohol. Clerkenwell is already an area of cumulative impact, saturation, ASB and crime. Please don't further aggravate this.

Licensing Act 2003 representation pro-forma

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

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

Premises Name and address THE OLD SESSIONS HOUSE  
22 CLERKENWELL GREEN EC1R 0NA

Your Name: [REDACTED]

Interest: RESIDENT

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

Your Address: [REDACTED]

Email: [REDACTED]

Telephone [REDACTED]

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

**Public Nuisance** I object to the application applied for on the grounds of public nuisance and possibly resulting crime and disorder. I live very close to the premises and know from previous experience the problems that can result from large numbers of people leaving licensed premises at closing time. Apart from general noise it can include slamming of car doors, music blasting from private cars, hailing of taxis and mini-cabs arriving and leaving throughout the evening and into the early hours of the morning - 7 days a week. continued, -please see attached.

**Crime and Disorder**

COMMERCIAL LICENSING  
01 SEP 2016  
PUBLIC PROTECTION DIVISION  
222 UPPER...

**Protection of Children from Harm**

**Public Safety**

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

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

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Please ensure name and address details completed above**

Return to:

Licensing Service  
London Borough of Islington  
3<sup>rd</sup> Floor  
222 Upper Street  
London N1 1XR  
[licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

or send by email to:



Re: The Old Sessions House  
22 Clerkenwell Green. EC1R 0NA

## Public Nuisance

There is also the likelihood of further nuisance to local residents when it comes to deliveries being made and also refuse collections, both very noisy activities. How often and at what times will this occur? I suspect not in daylight hours.

Clerkenwell Green is already a very busy and noisy area with a high volume of through traffic. There is a bus stand for Routes 55 + 243 actually beside the Old Sessions House and another in Farringdon Lane for Route 63. I feel the well-being of the residents of Clerkenwell Green and beyond are entitled to more consideration.

Tel: 

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

**Licensing Sub-Committee A – 24 May 2016**

**The Old Sessions House, 22 Clerkenwell Green, EC1R 0NA**

**DECISION**

The Sub-Committee have decided to refuse the application for a new premises licence in respect of The Old Sessions House, 22 Clerkenwell Green, London, EC1R 0NA

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. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall under the Clerkenwell cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an 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.

Licensing policy 2 provides examples of applications that the licensing authority may consider as exceptional including small premises with a capacity of fifty persons or less, small premises operating within core hours as set out in licensing policy 8 or premises which are not alcohol led. The characteristics of these premises are very different to the exceptions envisaged by the policy in that the capacity would be at least 685 persons, the proposed hours of operation are outside the core hours and the restrictions regarding provision of food with the sale of alcohol were limited to the ground floor only. Furthermore the applicants' proposed condition that substantial food would be available at all times on the ground floor did not tie the sale of alcohol to the provision of a substantial meal or restrict units or percentage floor areas where alcohol would be available for sale.

The Licensing Sub-Committee noted that exact capacity numbers were to be agreed but the plans submitted by the applicant show seating provision for approximately 1000 persons. The Licensing Sub-Committee anticipated that in a day of trading there could be many more than 1000 people attending the premises. The premises would therefore substantially add to the cumulative impact area. The Sub-Committee noted the licensing authority's concern about the potential impact that such a large volume of additional people arriving in the area would have.

The Sub-Committee considered the existing licence for the premises with capacity numbers set at 686. However, the previous operation of the premises by the Masonic Centre was very different in nature. The sale of alcohol in the entire premises was restricted to members of the Masonic Lodge and their guests or for persons attending conferences by invitation. The Sub-Committee also noted the submission of the interested party that there were only a few dozen visitors a day to the premises when operated by the Masonic Lodge.

The Sub-Committee noted that the applicants had not yet identified tenants for the different parts of the premises. The applicants had not provided updated management and dispersal plans to evidence how the licensing objectives would be promoted. The licensing authority and the interested parties raised concerns about public nuisance from patrons at the premises when using outside drinking and smoking areas and dispersing from the premises. These parties also raised concern that the applicants had not provided details of how they would manage the premises to ensure the responsible retail of alcohol including measures to discourage vertical drinking. The Sub-Committee noted the applicant's proposals for 90% of customers leaving the premises late at night to be onto Farringdon Lane to reduce the impact on residents. However, the Sub-Committee noted that there would still be a sizeable number of customers leaving through the Clerkenwell Green North exit and the applicant had provided inadequate details concerning dispersal arrangements.

The applicants submitted that because the police and environmental health, as responsible authorities, had not made representations that the application was against policy, the Sub-Committee should be satisfied that the application could be granted as an exception. The Sub-Committee however noted that there was a submission from the licensing authority as a responsible authority and that the Sub-Committee should consider and give weight to these representations in relation to public nuisance.

The Sub-Committee was satisfied that the licensing objectives would be undermined and that the proposed conditions would be an ineffective solution. The applicant failed to rebut the presumption that the application would add to the existing cumulative impact of the Clerkenwell cumulative impact area.

The Sub-Committee noted that the premises currently had planning permission for limited hours of operation. The proposed hours in the application are more extensive than permitted under the planning consent and the applicants recognised that they needed to amend their planning consent to operate the licence as proposed. The Sub-Committee noted licensing policy 6 which states that the licensing authority expects applicants to ensure that they have planning consent for the intended hours of operation before making application for a premises licence. The licensing authority will only grant licences for premises without planning consent in exceptional circumstances which were not established in this case. There had been a Planning Committee hearing and the planning authority had clearly considered protecting neighbouring residential amenity in their reasoning. Therefore, the Sub-Committee were satisfied that the application should be refused on this basis as well.

1. The licensee shall ensure that the premises are responsibly managed and supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.
2. The sale of alcohol in those areas coloured blue will only be to customers who are seated and eating food.
3. In the area coloured brown/Pink on the ground floor ('the bar') a minimum of 50% of the public floor space will at all times be covered by tables and chairs.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. After 21.00hrs all sales of alcohol for consumption off the premises shall be in sealed containers only, with the exception of alcohol to be consumed in external areas shaded white or pink/brown on the licence plan up to 22:30hrs.
8. Any tables and chairs outside the ground floor and roof terrace of the premises shall be rendered unusable by 22:30 each day when licensable activities are taking place.
9. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:-
  - a. All crimes reported to the venue
  - b. All ejections of patrons
  - c. Any complaints received concerning crime and disorder
  - d. Any incidents of disorder
  - e. All seizures of drugs or offensive weapons
  - f. Any faults in the ECRV system or searching equipment or scanning equipment
  - g. Any refusal of the sale of alcohol
  - h. Any visit by a relevant authority or emergency service.
15. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
16. As soon as possible, and in any event within 1 month from the grant of the licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
17. The consumption of alcohol shall be restricted to those parts of the premises identified on the plan attached to the premises licence and coloured blue, pink/brown or white.
18. The licensee shall participate in any current Best Practice scheme in relation to licensed premises in operation in the Borough.
19. The number of persons permitted in the premises at any one time (including staff) shall be confirmed prior to the premises opening to the public. (Current estimates below)

**Estimated occupancies**

	Estimated number of people - Seated	Estimated number of people – Standing
Ground Floor (bar area)	87	60
Ground Floor (restaurant area)	162	65
Private dining (Ground Floor)	16	N/A
Judges Dining Room	79	45
Private Dining (4 <sup>th</sup> Floor)	14	N/A
Roof	69	40

20. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

21. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
22. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
23. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
24. All staff shall be trained as appropriate in respect of relevant Licensing Law, the implementation of licence conditions, Health and Safety, First Aid, alcohol and drug awareness and conflict management.
25. A fire detection and warning system shall be in place along with fire extinguishers.
26. An emergency lighting system shall be in place.
27. Safety signs and notices shall be maintained in place.
28. Floor staff shall conduct regular checks to remove hazardous objects/waste.
29. An adequate supply of first aid equipment and materials shall be available at the premises at all times.
30. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and amplified or raised voices coming from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for music and dancing. Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team. The controls for the entertainment noise limiting system shall be located in a secure, lockable cupboard or similar location. The entertainment noise limiting system is to be independent of control by persons other than the licensee. Access to the entertainment noise limiting system is to be restricted to the Licensee or a designated manager. The noise limiting device shall be checked and calibrated to the agreed sound levels by the Acoustic Consultant annually and the calibration certificate submitted to the Licensing Team.
31. The sound insulation properties of the premises shall be monitored, maintained and adapted as necessary to ensure that amplified sound played within the premises does not cause nuisance or undue disturbance to occupiers of nearby premises.
32. The licensee shall develop a Noise Management and Dispersal Policy to control noise coming from the venue, including people noise, and to control noise from customers either congregating outside or leaving the area. The Noise Management and Dispersal Policy shall be agreed with the Council's Licensing Authority and be reviewed and revised periodically or after incidences to ensure that public nuisance is prevented from recurring.
33. All windows and external doors shall be kept closed after 2200 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. A direct telephone number at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
37. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. No waste collections, bottling out or deliveries at the premises shall take place between 21 :00 hours and 08:00 Monday to Saturday or before 10:00 or after 20:00 on Sundays and Bank Holidays.
40. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
41. There shall be dedicated smoking areas for patrons with a maximum number of smokers to be calculated for that area and clearly marked or cordoned off and supervised. Drinks are not permitted in these areas after 22:30. The dedicated areas shall be agreed with the Licensing Officers to prevent the likelihood of public nuisance.
42. The licence holder shall ensure the areas immediately outside the premises are swept and cleaned and that all cigarette butts are removed and disposed of within the premises.
43. On the Ground floor Access and egress will be from entrances on Clerkenwell Road, Farringdon Lane and Clerkenwell Green North.
44. Access and egress to the top floor will be via the Clerkenwell Green North entrance.
45. A Terrace smoking area will be available at all times.

