



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	31 <sup>st</sup> January 2017		Bunhill

Delete as appropriate		Non-exempt
-----------------------	--	------------

**Subject: PREMISES LICENCE VARIATION APPLICATION  
BURGER LOBSTER, 38-42 ST JOHN STREET, LONDON, EC1M 4AY**

## 1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The premises currently holds a licence allowing:
  - the sale of alcohol for consumption on and off the premises: 08:00 to Midnight Sunday to Monday;
  - the playing of recorded music and live music 11:00 to Midnight Sunday to Monday;
  - the provision of late night refreshment: 23:00 to Midnight Sunday to Monday;
  - opening hours of the premises from 08:00 to 00:30 the following day Sunday to Monday;
- 1.3 The variation application is to:
  - increase the hours for the sale of alcohol on and off the premises to 08:00 to 02:00 Sunday to Thursday, 08:00 to 03:00 Friday and 08:00 to 04:00 Saturday;
  - increase the hours for the provision of regulated entertainment of live music and recorded music to 11:00 to 02:00 Sunday to Thursday, 11:00 to 03:00 Friday and 11:00 to 04:00 Saturday;
  - increase the hours for late night refreshment to 23:00 to 02:00 Sunday to Thursday, 23:00 to 03:00 Friday and 23:00 to 04:00 Saturday;

- increase the opening hours to 08:00 to 02:00 Sunday to Thursday, 08:00 to 03:00 Friday and 08:00 to 04:00 Saturday;

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	Yes – Conditions Agreed
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes – 7
Other bodies	Yes – Freeholder for local residents

## 3. Background

### 3.1 Papers are attached as follows:-

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

3.2 The Licensing Authority, Metropolitan Police, the Council's Pollution Team, seven local resident and a freeholder for local residents have submitted representations.

3.3 The premises has been licensed since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales. The licensee applied to vary the licence to extend the hours for sale of alcohol on and off the premises, recorded and live music from 11:00 to 02:00 Sunday to Thursday, 11:00 to 03:00 Friday and 11:00 to 04:00 Saturday and late night refreshment 23:00 to 02:00 Sunday to Thursday, 23:00 to 03:00 Friday and 23:00 to 04:00 Sunday on the conversion to a premises licence in 2005 and it was granted.

3.4 The current licensee has been at these premises since 14 June 2012.

3.5 In November 2014 the licensee applied to reduce the terminal hour for the sale of alcohol on and off the premises, regulated entertainment and late night refreshment to midnight Monday to Sunday. This was granted at Licensing Sub Committee.

3.6 The Licensing Officer has been informed by the applicant's solicitor that this variation is to secure longer hours prior to the sale of the premises and transfer of the premises licence.

**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 variation of the premises licence under Section 17 of the Licensing Act 2003.

5.2 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely that the Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.

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 3)
- ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.(see appendix 3)
- iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

**6 Conclusion and reasons for recommendations**

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

**Background papers:**


The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

**Final Report Clearance**

**Signed by**

  
Service Director – Public Protection

Date

20.1.17

**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 to vary a premises licence 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 Burger & Lobster Restaurant Group Ltd

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> LN/4188-250213
--

## Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Burger & Lobster 38-42 St John Street			
Post town	London	Postcode	EC1M 4AY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	££126,000

## Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

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

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1)  Yes  No

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

To increase the terminal hours for the sale of alcohol, regulated entertainment and Late Night Refreshment as follows

Sunday to Thursday to 02:00,  
Friday to 03:00,  
Saturday to 04:00.

Please note that this application is to re-instate the hours that the premises historically benefitted from until they voluntarily made an application to reduce the hours following the introduction of the late-night levy. The conditions on the licence adequately address the licensing objectives and therefore there is no need for further conditions to be added. It should be noted that the conditions on the licence now are the same now as when the premises operated with the later hours now seeking re-instatement.