**Noise Officer's suggested conditions:**

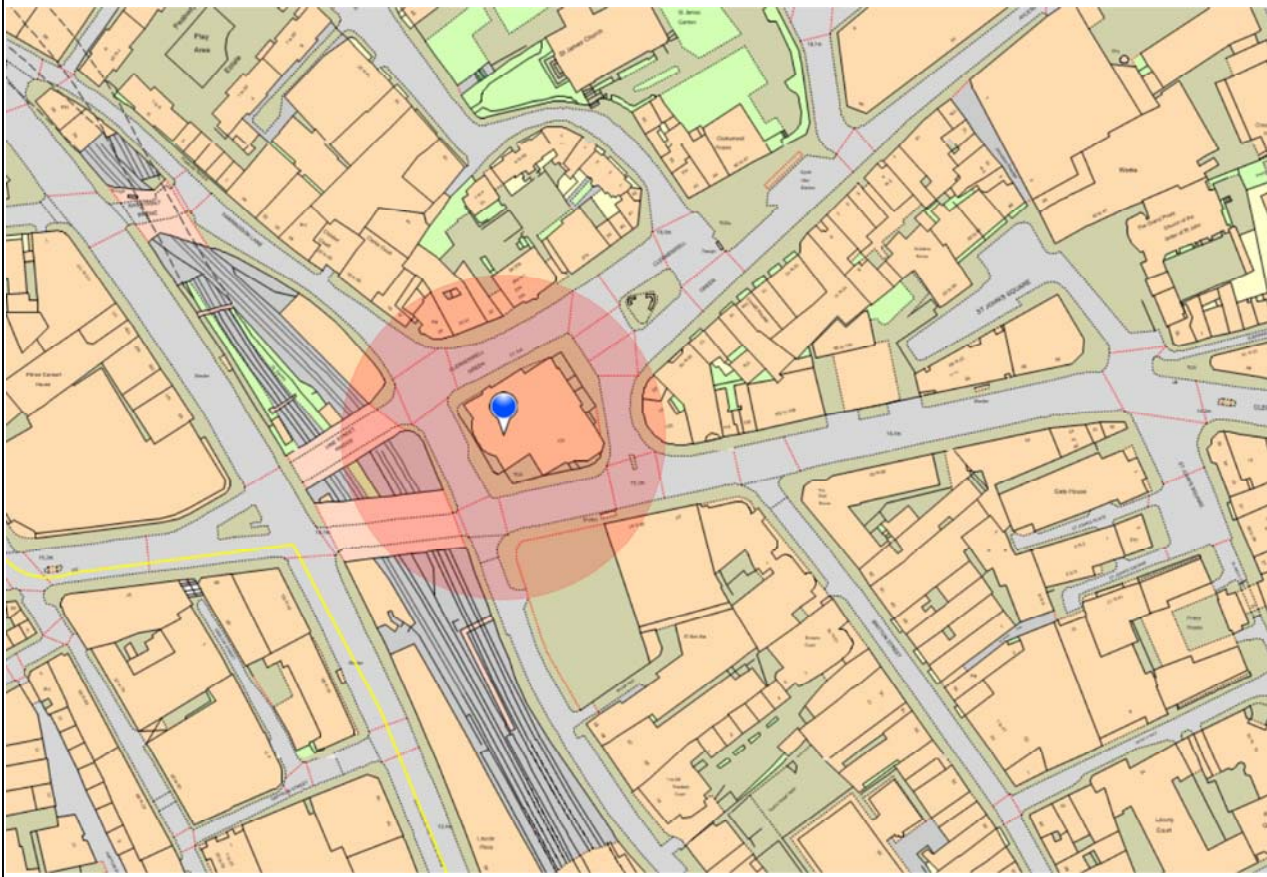
46. The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which shall include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment. (amended from suggested condition)
47. Once agreed maximum levels of sound shall be expressed on the premises licence for each area designated for entertainments as follows:

Area/Room (e.g. lower ground floor bar area)	<b>Linear</b>	<b>"A"</b>	<b>125 Hz</b>	<b>63 Hz</b>
--	---------------	------------	---------------	--------------



Measurement point: xxxxxxxxxxxxxxxxxxxxxx	XX dB (1 min)	XX dB (1min)	XX dB (1min)	XX dB (1min)
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48. The entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.
49. All other areas shall be limited to ambient background levels of sound.
50. In the event of a noise complaint substantiated by an authorised officer, the licensee shall immediately take appropriate measures in order to prevent further disturbance.
51. Windows shall be closed at all times when regulated entertainments are on-going and in any case by 21 :00 every night. Windows (apart from windows designated as fire exits) shall be locked closed after 21 :00 using key operated locks. (amended from suggested condition).
52. All doors to noise generating rooms shall be kept closed apart from access and egress when entertainments are on-going.
53. There shall be a dedicated smoking area for patrons with maximum numbers of smokers to be agreed with the Licensing Authority. The smoking area shall be clearly marked and cordoned off and supervised. Smokers shall not be permitted to take drinks outside to the smoking area(s) after 21 :00 .. (amended from suggested condition).
54. Outside smoking areas shall be supervised after 22:00.
55. There shall be no amplified sound in any outside areas including the roof terrace.



Title: OSH

Printed By:  
RO RO

Printed At:  
21-09-2016

Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 <sup>th</sup> October 2016		St.Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE NEW APPLICATION**  
**RE: HOLY PITTA YEEROS HOUSE, 74D UPPER STREET, LONDON, N1 0NY**

### 1. Synopsis

1.1 This is an application for a new premise licence under the Licensing Act 2003.

1.2 The new application is to:

- Allow the provision of Late Night Refreshment, Sundays to Thursdays from 23:00 until 00:00 and Fridays & Saturdays from 23:00 until 01:00 the following day; and
- Allow the premises to be open to the public, Sundays to Thursdays from 10:00 until 00:00 and Fridays & Saturdays from 10:00 until 01:00 the following day.

### 2. Relevant Representations

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

Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes: Three local residents.
Other bodies	No:

### **3. Background**

3.1 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: representations;

Appendix 3: suggested conditions and map of premises location.

### **4. Planning Implications**

4.1 The Planning Service has reported that there are no restrictive conditions in force.

### **5 Recommendations**

5.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.

5.2 If the Committee grants the application it should be subject to:

i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 3)

ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)

### **6 Conclusion and reasons for recommendations**

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

**Background papers:**

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

**Final Report Clearance**

**Signed by**



Service Director – Public Protection

Date 24/9/16

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

\* required information

**Section 1 of 19**

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

**Applicant Details**

\* First name

ERTON

\* Family name

TERSHANA

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?

Yes  No

\* Registration number

09944113

\* Business name

CORAL TRADING LTD

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

\* VAT number

- NONE

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

\* Legal status

Private Limited Company

*Continued from previous page...*

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)



**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

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

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

Provide a general description of 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.

GROUND FLOOR RESTAURANT AND TAKEAWAY.

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

*Continued from previous page...*

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

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

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

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations

*Continued from previous page...*

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

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

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

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

NONE

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Continued from previous page...

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

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

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

STATEMENT TO BE CONSIDERED BY THE LICENSING AND RESPONSIBLE AUTHORITIES  
Section 8.36 of the Statutory Guidance issued by the Secretary of State to the Home Office  
APPLICATION FOR THE GRANT OF A PREMISES LICENCE  
FOR  
HOLY PITA 74D UPPER STREET LONDON NI ONY

1. Understanding of how the policy impacts on this application
2. Proposed measures to mitigate any impact
3. Reasons why this application to be considered an exception to the policy.

1. Understanding of how the policy impacts on this application

After careful reading and consideration of the licensing policy relating to the CIZ as introduced on the 01 April 2013. It clearly states that the majority of Negative impact has come from late night premises supplying alcohol for consumption on and off the premises and the resulting impact on crime and antisocial behaviour has created an imbalance.

However, we do understand that late Night Off Licences and late night on licence premises can have a negative impact if not properly regulated or controlled sufficiently to ensure that alcohol is not being supplied to street drinkers or to potential customers that are already intoxicated.

It was noted that many of the incidents that required police attention or noise control were between the hours of 01.00 - 03.00 but very few were in public places.

Even though we are not an alcohol related premises we do however appreciate that increased noise or antisocial behaviour can have a negative impact on the local resident community and we do therefore wish to demonstrate that we have Proposed measures to ensure that any impact will not have a Negative impact on any of the licensing Objectives be positive not Negative on any of the Licensing Objectives.

We would also like to respectfully draw the attention of the Licensing Authority to the fact that we are already in operation in Upper Street and therefore can demonstrate first-hand experience of the area.

We consultation with the Police and the Licensing Authority adopted the core hours within the Licencing Policy of Islington for venues wishing to offer Late Night Refreshment – SUNDAY TO THURSDAY 23:00 UNTIL 00:00 AND FRIDAY AND SATURDAY 23:00 UNTIL 01:00

We have not had any incidents in all the time we have been trading or any complaints we have always co-operated fully with the licencing authority and the local police.

We have been trading from this site for approximately 3 months to hours as late as 03:00 under T E N and have not had any negative impact on the |Licensing Objectives.

2. Proposed measures to mitigate any impact

The original Application for this Premises was to operate until 03:00 we initially ignored the advice of the police and the Licensing Authority and disregarded the Islington's Licensing Policy.

This was due to the fact that we were reliant on other premises having these hours why should we be refused this was

*Continued from previous page...*

ignorance of the policy on our part.

We have now a far greater understanding of the policy. And in considering this application we have taken into account.

#### LICENSING POLICY

- Whether the premises is located within the Cumulative impact area.

The premises is within the impact zone however we will not be selling alcohol and have adopted the core hours for Late Night Refreshment venues in Licensing Policy 7 along with robust conditions we are confident that we will not add to the cumulative impact or otherwise impact adversely on the licensing objectives.

- The type of premises and the cumulative impact upon the area and the mix of premises in the area.

Holy Pitta is a Greek style take away unique within the local area offering diversity and a cultural difference. Holy Pita does not sell alcohol and will not admit anyone showing signs of drunkenness.  
on to the alcohol.

- The location of the premises and the character of the area.

The premises is located within the impact area, however it is also on the main highway giving that fact it should be noted that there is a high volume of traffic that creates an ambient traffic noise with people walking and talking as they go about their business, the management will ensure that the premises does not add to that by monitoring the outside area to ensure that customers are not congregating.

- The views of the responsible authorities

We have actively sought and taken the advice and the respected views of the responsible authorities by ensuring that the conditions within the licensing schedule are Robust enough not to create a negative impact on the Licensing objectives.

- The views and concerns of other persons

We are aware that local residents will have concerns with regards to any further possible cumulative impact within the area, however every precaution has been taken to ensure that our neighbours are not disturbed. This will be accomplished by monitoring the external areas, not allowing groups to congregate and operating with the core hours as specified within the licensing policy.

- Our past compliance history of current management

We have demonstrated a very high standard of management at Holy Pit and next door at "La Forchetta" We have been operating "La Forchetta" the adjacent property for the past 7 years we have always cooperated with the Police and other responsible authorities by for instance making our CCTV available to the police when required.

At Holy Pita we have been operating for the past 3 months we have installed CCTV and traded until 03:00 in the morning over the period of a month under TEN without incident.

- The Proposed Hours of operation the type and numbers of customers likely to attend.

The proposed hours are within the core hours as outlined in the licensing policy 7 of Islington's Licensing Policy 2013 -2017

#### 3. Reasons why this application should be considered as an exception to the policy.

Notwithstanding the fact that there is a presumption that the application will be refused in accordance with the Cumulative Impact Policy by the LSC if representations are received against the applications for a premises licence to be granted for late night refreshment it is the intention of the Premises Licence Holder and the management to Respectfully request the LSC to consider this application on the following grounds.

Holy Pita has been trading for some time outside of the core licensing hours and has demonstrated that it has and can operate within the Guidelines and not have a Negative impact on any of the Licensing Objectives it also would like the LSC to consider the additional hours not to be of significance to impact negatively on the Licensing Objectives or the Local Community but can prove to be significant on the survival of this small business.

The premises as stated has demonstrated that it is a well-run professional operation this is borne out by the fact that it has



*Continued from previous page...*

never had any complaints of any nature and that with this application the licensing policy with special attention has been paid to the cumulative impact area and standards of management required to ensure that no negative impact will occur. There are robust conditions proposed within the operating schedule as part of this application to ensure the integrity of the Licensing objectives, however with the additional attention to detail with regards to the cumulative impact policy and the compliance record of the management of this premises we feel is sufficient for the applicant to respectfully request the LSC to consider this application an exception.

b) The prevention of crime and disorder

#### THE PREVENTION OF CRIME AND DISORDER

##### 1. RESTAURANT CONDITION :

ALCOHOL WILL NOT BE PERMITTED ON THE PREMISES

##### PLH

2. The PLH is fully aware of his responsibilities under the LA 2003. HE ALSO HOLDS A PERSONAL ALCOHOL LICENCE AND IS THE PLH AND DPS FOR THE ADJACENT PROPERTY "LA FORCHETTA"

This has given him a greater understanding of the licensing objectives and the necessary risk assessments to ensure that at no time is the licence in jeopardy.

##### CCTV

3. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced ( at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offence. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

##### 4. CRIME PREVENTION NOTICES

Notices with regard to potential crime will be placed in all public areas IE be aware of pickpockets bag snatching. Also Management Warning Notices with regards to Zero Drugs Tolerance, exiting the venue quietly and being respectful of our neighbors.

##### 5. PUBLICISE OPEN AND CLOSING TIMES

All details of the premises opening and closing times will be clearly displayed on the premises and any website for the information of customers.

##### 7. DEVELOPMENT OF A DRUGS POLICY WITH LOCAL POLICE

A drugs policy will be developed to the satisfaction of the local police licensing office.

Signs will be displayed at the entrance, toilets and other public areas of the premises informing that this premises is A DRUG FREE ZONE.

##### 8. STAFF TRAINING

All staff will undergo full training in regards to the licensing objectives with particular attention to UNDERAGE SALES

*Continued from previous page...*

PREVENTION, DRUGS AWARENESS, ANTI VIOLENCE/ ANTI SOCIAL BEHAVIOUR and PUBLIC DRUNKENESS.

This will be fully documented training refreshed every 3 months.

c) Public safety

THE PROMOTION OF PUBLIC SAFETY

9. The installed digital CCTV system will record for 31 days and cover all public areas of the premises which will monitor all public safety issues. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.

10. The PLH will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.

11. When considering the promotion of public safety, the following relevant legislation and risk assessments have been applied.

The Regulatory Reform (Fire Safety) Order 2005

Health and Safety at Work Regulations 1999

12. FIRE SAFETY

All fire safety precautions have been considered and implemented under the fire risk assessment to include:-

Fire Separation, fire resistant finishes, smoke detection and ventilation, emergency lighting Decorations and Furnishings.

13. BUILDING SERVICES

All electrical Installations whether permanent or temporary will be inspected on a regular basis by a qualified electrician. All permanent installations such as Emergency Lighting, heating / ventilation Generators or any other electrical equipment as deemed to be a permanent fixture has a current Certificate.

14. HYGIENE

Thought has been given to this area and adequate changing facilities, toilets and the storage and disposal of refuse have been supplied or will be arranged.

15. FIRE AND EMERGENCY SYSTEMS

All Fire and Emergency Warning Systems including Fire Extinguishing Equipment will be tested on a regular basis and documented.

16. COMMUNICATIONS

All regulatory signs will be displayed as an additional means of information.

d) The prevention of public nuisance

THE PREVENTION OF PUBLIC NUISANCE

17. The DPS and the Premises Licence holder are responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public.

18. The Management will monitor the external areas of the premises in relation to public nuisance or antisocial behaviour.

19. Deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises.

20. Any antisocial behaviour CCTV recordings will be made available to the police and environmental health officers.

*Continued from previous page...*

21. A CCTV will monitor the exterior front of the premises.

22. Notices will be prominently displayed at the exit requesting that residents respect the nature of the residential area and leave quietly.

23. Customers shall be discouraged from congregating outside the premises.

24. Signage will be prominently displayed advising customers that they are being recorded on CCTV. Additional signage which can read as follows:

- a) NO ALCOHOL IS AVAILABLE AT THESE PREMISES
- b) CCTV RECORDING 24 HRS ASB WILL BE REPORTED TO THE POLICE
- c) PLEASE USE RUBISH BINS PROVIDED
- d) CUSTOMERS ARE REMINDED TO REPECT OUR LOCAK RESIDENTS AND KEEP NOISE TO A MINIMUM.
- e) CUSTOMERS ARE POLITELY REQUESTED NOT TO CONGREGATE OUTSIDE OF THESE PREMISES
- f) OPENING AND CLOSING TIMES

e) The protection of children from harm

THE PROTECTION OF CHILDREN FROM HARM

24. A refusal/incident book will be kept on the premises for inspection by the authorities.

25. All necessary signage will be displayed with regard to noise nuisance and personal safety information.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

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

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

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

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

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

*Continued from previous page...*

where the entertainment is provided by and at the school or college and for the purposes of the school or college.

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

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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# Proposed Operating Schedule

**Holy Pitta  
74d Upper Street,  
London  
N1 0NY**

## **Late Night Refreshment**

**23:00 - 00:00 Sunday to Thursday**

**23:00 - 01: 00 Friday and Saturday**

## **THE PREVENTION OF CRIME AND DISORDER**

### **1. RESTAURANT CONDITION :**

**ALCOHOL WILL NOT BE PERMITTED ON THE PREMISES**

#### **PLH**

- 2. The PLH is fully aware of his responsibilities under the LA 2003. HE ALSO HOLDS A PERSONAL ALCOHOL LICENCE AND IS THE PLH AND DPS FOR THE ADJACENT PROPERTY "LA FORCHETTA"**  
This has given him a greater understanding of the licensing objectives and the necessary risk assessments to ensure that at no time is the licence in jeopardy.

#### **CCTV**

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

licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business, then Police must be informed.

**3. CRIME PREVENTION NOTICES**

Notices with regard to potential crime will be placed in all public areas IE be aware of **pickpocket's bag snatching**. Also **Management Warning Notices** with regards to **Zero Drugs Tolerance**, exiting the venue **quietly and being respectful of our neighbours**.

**4. PUBLICISE OPEN AND CLOSING TIMES**

All details of the premises opening and closing times will be clearly displayed on the premises and any website for the information of customers.

**5. INSTALLATION OF CCTV**

The presence of CCTV can be an important means of detecting crime inside and immediately outside of the premises. To this end CCTV will be installed to the satisfaction of the local crime prevention officer and it will record for 31days. Recordings will be made available immediately to any authorised officer for inspection. A member of staff will be fully trained in its operation and the equipment meets the required specifications.

**6. DEVELOPMENT OF A DRUGS POLICY WITH LOCAL POLICE**

A drugs policy will be developed to the satisfaction of the local police licensing office. Signs will be displayed at the entrance, toilets and other public areas of the premises informing that this premises is **A DRUG FREE ZONE**.

**7. STAFF TRAINING**

All staff will undergo full training in regards to the licensing objectives with particular attention to **UNDERAGE SALES PREVENTION, DRUGS AWARENESS, ANTI VIOLENCE/ ANTI SOCIAL BEHAVIOUR and PUBLIC DRUNKENESS**.

This will be fully documented training refreshed every 3 months.

# THE PROMOTION OF PUBLIC SAFETY

8. The installed digital CCTV system will record for 31 days and cover all public areas of the premises which will monitor all public safety issues. The DPS will be responsible to carry out a fire and health and safety risk assessments for licensed premises all notices in relation to public health and safety will be displayed.
9. The PLH will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
10. When considering the promotion of public safety, the following relevant legislation and risk assessments have been applied.

**The Regulatory Reform (Fire Safety) Order 2005**  
**Health and Safety at Work Regulations 1999**

## 11. FIRE SAFETY

All fire safety precautions have been considered and implemented under the fire risk assessment to include: -  
Fire Separation, fire resistant finishes, smoke detection and ventilation, emergency lighting  
Decorations and Furnishings.

## 12. BUILDING SERVICES

All electrical Installations weather permanent or temporary will be inspected on a regular basis by a qualified electrician. All permanent installations such as Emergency Lighting, heating / ventilation Generators or any other electrical equipment as deemed to be a permanent fixture has a current Certificate.

## 13. HYGIENE

Thought has been given to this area and adequate changing facilities, toilets and the storage and disposal of refuse have been supplied or will be arranged.

## 14. FIRE AND EMERGENCY SYSTEMS

All Fire and Emergency Warning Systems including Fire Extinguishing Equipment will be tested on a regular basis and documented.

## 15. COMMUNICATIONS

All regulatory signage will be in place as an additional means of information.

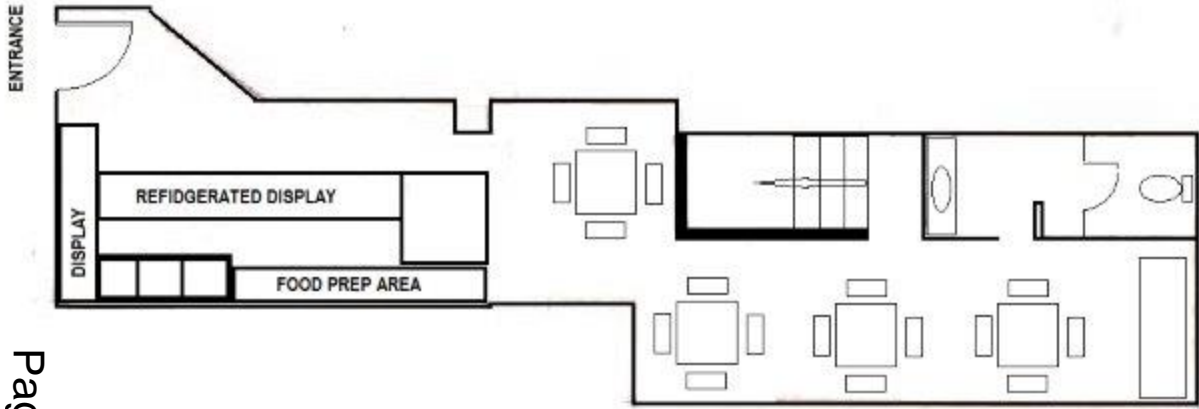


## **THE PREVENTION OF PUBLIC NUISANCE**

**The Premises Licence holder is responsible for ensuring that the premises do not cause any nuisance to the local residents or the general public. They will monitor the external areas of the premises in relation to public nuisance or anti-social behaviour, deliveries and rubbish collections will only take place during normal business hours. Any anti- social behaviour CCTV recordings will be made available to the police.**

## **THE PROTECTION OF CHILDREN FROM HARM**

- 23.** A refusal/incident book will be kept on the premises for inspection by the authorities.
- 24.** All necessary signage will be displayed with regard to noise nuisance and personal safety information.



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Holy Pitta, 74D Upper Street, London N1 0NY  
**Date:** 16 September 2016 12:44:09

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Reference: WK/160026946

I wish to object to this Licence Application for late night refreshment.  
The Council's policy should be adhered to as most incidents that require police attention or noise control occur between the hours of 01.00 and 03.00.

The Committee should only grant a licence up to midnight on Friday and Saturday and up to 11.00 p.m. on Sundays to Thursdays.

The applicant has been flouting the regulations by trading for 3 months up to 03.00 although they are aware of the regulations having other premises in Upper Street. There is therefore no guarantee that the applicant will comply with any restrictions on their licence in future.

Regards,

[REDACTED]

**From:** [Forde, Niall](#)  
**To:** [Whitton, Daniel](#)  
**Subject:** FW: HOLY PITTA 74d Upper Street N1 ONY  
**Date:** 19 September 2016 15:32:24

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**From:** [REDACTED]  
**Sent:** 17 September 2016 19:21  
**To:** Forde, Niall  
**Subject:** HOLY PITTA 74d Upper Street N1 ONY

Dear Niall,

Re: Premises Licence Variation

I strongly object to this application.

These applications come one after another despite the fact we are in a "Saturation Zone" and each application has to demonstrate that additional extended opening hours will not add to the "Cumulative Impact" in the Zone which is already inundated with late night drinking establishments.