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

#### Part 4 Operating Schedule

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

##### Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

**B**

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



C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	02:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	02:00			
Wed	11:00	02:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	11:00	02:00			
Fri	11:00	03:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.		
Sat	11:00	04:00			
Sun	11:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon	11:00	02:00			
Tue	11:00	02:00			
Wed	11:00	02:00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 5)</u>		
Thur	11:00	02:00			
Fri	11:00	03:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</u> On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.		
Sat	11:00	04:00			
Sun	11:00	02:00			

G

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

H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	23:00	02:00			
Tue	23:00	02:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed	23:00	02:00			
Thur	23:00	02:00	<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 6) On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.		
Fri	23:00	03:00			
Sat	23:00	04:00			
Sun	23:00	02:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick (please read guidance note 6)</b>	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 (please read guidance note 5)</b>  none        <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 (please read guidance note 6)</b>  On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.		
Mon	08:00	02:00			
Tue	08:00	02:00			
Wed	08:00	02:00			
Thur	08:00	02:00			
Fri	08:00	03:00			
Sat	08:00	04:00			
Sun	08:00	02:00			

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</b></p> <p>n/a</p>
--



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	02:00	
Tue	08:00	02:00	
Wed	08:00	02:00	
Thur	08:00	02:00	
Fri	08:00	03:00	
Sat	08:00	04:00	<p><b>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</b> (please read guidance note 6)</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.</p>
Sun	08:00	02:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

n/a

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

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

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

Please note that this application is to re-instate the hours that the premises historically benefitted from until they voluntarily made an application to reduce the hours following the introduction of the late-night levy. The conditions on the licence adequately address the licensing objectives and therefore there is no need for further conditions to be added. It should be noted that the conditions on the licence now are the same now as when the premises operated with the later hours now seeking re-instatement.

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

see (a) above

**c) Public safety**

see (a) above

**d) The prevention of public nuisance**

see (a) above

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

see (a) above

**Checklist:**

Please tick to indicate agreement

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

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

**Part 5 – Signatures** (please read guidance note 11)

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

Signature	<i>Thomas &amp; Thomas</i>
Date	25 November 2016
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

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

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</b> ref: TB/BUR.2.13 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Post code	WC2H 9EP
Telephone number (if any)	020 7042 0415		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) tburton@tandtp.com			



## PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN/4188-230816	Date of original grant*	18 May 2009
-------------------------	----------------	-------------------------	-------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
BURGER & LOBSTER 38-42 ST JOHN STREET			
Post town	London	Post code	EC1M 4AY
Telephone number	020-7490-9230		

Where the licence is time limited the dates
Not Applicable

<b>Licensable activities authorised by the licence</b> <b>Ground Floor and Basement</b> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: The performance of live music The playing of recorded music</li> <li>• The provision of late night refreshment</li> <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 provision of regulated entertainment for the performance of live music: <table style="width: 100%; border-collapse: collapse;"> <tr><td>Monday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Tuesday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Wednesday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Thursday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Friday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Saturday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Sunday</td><td>11.00</td><td>to</td><td>00.00</td></tr> </table> </li> <li>• The provision of regulated entertainment for the playing of recorded music: <table style="width: 100%; border-collapse: collapse;"> <tr><td>Monday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Tuesday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Wednesday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Thursday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Friday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Saturday</td><td>11.00</td><td>to</td><td>00.00</td></tr> <tr><td>Sunday</td><td>11.00</td><td>to</td><td>00.00</td></tr> </table> </li> </ul>	Monday	11.00	to	00.00	Tuesday	11.00	to	00.00	Wednesday	11.00	to	00.00	Thursday	11.00	to	00.00	Friday	11.00	to	00.00	Saturday	11.00	to	00.00	Sunday	11.00	to	00.00	Monday	11.00	to	00.00	Tuesday	11.00	to	00.00	Wednesday	11.00	to	00.00	Thursday	11.00	to	00.00	Friday	11.00	to	00.00	Saturday	11.00	to	00.00	Sunday	11.00	to	00.00
Monday	11.00	to	00.00																																																					
Tuesday	11.00	to	00.00																																																					
Wednesday	11.00	to	00.00																																																					
Thursday	11.00	to	00.00																																																					
Friday	11.00	to	00.00																																																					
Saturday	11.00	to	00.00																																																					
Sunday	11.00	to	00.00																																																					
Monday	11.00	to	00.00																																																					
Tuesday	11.00	to	00.00																																																					
Wednesday	11.00	to	00.00																																																					
Thursday	11.00	to	00.00																																																					
Friday	11.00	to	00.00																																																					
Saturday	11.00	to	00.00																																																					
Sunday	11.00	to	00.00																																																					