The hours should be 11pm. Sundays to Thursdays, Fridays and Saturdays to midnight.

[REDACTED]

To: The Licensing Officer,

202 Upper Street  
London N1 1XR.

16 September 2016

The Application to Licensing Committee  
from Holy Pita, 74D Upper St N1 1XR.

Dear Sir

I note that the application is for  
a licence in connection with late night refreshment  
after 2300 hours  
on the strength that there is an existing licence  
up to that time, I considered that this should be sufficient,

on an area which is already saturated with  
late-night bars and restaurants.

To grant this extension to the licence would be to  
increase the probability of night-time anti-social behaviour  
from drinkers, which is already a serious problem  
along Upper Street.

Please would the Licensing Committee take this into  
account in considering this application.  
Yours sincerely,



COMMERCIAL/LICENSING  
16 SEP 2016  
PUBLIC PROTECTION DIVISION  
222 UPPER ST, LONDON N1 1XR

**Suggested conditions of approval consistent with the operating schedule**

1. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business, then Police must be informed.
2. A drugs policy will be developed to the satisfaction of the Islington Police Licensing team.
3. All staff will undergo full training in regards to the licensing objectives with particular attention to Underage Sales Prevention, Drugs Awareness, Anti Violence/ Anti-Social Behaviour and Public Drunkenness. This will be fully documented training refreshed every 3 months.
4. The Premises Licence holder will monitor the external areas of the premises in relation to public nuisance or anti-social behaviour.
5. Deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises.
6. Signage will be displayed at the entrance, toilets and other public areas of the premises informing that this premises is a drug free zone.
7. Notices with regard to potential crime will be placed in all public areas i.e. be aware of pickpocket's bag snatching. Also Management Warning Notices with regards to Zero Drugs Tolerance.
8. Additional signage will be prominently displayed advising customers that:
  - a. No alcohol is available at these premises;
  - b. CCTV recording 24 hrs ASB will be reported to the Police;
  - c. Please use rubbish bins provided;
  - d. Customers are reminded to respect our local residents and keep noise to a minimum when leaving the area;
  - e. Customers are politely requested not to congregate outside of these premises; and
  - f. Opening and closing times.
9. A refusal/incident book will be kept on the premises for inspection by the authorities.
10. All necessary signage will be displayed with regard to noise nuisance and personal safety information.

Titl  
741



Page 181

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Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 <sup>th</sup> October 2016		Mildmay

<b>Delete as appropriate</b>		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: STAR FOOD & WINE, 138-140 BALL'S POND ROAD, LONDON, N1 4AD.**

### 1. Synopsis

- 1.1 This is an application by Islington Council's Trading Standards Manager, Mr Alonso Ercilla, for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the following licensing objective:
- i) The prevention of crime and disorder.

### 2. Relevant Representations

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

London Fire Brigade	No
Local residents	No:
Other bodies	No:

### 3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, off supplies only, Sundays to Thursdays from 06:00 until 01:00 the following day and Fridays & Saturdays from 06:00 until 03:00 the following day.

3.2 Licensing History:

- The premises licence for 138-140 Ball's Pond Road was initially granted on 12<sup>th</sup> September 2012;
- 20<sup>th</sup> January 2016, Mr Onur Kavruk became the licensee and Designated Premises Supervisor (DPS).

3.3 Prior to the new premises licence being granted for 138-140 Ball's Pond Road on 12<sup>th</sup> September 2012 there were two separate premises licences in place, one at 138 Ball's Pond Road and one at 140 Ball's Pond Road.

These two licenses were surrendered when the new licence from 138-140 Ball's Pond Road was granted. The licensee and DPS for the two premises at this time was Mr Gazi Kavruk, the current licensee's father.

Although Mr Gazi Kavruk was not named as Licensee & DPS for the new combined premises he was the sole director of the company, 25 Hours Ltd, that owns the business.

The current licensee and DPS, Mr Onur Kavruk, is known to have been employed at the premises since at least 6<sup>th</sup> July 2012.

3.4 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

### 4. Planning Implications

4.1 The Planning Service has reported that there are no restrictive conditions in force.

### 5 Recommendations

5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.

5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.

5.3 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

## 6 Conclusion and reasons for recommendations

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

### Background papers:

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

### Final Report Clearance

**Signed by**



Service Director – Public Protection

Date 22 September 2016

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

Application for the review of a premises licence or club premises certificate 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 Alonso Ercilla

(Insert name of applicant)

~~apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)~~

Part 1 – Premises or club premises details

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

**Star Food & Wine**

**138 – 140 Balls Pond Road**

Post town: **London**

Post code: **N1 4AD**

Name of premises licence holder or club holding club premises certificate:

**Onur Kavruk**

Number of premises licence or club premises certificate:

COMMERCIAL/LICENSING

25 JUL 2016

PUBLIC PROTECTION DIVISION  
222 UPPER ST, LONDON N1 1XR

**Part 2 - Applicant details**

I am

Please tick ✓yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

a member of the club to which this application relates (please complete (A) below)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address	
Alonso Ercilla	
Trading Standards Manager	
Public Protection Division	
222 Upper Street	
London	
N1 1XR	
Telephone number:	020 7527
E-mail:	<a href="mailto:alonso.ercilla@islington.gov.uk">alonso.ercilla@islington.gov.uk</a>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

the prevention of crime and disorder

public safety

the prevention of public nuisance

the protection of children from harm

This application to review relates to the objectives to prevent crime and disorder and licensing policies 26 & 10 following:

- the seizure of a large amount of non-UK duty paid tobacco products; and
- a failure to exhibit a high standard of management at the business – specifically in regard to complying with licence conditions.

The business is a small independent convenience store. It is owned by 25 Hours Ltd - the sole director of which is Gazi Kavruk, who was also the premises licence holder (PLH) and designated premises supervisor (DPS) until recently. His son, Onur Kavruk, became the PLH & the DPS at the start of 2016.

#### Background information

In March and December 2011, the business was sent guidance on how to identify illicit alcohol and tobacco, with covering letters warning that the a licence review may result if seizures of illicit goods were found in future.

On 6<sup>th</sup> July 2012, Doug Love, a Trading Standards Officer, visited the business with officers from HMRC to check for illicit alcohol and tobacco. The visit was prompted by the extension of Star Supermarket from 138 into the neighbouring premises at 140 and Mr Kavruk's belated attempts to get a premises licence to match the new circumstances.

The visit revealed the business to have non-duty paid spirits (eight brands, 25.2 litres) and wine (26 bottles including two counterfeit Jacob's Creek) on their shelves. These goods were seized.

Gazi Kavruk was interviewed and claimed that the illicit goods may have been transferred stock when he bought the neighbouring premises.

A representation was made by Trading Standards in respect of the new licence application (for the combined premises), detailing the seizure. The application was granted with appropriate conditions.

In March 2015, Onur Kavruk attended training for off-licence managers put on by the Council, although Mr Love has a note that he left after the first half. Included in the second half of the training were two sessions entitled 'Licensees' Responsibilities' and 'Illicit Goods'. The first of these explained the significance of licence conditions and stressed the need to periodically check compliance with those conditions. The latter made clear that illicit goods found in off licences was likely to result in strong action. A handout of the slides used was given to all participants and copies of the most recent Illicit Alcohol and Tobacco guidance was available at the sessions.

#### The circumstances giving rise to the review

In April 2016 Mr Love was planning some visits to look, primarily, for illegal tobacco. Test purchases of 'cheap tobacco' at several business were conducted on 19<sup>th</sup> April. In Star Food & Wine, the purchaser was served by a person whose description matches that of the PLH. The purchases said that the seller seemed familiar with the shop; suggested a pack of Golden Virginia hand-rolling tobacco for £10 and when the purchaser agreed he produced it from behind the counter, knowing immediately where to find it. The purchased item was later examined by Mr Love and is believed to be genuine product for duty free sale.

Three days later, Mr Love, PC Harrington of Islington's Licensing Police and officers from HMRC went to the shop to do check for illicit tobacco and alcohol and to check that the business was trading in compliance with licence conditions. Onur Kavruk, the DPS and PLH, was present and, before the inspection started, he was asked if there was any foreign or non-duty paid tobacco on the premises. He replied that there was not.

However, a significant quantity of illegal tobacco was found by the HMRC officers in two bags kept behind the counter.

Three brands of hand rolling tobacco were seized:

Golden Virginia, 20 x 50g;  
Drum Original, 14 x 50g;  
Drum Yellow, 12 x 50g.

Three brands of cigarettes were seized:

Marlboro Red x 860;  
Marlboro Gold x 200;  
Vogue x 640.