- The provision of late night refreshment:

Monday	23.00	to	00.00
Tuesday	23.00	to	00.00
Wednesday	23.00	to	00.00
Thursday	23.00	to	00.00
Friday	23.00	to	00.00
Saturday	23.00	to	00.00
Sunday	23.00	to	00.00

- The sale by retail of alcohol:

Monday	08.00	to	00.00
Tuesday	08.00	to	00.00
Wednesday	08.00	to	00.00
Thursday	08.00	to	00.00
Friday	08.00	to	00.00
Saturday	08.00	to	00.00
Sunday	08.00	to	00.00

**The opening hours of the premises:**

Monday	08.00	to	00.30	the following day
Tuesday	08.00	to	00.30	the following day
Wednesday	08.00	to	00.30	the following day
Thursday	08.00	to	00.30	the following day
Friday	08.00	to	00.30	the following day
Saturday	08.00	to	00.30	the following day
Sunday	08.00	to	00.30	the following day

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

On and Off Supplies

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

Burger & Lobster Restaurant Group Ltd  
37-41 Bedford Row  
London  
WC1R 4JH

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

08332271

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

Fabio D'anzi  
1 Bury Grove  
Morden  
Surrey  
SM4 5NG

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

LN20163561 - London Borough of Merton

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)

---

Service Manager (Commercial)

---

Date of Issue

Licence

## **Annex 1 - Mandatory conditions**

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

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. Staff at the premises shall have regard to the Statement of Licensing Policy published by Islington Council.
2. A staff handbook shall be given to each employee so that they are aware of how to promote the licensing objectives.
3. There shall be a dedicated Red Care Line for direct communication with the Police.
4. CCTV shall be installed, operated and maintained inside and outside the premises [subject to planning permission] in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to an Authorised Officer or a Police Officer within 24 hours of any request. It is the responsibility of the premise to download any recording requests.
5. Continuous training shall be given to all premises staff in the problems of alcohol abuse and behaviour on the premises.
6. The double doors and windows shall remain shut at all times.
7. The premises shall adopt Challenge 21 the National Proof of Age Standards Scheme.
8. Underage children shall be accompanied by a responsible adult.
9. 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 to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and speech 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 before the variation is granted.
10. All amplified music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power



supply to the sound system if a pre-set threshold is exceeded. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee or a designated manager. Access to the entertainment noise control system is to be restricted to the licensee or a designated manager.

11. All doors and windows to be kept closed (except for access and egress) at all times when noise generating regulated entertainment is taking place i.e. the playing of recorded music, live music/dancing and amplified speech.
12. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank Holidays and between the hours of 11pm and 7am other days of the week.
13. Notices will be prominently displayed at exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.
14. A dedicated licensed taxi/minicab service shall be available within the premises for customers.

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

1. No alcohol shall be brought onto the premises.
2. Between 08:00 and 11:00 hours, alcohol shall be ancillary to a meal.

**Annex 4 – Plans**

Reference Number: 07-01 & 07-02 Dated: July 2012

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 06 December 2016 11:12  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Licence Application Burger & Lobster, 38-42 St John Street, London, EC1M 4AY

Dear [REDACTED]

I have owned [REDACTED] for 15 years. I wish to object strongly to the application to vary the licence at Burger & Lobster located at 38-42 St John Street. I am grateful to have the opportunity to object to the proposed extension of the licensing hours.

In particular, I am concerned by the extension of licensing hours and the music license extension until the early hours of the morning. I consider this will create a serious public nuisance and could lead to unacceptable noise levels, litter and hence public health issues. There is also the potential for crime levels to increase with the extension of late night activities.

This will have a very serious impact on the immediate environment and is an entirely inappropriate level of late night activity for the area. I would urge the Licensing Authority to reject this application.

Yours sincerely

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 06 December 2016 11:30  
**To:** [REDACTED], Licensing  
**Cc:** [REDACTED]  
**Subject:** WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY

Ref: WK/160036816

LICENSING ACT 2003 – PREMISES LICENCE APPLICATION VARIATION

ADDRESS: BURGER & LOBSTER, 38-42 ST JOHN STREET, EC1M 4AY.

Dear [REDACTED]

I am a resident at [REDACTED] and am writing to object the application WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY.

I object to the extended hours as they will increase the following:

- The amount of broken glass on the street which is particularly dangerous for pets, children and the elderly.
- The amount of rubbish left on the street which the council fail to collect after.
- The volume of noise in a residential area.
- The level of bad odours by continuous human fouling on the streets and the on-going issue of odours from the kitchen extractor.

I look forward to hearing from you.

Kind regards,

[REDACTED]

[REDACTED]

This e-mail is a commercial and/or personal communication, not a financial communication. Neither this nor any other communication from [REDACTED] is intended to be, or should be construed as, an invitation or inducement (direct or indirect) to any person to engage in any investment activity.

This e-mail and any attached files are confidential and may be legally privileged. If you are not the addressee, any disclosure, reproduction, copying, distribution or other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please notify the sender immediately and then delete this e-mail. Opinions, advice or facts included in this message are given without any warranties or intention to enter into a contractual relationship with [REDACTED] or associated companies unless specifically indicated otherwise by agreement, letter or facsimile signed by an authorised signatory of [REDACTED] or associated companies. Any part of this e-mail which is purely personal in nature is not authorised by [REDACTED] or its associated companies. All e-mail through the gateway of [REDACTED] and associated companies is potentially the subject of monitoring. Internet communications are not secure. You should not assume that the contents originated from [REDACTED] or any associated companies. All liability for errors and viruses is excluded.

REP 2

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

19/12/2016

**WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY**

Dear Sir/Madam,

I am a resident at [REDACTED] and am writing to object the application WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY.

I object to the extended hours as they will increase the following:

- The amount of broken glass on the street which is particularly dangerous for pets, children and the elderly.
- The amount of rubbish left on the street which the council fail to collect after.
- The volume of noise in a residential area.
- The level of bad odours by continuous human fouling on the streets and the on-going issue of odours from the kitchen extractor.

I look forward to hearing from you.

Kind regards,

[REDACTED]

[REDACTED]

REP 3

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 08 December 2016 08:56  
**To:** Licensing  
**Subject:** Burger and Lobster Your Ref : WK/160036816

Dear Sir,

We own [REDACTED] This is a small residential block [REDACTED] It is maintained to very high specifications and is an asset to the area. The occupants are mainly professionals, some with families who live harmoniously and quietly together.

We are shocked to learn from the freeholder that an application has been submitted to the Council to extend the opening hours of the Burger and Lobster into the early hours of the morning. This licensed premises is only a few steps away from [REDACTED] and if this licence is approved it will merely encourage the wrong type of people to the area who are likely to create public nuisance, drunkenness and disorder with its associated detritus and increased noise at a truly unsociable time.

We trust the application will be dismissed.

[REDACTED]

REP #

[REDACTED]

17<sup>th</sup> December 2016

FAO [REDACTED]

**LICENSING ACT 2003 – PREMISES LICENCE APPLICATION VARIATION  
ADDRESS: BURGER AND LOBSTER, 38-42 ST JOHN STREET, EC1M 4AY**

Dear [REDACTED]

I have tried to submit an objection to the above licensing application but the website doesn't appear to be working correctly and I've not been able to get it to accept my comments.

Please find enclosed two documents. The first is the 1000 character objection I was trying to submit through the website. The second is a fuller version which I would like to submit directly to yourself, as I understand that you are dealing with this matter. I have also submitted both of these documents to you via email.

Please do not hesitate to get in touch should you require any further information.

Regards

[REDACTED]

[REDACTED]

REP 4A



17 December 2016

**LICENSING ACT 2003 – PREMISES LICENCE APPLICATION VARIATION**

**ADDRESS: BURGER AND LOBSTER, 38-42 ST JOHN STREET, EC1M 4AY**

We wish to object to this application under the licensing objectives of prevention of crime and disorder, and the prevention of public nuisance.