All the products were made for the duty free market, except the Drum Yellow, which carried Polish markings and bore a Polish tax stamp. All items are believed to be genuine product.

Onur Kavruk (the DPS and PLH) told the HMRC officers that the tobacco belonged to the owner of the nearby café and that he was just looking after it for him.

Mr Love examined the alcohol stock. He identified as non-duty paid and seized:

19 litre bottles of Glens; and  
6 x 70cl bottles of Smirnoff.

Some of this vodka was behind the counter, but most was found in cases in a store room. The boxes were resealed – a sign that they may have been unsealed so that the back labels on the bottles could be replaced with fake ones bearing UK duty stamps – and Mr Love could see they were clearly not cases for duty paid vodka: the Smirnoff case had the 'UK duty stamp' legend crossed through in marker pen, indicating that the case was intended for export; the Glens case held 12 bottles – UK cases usually hold only six – and did not have the 'UK Duty Stamp' legend at all, whereas UK market cases have this added. The bottles themselves had unprofessionally added back labels, which were bumpy to the feel as there was trapped air and some were crooked. Anyone following the Trading Standards guidance on how to identify illicit alcohol should have been able to identify them as illicit.

Mr Love also noted that 500ml cans of Skol Super (8% abv) were on sale for £1.35 per can – far below the price one would expect to see them for sale at a cash and carry. Duty and VAT alone on this product totals £1.15 per can. There were approximately 5 trays of 24 cans of this product on the premises. No invoices were available at the premises for the product, so Mr Love asked for them to be produced as soon as possible.

PC Harrington checked the licence conditions and had found several that were not being complied with.

CCTV footage from the time of the test purchase was required to be provided by 5pm on the following Monday - three days later. As Mr Love was explaining the reason it was needed, he noted that the test purchaser's description of the seller seemed to match Onur Kavruk rather well.

On Tuesday 26<sup>th</sup> April, Mr Love visited the premises again, as neither the CCTV footage nor any invoices for the Skol Super had been provided. Neither were available at the shop, so Mr Love seized the remaining Skol Super (48 cans), as he believed them to be non-duty paid.

The duty payable on all seized goods totalled approximately £1028.

On 12<sup>th</sup> May, Onur Kavruk (OK) attended the Council offices and was interviewed under caution. No CCTV footage or invoices had been provided. The main points of the interview were:

- OK said he had worked at the business for 6 years, but just been a 'cashier' until he became PLH and DPS in January 2016;
- He claimed all the seized tobacco belonged to a man from the nearby café;

- He claimed that he kept it behind the counter, rather than in the store room or cellar because he didn't want to appear to be hiding it;
- He claimed that the test purchase sale was carried out by someone else and not him although could not explain why they would do so if it were only being stored there
- He admitted that there is no system for matching goods to the relevant invoice and that he is unsure how to identify illicit alcohol;
- He claimed that he did have training records and a refusals book, but that they were not to hand when PC Harrington had asked him;
- He explained that the cctv footage had not been provided as he had been unable to download it, although he could view it. He said the reason for this was that it was a replacement system provided after the police had taken the original system following an accident in the shop;
- He did not recognise the health and safety schedule referred to in Annex 3, condition 1.

The following day Mr Love visited the premises, but was unable to view the cctv footage from the test purchase – the system in use at the time seemed only to have recordings back to the 3<sup>rd</sup> May (10 days previously: cctv recordings from the last 31 days should be available).

The Licensing Police have been unable to find any evidence of the police taking possession of the original cctv system from the store.

Mr Love noted that no sign that would enable the PLH to comply with Annex 2, condition 5 was present and that the cctv system was displaying the incorrect time (out by an hour).

On 3<sup>rd</sup> June Mr Love visited the business to leave a letter for the PLH asking for him to provide a copy of the relevant paperwork to show that this had taken place and reminding him of relevant matters that were still outstanding. At the time this application was signed nothing had been supplied by the business in response to this letter.

While he was there, Mr Love noted that no sign that would enable the Licensee to comply with Annex 2, condition 5 was present and the cctv system was displaying the incorrect time (out by an hour).

On 7<sup>th</sup> June the PLH came into the Council offices to ask for further explanation about the letter Mr Love had left at the premises. During a conversation with Mr Love and Dan Whitton, Licensing Officer, the PLH indicated that he had ordered a new CCTV system that would record for the required 31 days; Mr Whitton agreed to visit the business to check the health and safety works and other conditions; and it was confirmed that Onur and another member of staff would attend Council training. Mr Love advised the PLH that he had noted the required notice was still missing and advised him to ensure this and all other conditions were complied with scrupulously in future.

Two days later, Mr Love and Mr Whitton visited the premises. Before they announced themselves, Mr Love asked a volunteer who had just turned 19 to attempt a 'Challenge 25' test purchase – buying alcohol without showing proof of age. He was able to buy K Cider (8.4% abv) without any challenge for proof of age being made. The seller – an employee - later said she had thought him to be 20-21 and the PLH stated he thought he was 19. Annex 2, condition 6 requires anyone appear to be under 25 to be asked for proof of age.

Mr Whitton looked to see if the rest of the licence conditions were being complied with: he was generally satisfied, with the exception of the CCTV system failing to satisfy the condition – the PLH assured him this was in hand and would be rectified promptly - and that there were no copies available for inspection and test certificates in respect of the health and safety work referred to in Annex 3, condition 1.



On 17<sup>th</sup> June the PLH and the employee who made the Challenge 25 test purchase sale attended the training. Both seemed attentive during the course. At the end of the course, Mr Kavruk reminded him that he was still to supply the Health and safety certificates and that he had said that he would get Mehmet – the person who sold the illicit tobacco – to contact Mr Love.

A few days later, the PLH visited the Council offices. Mr Love and Mr Whitton spoke with him. Mr Whitton was supplied with the health and safety certificates, dated 14/06/16, which were satisfactory. Mr Love asked if Mehmet was going to contact him and Mr Kavruk said that he would.

On 7<sup>th</sup> July, the PLH and Mehmet visited the Council offices. Mr Love was not present, but Niall Forde of Licensing saw them. Mr Love later spoke briefly with Mehmet on the telephone, arranging a time for a longer conversation. However, Mehmet did not answer at the arranged time and did not respond to a subsequent text message giving him a final chance to speak with Mr Love before this application was finalised.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

## Recommendations

I believe that the premises licence should be revoked.

There have been two seizures of illicit goods from the shop. In 2012, when the current PLH was working in another role at the shop, the seizure resulted in the addition of relevant conditions to a new premises licence granted for the extended shop.

The origin of the goods seized recently has not been satisfactorily explained and I believe that the evidence shows that they were in possession for sale. I do not believe that the account provided by the PLH is credible.

It was suggested that the vodka and Skol Super may have been purchased by an unnamed person during the time that the PLH was away from the business in February 2016. If this is true it shows very poor control of the business, but whether it is or not, there is little doubt that none of it came from a legitimate cash and carry. No invoices have been produced.

The last thing to consider is the disregard of conditions on the premises licence shows and what this says about the management of the business. Although Mr Love was subsequently shown the training and refusal records that PC Harrington was not, the failure to comply with such easy requirements as displaying notices, having a uv light on the premises and keeping copies of invoices for alcohol in the shop suggests that either they had never been read, or that had been and then nothing done to ensure compliance. Failure to comply with the CCTV condition by providing footage when requested has prevented the committee from being able to see exactly what did happen at the test purchase.

Section 11.27 of that guidance states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. This includes *"the use of licensed premises for the sale of smuggled tobacco and alcohol"*. 11.28 of this guidance states that *"it is envisaged that licensing authorities would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered"*.

For these reasons, I believe that the committee should be minded to revoke the premises licence.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day		Month		Year	

If you have made representations before relating to this premises please state what they were and when you made them

A Trading Standards representation was made on 10/08/12 during the application process for this licence.

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

**Signature** .....

**Date** .....

**Capacity**      **Trading Standards Manager**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**



# ISLINGTON

Environment and Regeneration

Trading Standards Service  
Public Protection Division  
222 Upper Street  
London N1 1XR

Licensing Team  
Public Protection Division  
222 Upper Street  
London  
N1 1XR

**T** 020 7527 3874  
**F** 020 7527 3038  
**E** [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)  
**W** [www.islington.gov.uk](http://www.islington.gov.uk)

Please reply to: Doug Love  
Our ref:  
Your ref:

Date: 25/07/16

Dear Sir or Madam

## **S51 LICENSING ACT 2003: Application for review of premises licence**

**Star Food & Wine, 138-140 Ball's Pond Road, N1 4AD**

Islington Trading Standards is applying to have the premises licence of the business trading as Star Food & Wine reviewed. There has been a recent seizure of illicit alcohol and tobacco and premises licence conditions were not being observed.