This is an area of mixed use with a significant number of residential properties. People who work during the week and at weekends will suffer increased interrupted nights throughout the week and beyond three and four o'clock at weekends.

These extensions would be a significant public nuisance to residents, as the noise of people gathered outside smoking or consuming alcohol, particularly in the summer, and the noise of people leaving premises will be extended to unacceptably late hours. This will also lead to an increased likelihood of disorder resulting from extended hours of drinking.

People leaving in the early hours appear to ignore the disturbance they are creating. We are concerned that this application is, in effect, changing their use to a late-night entertainment establishment.

Consequently we ask you to refuse this application.



REP AB



17 December 2016

**LICENSING ACT 2003 – PREMISES LICENCE APPLICATION VARIATION**

**ADDRESS: BURGER AND LOBSTER, 38-42 ST JOHN STREET, EC1M 4AY**

We wish to object most strongly to this application to vary the licence at these premises under the licensing objectives of prevention of crime and disorder, and the prevention of public nuisance.

We feel this request to extend the licensing from midnight until two, three, and four o'clock in the morning is unacceptable in an area of mixed use. We urge the Licensing Service to take account of the fact that this is not just a commercial area, but an area with a significant number of residential properties. We are concerned that more establishments offering late-night entertainment are beginning to creep into the area, having a significant impact on local residents.

As occupants of a street-fronting flat a few doors from the location of this application we are already painfully aware of the nuisance of noise impact from visitors leaving local entertainment establishments at the end of the evening. People leaving premises in the early hours appear not to be aware of the issue, or choose to ignore the disturbance they are creating; we have noticed an improvement to this problem during the period following the temporary closure of 'Fabric' nearby. We are concerned that local pubs and restaurants are submitting applications which in effect change their use to late-night entertainment establishments.

The extension of the sale of alcohol for consumption on and off the premises, coupled with the performance of live or recorded music to the hours requested would be a significant public nuisance to residents in the area, as not only will the noise of people leaving be extended to unacceptable hours, but there will also be an increase from the noise of people gathered outside the premises consuming alcohol while smoking at the front of the premises, which will be an increased noise intrusion. This will also, no doubt, lead to an increased likelihood of disorder resulting from extended hours of drinking.

We ask the Licensing Service to also bear in mind that as an area with residential properties, people who work during the week and at weekends will suffer increased interrupted nights throughout the week and beyond three and four o'clock at weekends.

We ask that for the reasons outlined above the Licensing Service refuse the request to extend the hours as submitted in this application.





REP S

Licensing Service

London Borough of Islington

3<sup>rd</sup> Floor

222 Upper Street

London N1 1XR

19/12/2016

**B&L Objection**

Dear Sir/Madam

I would like to register an objection to the proposed changes of use on the grounds that increasing its operating hours will generate increased late night noise by people leaving the premises, increase already unacceptable levels of cooking smells from burger and lobster as they will extend through the night, increase rubbish and broken glass on the street from extended off sales and increase potential for violent behaviour on the street from late night alcohol consumption.

There are already more than enough late night venues in the area and enough problems associated with them. Please can the council enforce its policies in the area and limit licenses and extensions to retain some peace and quiet through the night for the many existing residents in the area. The license as it stands is fine, the proposed variations will set precedent for the street that cannot be positive for the street as a residential environment that it currently is.

Kind regards,

[Redacted signature block]

PP  
[Redacted signature block]

REP 6

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

19/12/2016

**WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY**

Dear Sir/Madam,

I am writing on behalf of the residents at [REDACTED] and would like to object the application WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY.

I object to the extended hours as they will increase the following:

- The amount of broken glass on the street which is particularly dangerous for pets, children and the elderly.
- The amount of rubbish left on the street which the council fail to collect after.
- The volume of noise in a residential area.
- The level of bad odours by continuous human fouling on the streets and the on-going issue of odours from the kitchen extractor.

I look forward to hearing from you.

Kind regards,

[REDACTED]

REP 6A

Licensing Service

London Borough of Islington

3<sup>rd</sup> Floor

222 Upper Street

London N1 1XR

19/12/2016

**WK/160036816 at Burger & Lobster, 38-42 St John Street, EC1M 4AY**

Dear Sir/Madam,

Further to my previous email, I attach two images which clearly show the current nuisance from Burger & Lobster and other restaurants on St John Street. The areas highlighted in red show where people are urinating on the grill and vomiting on the street. We are having to clear up this mess on a weekly basis as the council fail to do so. Extending the opening hours to the restaurant will only increase the severity of this ongoing issue.

I look forward to hearing from you.

Kind regards,

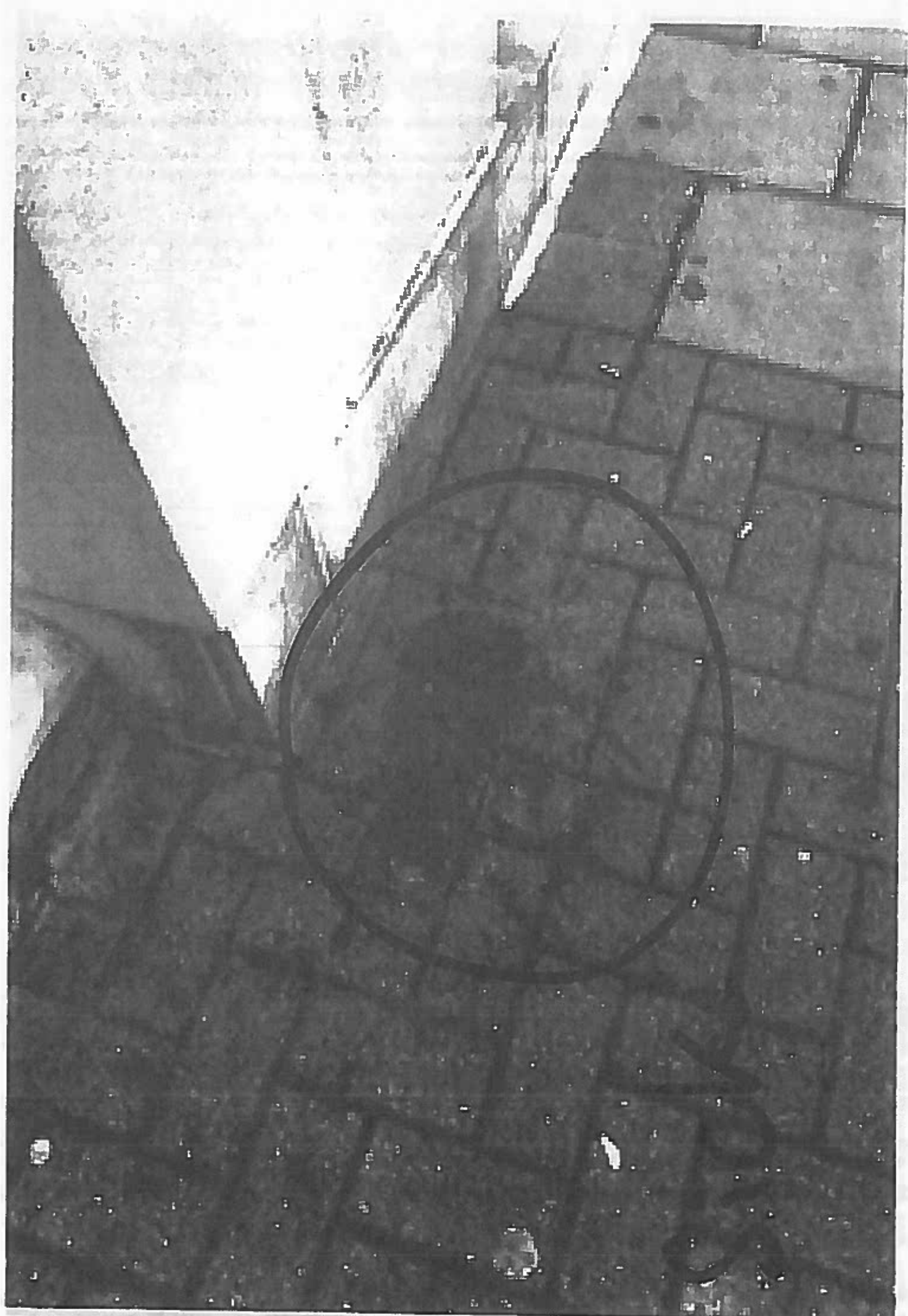


Ree



*[Large, thick, black, hand-drawn scribble]*

*[Handwritten signature or mark: K. S. C.]*



## Licensing Authority Representation

### Licensing Act 2003

#### Application: Burger & Lobster, 38-42 St John Street EC1

I am submitting a representation on behalf of the Licensing Authority with respect to the application to vary the licence to increase the hours for:

- The playing of live and recorded music from 11:00 until 02:00 Sunday to Thursday, 11:00 to 03:00 Friday and 11:00 to 04:00 on Saturday.
- Late night refreshment 23:00 until 02:00 Sunday to Thursday, 23:00 to 03:00 Friday and 23:00 to 04:00 on Saturday.
- The sale of alcohol, for consumption on or off the premises, from 08:00 until 02:00 Sunday to Thursday, 08:00 to 03:00 Friday and 08:00 to 04:00 on Saturday.

The grounds for the representation are:

- Public nuisance
- Crime and disorder

### Licensing Policy Considerations

*Licensing Policies 1 & 2*

*Location, cumulative impact and saturation*

*Licensing Policies 9, 10,*

*Standards of Management/Operating Schedules*

### Issues of Concerns

1. The premises is located in the Bunhill Cumulative impact area which means that the onus is on the applicant to demonstrate that the application will not add to the cumulative impact.
2. The area already has a high number of licenced premises with late hours and the density of premises in the area is 10 times higher than the London average.
3. Alcohol related crime, alcohol related violence and ambulance call outs in the area are high and significantly higher than the London average
4. The measures proposed in the operating schedule do not sufficiently rebut the presumption to refuse the application on the basis that the application will not add to the cumulative impact

### Summary and recommendations

The premises are currently run as a restaurant. A variation was made in August 2014 to reduce the terminal hour to its current time but to also increase the opening hour from 11:00

to 08:00. Opening earlier, the Licensing Sub Committee was told, was essential to their brunch business model. Their website advertises the opening time of midday so presumably they are not offering brunch and open for lunch and dinner only.

The applicant has not made any changes to their operating schedule to prevent the premises from turning into a bar/club with late hours.

More specifically the application does not include:

How the highest standards of management will be attained.

If alcohol will be ancillary to meals as the premises is classed as a restaurant

If the premises will operate a last time for new entries

Use of Door Security to manage entry, queues, smoking area and control/dispersal of customers

Procedures for vetting and searching customers prior to entry and other entry controls such as ID checks.

Policies for staff training on sales of alcohol, dealing with drunk/intoxicated customers and drug use on the premises.

Therefore it is recommended that this application be refused.

[REDACTED]  
Licensing Manager

Islington Council

[REDACTED]  
02 7527 [REDACTED]

14 December 2016





ISLINGTON

**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

Responsible Authority Environmental Protection

<b>Your Name</b>	[REDACTED]	
<b>Job Title</b>	Noise Liaison Officer	
<b>Postal and email address</b>	222 Upper Street, London N1 1XR	
<b>Contact telephone number</b>	020 7527 [REDACTED]	
<b>Name of the premises you are making a representation about</b>	Burger Lobster	
<b>Address of the premises you are making a representation about</b>	38-42 St John Street	
<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	There is an outstanding noise condition on the premises licence requiring a noise survey on the premises licence that has never been concluded. Pollution Team seeks to settle this noise condition on the premises licence. All other noise conditions should remain.
<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>	See attached sheet	

Signed: [REDACTED]

Date: 15 December 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**

**The existing noise conditions are as follows:**

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 to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and speech 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 before the variation is granted.

All amplified music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded. The device shall be installed and calibrated to the Council's satisfaction within 28 days from the date of the licence. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee or a designated manager. Access to the entertainment noise control system is to be restricted to the licensee or a designated manager.

**We have no record of any survey in relation to the above premises; therefore we seek to substitute the first condition above with the following:**

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 to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and speech 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 regulated entertainments taking place at the premises.