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

**Alonso Ercilla**  
**Trading Standards Manager**

The Licence holder for the business  
Licensing Office of Islington Police  
London Fire and Emergency Planning Authority  
Health & Safety Team  
Development Control Team, Islington Council  
Noise & Pollution Team, Islington Council  
The Child Protection Team, Islington Council  
Public Health  
Licensing Team, Islington Council



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/16036-200116	<b>Date of original grant*</b>	12 September 2012
--------------------------------	-----------------	--------------------------------	-------------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
STAR FOOD & WINE 138-140 BALLS POND ROAD			
<b>Post town</b>	London	<b>Post code</b>	N1 4AD
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground floor only</b>
<ul style="list-style-type: none"> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																			
<ul style="list-style-type: none"> <li>The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Friday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> </table> </li> </ul>	Monday	06:00	to	01:00	the following day	Tuesday	06:00	to	01:00	the following day	Wednesday	06:00	to	01:00	the following day	Thursday	06:00	to	01:00	the following day	Friday	06:00	to	03:00	the following day	Saturday	06:00	to	03:00	the following day	Sunday	06:00	to	01:00	the following day
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<b>The opening hours of the premises:</b>																																			
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<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off supplies

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

Onur Kavruk



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

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

Onur Kavruk



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

██████████ London Borough of Haringey

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

*J. Chapman*  
PPS  
Service Manger - Commercial

*22nd February 2016*  
Date of Issue



## **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.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

## **Annex 2 - Conditions consistent with the Operating Schedule**

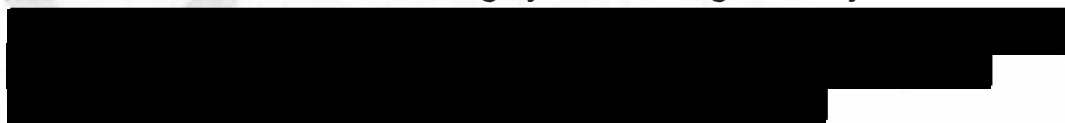
1. The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
2. The licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.
3. The CCTV system shall conform to the following points.
  - Cameras must be sited to observe the entrance and exit doors inside and out.
  - Cameras on the entrances must capture full frame shots of the head and shoulders of all people entering the premises ie. capable of identification.
  - Cameras overlooking floor areas should be wide angled to give an overview of the premises.
  - Be capable of visually confirming the nature of the crime committed.
  - Provide a linked record of the date, time and place of any image.
  - Provide good quality images – colour during opening times.
  - Operate under existing light levels within and outside the premises.
  - Have the recording device located in a secure area or locked cabinet.
  - Have a monitor to review images and record picture quality.
  - Be regularly maintained to ensure continuous quality of image capture retention.
  - Have signage displayed in the customer to advise that CCTV is in operation.
  - Digital images must be kept for 31 days.
  - Police will have access to images at any reasonable time.
  - The equipment must have suitable export method, e.g CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making a copy. If the format is non-standard (ie manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to police on request.
4. Appropriate fire safety procedures are in place including fire extinguishers (foam, H<sub>2</sub>O and CO<sub>2</sub>), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for detail of locations). All

appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

5. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
6. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
7. The Challenge 25 logo and posters will be displayed at the premises.
8. No alcoholic goods will ever be purchased from sellers calling to the shop.
9. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
10. No spirits in re-sealed cases will be purchased.
11. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the Council, police or HMRC upon request.
12. A stock control system will be introduced so that the licensee can quickly identify where and when alcoholic goods have been purchased.
13. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
14. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
15. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards

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

1



- 2 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 training shall include the assessment of age; making a challenge: acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff.

**Annex 4 – Plans**

Reference Number: VC-12-40 25/07/12





## Premises Licence Summary Licensing Act 2003

<b>Premises licence number</b>	LN/16036-200116	<b>Date of original grant*</b>	12 September 2012
--------------------------------	-----------------	--------------------------------	-------------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
STAR FOOD & WINE 138-140 BALLS POND ROAD			
<b>Post town</b>	London	<b>Post code</b>	N1 4AD
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground floor only</b>
<ul style="list-style-type: none"> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																																			
<ul style="list-style-type: none"> <li>The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Friday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> </table> </li> </ul>	Monday	06:00	to	01:00	the following day	Tuesday	06:00	to	01:00	the following day	Wednesday	06:00	to	01:00	the following day	Thursday	06:00	to	01:00	the following day	Friday	06:00	to	03:00	the following day	Saturday	06:00	to	03:00	the following day	Sunday	06:00	to	01:00	the following day
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<b>The opening hours of the premises:</b>																																			
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<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off supplies

**Name, (registered) address of holder of premises licence**

Onur Kavruk



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

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

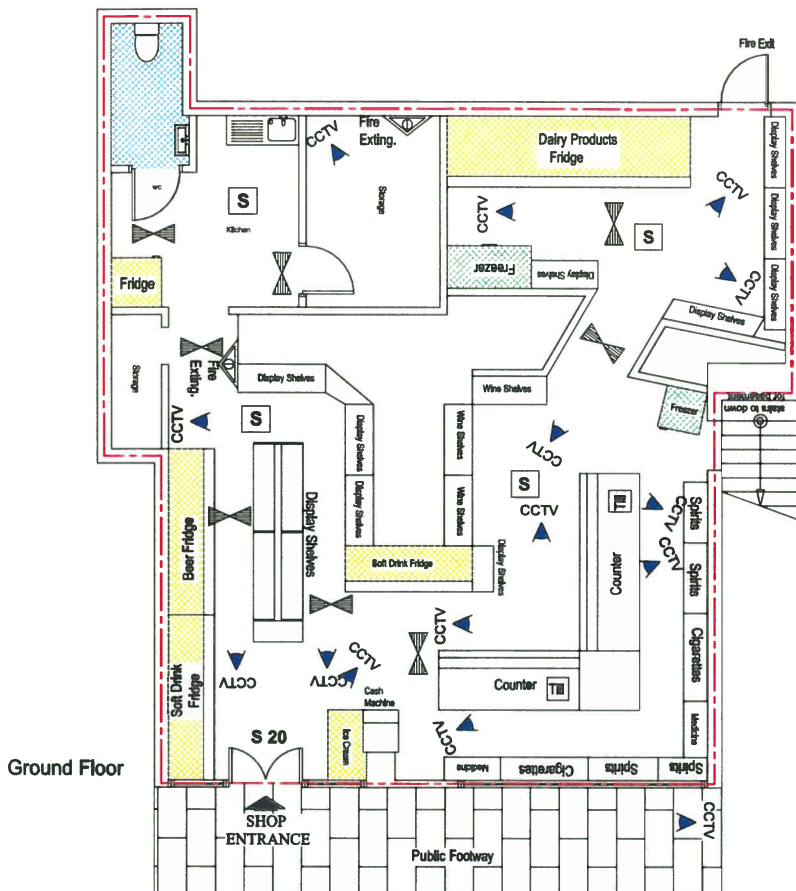
M Onur Kavruk

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

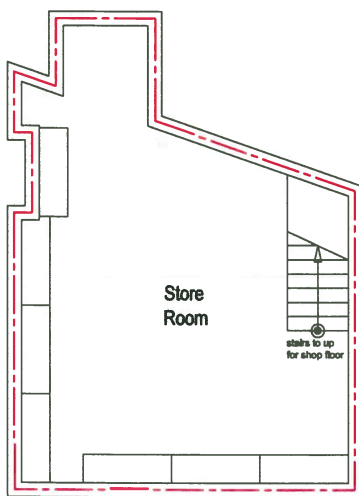
No restrictions

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
T: 020 7527 3031  
E: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

Summary



Ground Floor



Basement

**LEGEND**

- FREEZER
- FRIDGES
- WC AREA
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- FIRE EXTINGUISHER
- S 20** FIRE ESCAPE KEEP CLEAR

<b>STAR FOOD &amp; WINE</b>	<b>138 Balls Pond Rd, London N1 4AD</b>
FLOOR PLAN	
REF: VC-12-40	
SCALE : 1/100@A4	DATE : 25/07/2012



**Licensing Act 2003****Licensing Authority Representation****Premises Licence Review Application:****Star Food & Wine, 138-140 Ball's Pond Road, London N1 4AD.**

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licence review application, submitted by the Council's Trading Standards Service.

**The grounds for the representation are:**

- Crime and disorder.

**Licensing Policy Considerations**

*Licensing Policy 10*                      *High Standards of management; and*

*Licensing Policy 26*                      *Illicit goods being offered for sale.*

**Issues of Concern**

- The Licensing Authority has serious concerns over the management of this premises. The premises licence holder and Designated Premises Supervisor, Onur Kavruk, has been in position at the premises since 20<sup>th</sup> January 2016 however, he has been employed there for some time longer than this and was employed there when the earlier seizure of illicit alcohol took place on 6<sup>th</sup> July 2012.
- Mr Onur Kavruk has not exhibited the high standards of management (LP 10) we expect of our licensees, on 19<sup>th</sup> April 2016, the premises sold 'cheap tobacco' to a volunteer during a test purchase exercise. During the subsequent inspection on 22<sup>nd</sup> April 2016 a significant quantity of illicit tobacco, illicit alcohol (LP 26) and premises licence condition breaches were identified.
- As a result of the issues identified on 22<sup>nd</sup> April 2016 and the subsequent interview under caution of Mr Onur Kavruk on 12<sup>th</sup> May 2016 a follow-up inspection took place at the premises on 9<sup>th</sup> June 2016. Prior to this inspection a Challenge 25 test purchase took place where a 19 year old volunteer was able to purchase alcohol without any challenge or request for proof of age, a breach of Annex 2, Condition 6 of the premises licence.
- During the inspection on 12<sup>th</sup> May 2016 the CCTV system was still found to be non-compliant with Annex 2, Condition 3 of the premises licence.

**Summary**

The Licensing Authority fully supports the premises licence review application and also believes that the Sub-Committee should be minded to revoke the premises licence.

Janice Gibbons  
Service Manager  
Islington Council  
020 7527 3212

19<sup>th</sup> August 2016

**Your** License Review  
**Our** Licensing/NI  
**Date:** 31/07/2016



**METROPOLITAN POLICE  
 SERVICE**

**Islington Police Licensing Team  
 Islington Police Station  
 2 Tolpuddle Street  
 London  
 N1 0YY  
 Telephone: 07799133204**

Email:  
 licensingpolice@islington.gov.uk

**31st July 2016**

PREMISES LICENSE REVIEW:  
 STAR FOOD & WINE  
 138-140 BALLS POND RD  
 N1 4AD

Dear Sir/Madam

**Re: Premises License Review: Star Food & Wine, 138-140 Balls Pond Rd N1 4AD**

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license under Section 51 Licensing Act 2003.

We have read the application submitted by Mr Alonso Ercilla Trading Standards Manager Public Protection Division, 222 Upper Street N1 1XR.

We are in full agreement with his assessment of the premises. We believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

The evidence put forward in Mr Ercilla's report makes it clear that there have been issues with the sale or possession of illicit alcohol and tobacco for a prolonged period of time at the venue, even after receiving written advice and then just recently training.

I visited the venue on Friday 22nd April 2016 along with Mr Doug Love from Trading Standards and Officers from HMRC and a substantial quantity of illegal tobacco and illicit alcohol were found and seized. I carried out a full check of the License conditions at the premises and completed a Form 695, copy attached and Exhibited as SAH/1. During my check I found the following.

Annex 2 Conditions 2 & 3 which relate to the use of the CCTV system. The system could not be checked because Mr Onur Kavruk, who is the premises DPS, was unable to work the CCTV system. I could see that the time on the screen was 1 hour out.

The following conditions were also being breached.

Annex 2 Condition 1 - This relates to staffing, staff training and staff training records. These records were not available for me to check for compliance.

Annex 2 Condition 5 - This relates to notices being displayed to remind customers to leave the premises quietly. There were no notices of this description on display.

Annex 2 Condition 7 - Relates to Challenge 25 Posters being displayed. There was only one on display in the shop and this was behind and above the till area and was partially obscured from view.

Annex 2 Condition 15 - Relates to the use of a refusals log which should be available for inspection by Police or Council licensing Officers or Trading Standard Officers. There was no log available and one could not be found at the time of the visit.

These breaches are, by themselves minor and would normally attract words of advice, but taken together they are evidence of a poor Management system and combined with the sale of illegal tobacco and illicit alcohol show that there is a complete and utter disregard for the Licensing Objectives.

Islington Licensing Police take a very dim view of any person and or premises that operate outside of the law.

We do not believe that further conditions on the license will have any effect on the way the premises is run.

It is clear from the detailed report that Mr Onur Kavruk has made a conscious decision that he will operate his premises the way he wants and not the way the current legislation demands. The standards of Management are far from the levels required and expected and I have no hesitation in recommending that the license for the premises is revoked.

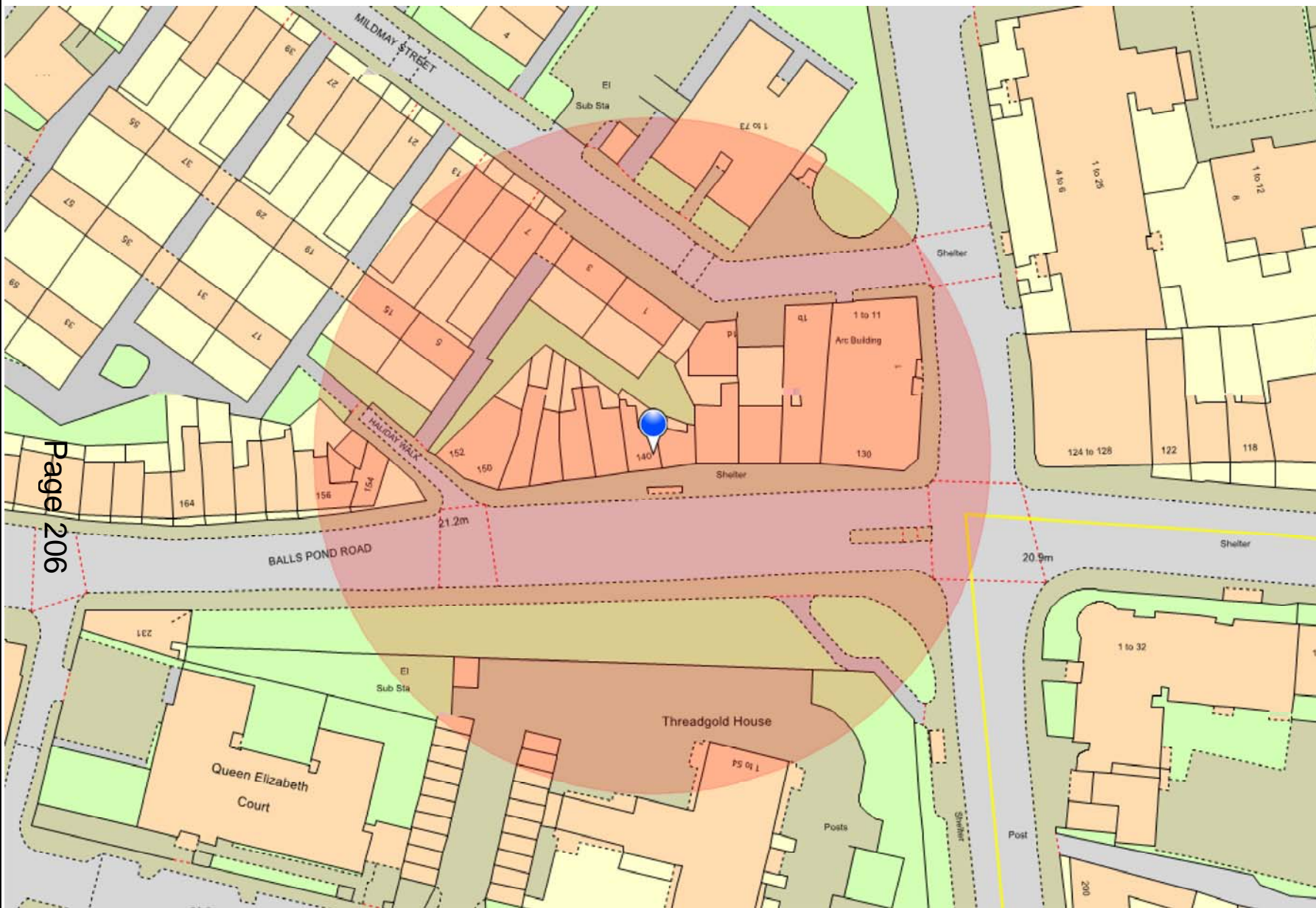
Islington Police Licensing Team  
Pc Steven Harrington 425NI



**Proposals recommended in response to the application.**

Revocation has been recommended by the applicant and Responsible Authorities.





Title: PremLocationMap-50m

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Printed At:  
22-09-2016