**We seek to substitute the second condition above with the following:**

All amplified music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded. The device shall be installed and calibrated to the Council's satisfaction prior to regulated entertainments at the premises.

The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee or a designated manager. Access to the entertainment noise control system is to be restricted to the licensee or a designated manager.

The agreed maximum sound levels shall be expressed on the premises licence as follows:

Sound levels shall not exceed:

- XX dB Linear (1 min)
- XX dB "A" (1 min)
- XX dB @ 63 Hz (1 min)

**XX dB @ 125 Hz (1 min)**

**N.B. Maximum sound levels are yet to be agreed for this premises.**

**The measurement point for sound levels is XXXXXXXXXXXX (a suitable easily identifiable position at the premises)**

- **The entertainment noise control system shall be recalibrated as necessary to ensure the agreed maximum sound levels shall not be exceeded.**

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 15 December 2016 15:15  
**To:** 'tburton@tandtp.com'  
**Cc:** [REDACTED]  
**Subject:** Premises licence variation application. Burger lobster, 38-42 St John Street, EC1  
**Attachments:** NoiseRepDec16COPY.pdf

Dear [REDACTED]  
Please find attached a representation from Pollution Team in relation to the above application.  
If you have any queries, please contact me at the office below.

[REDACTED]  
Licensing Noise Liaison Officer  
Pollution Team  
Public Protection Division  
222 Upper Street  
London N1 1XR  
Tel: 020 7527 [REDACTED]  
Alternative contact: Noise Support Team: 020 7527 7272

[www.islington.gov.uk](http://www.islington.gov.uk)

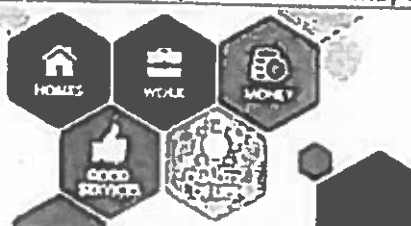
How to get here:

<http://www.islington.gov.uk.uk/contact/visitingoffices/222upperst.asp>

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

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

**Towards a Fairer Islington**  
Our Commitment  
Visit [www.islington.gov.uk/corporateplan](http://www.islington.gov.uk/corporateplan)



REP 9.

Your

Our Licensing/NI

Date: 23/12/2016



Thomas and Thomas Partners LLP

38A Monmouth Street  
London  
WC2H 9EP

**METROPOLITAN POLICE  
SERVICE**  
Islington Police Licensing Unit  
Islington Police Station  
2 Tolpuddle Street  
London  
N1 0YY

Telephone: 07799133204

Email:

licensingpolice@islington.gov.uk

**Re: Premises Licence Variation, 38-42 St. John Street, EC1M 4AY – Burger & Lobster**

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

When the applicants first took on this premises they had a licence which permitted licensable activities well after midnight seven days a week. They did not utilise this, and voluntarily reduced the hours to midnight.

They currently have a licence with very few conditions, and one that we consider would not be fit for purpose for a venue operating till (on a Saturday) 4 am. We have made contact with the applicant's solicitor and have agreed an update to their CCTV condition. On the 13<sup>th</sup> of December we emailed them again asking whether the venue, billed as a restaurant, will be operating as such, and if indeed they are, we would expect conditioning of the licence to reflect that, inclusive of restaurant conditions. Furthermore we would expect, some form of door supervision after midnight too. The email was acknowledged but we have had no further update.

As of 19<sup>th</sup> December 2016, according to their web site, Burger & Lobster across the world close typically at 11pm. This would therefore be the only venue of the numerous in London that would operate to such a late hour.

At this stage, without sight of an operating schedule, we object to the application, and propose that it is refused.

Should you wish to discuss the matter further please contact us on Mobile 07799133204 or via email, [licensingpolice@islington.gov.uk](mailto:licensingpolice@islington.gov.uk)

Yours sincerely



Islington Police Licensing Officers

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 13 December 2016 14:59  
**To:** [REDACTED]  
**Subject:** Re: Burger & Lobster Licence variation

I'm sure this can be done and SIA agreed to

Let me speak to my clients and revert

Best wishes

On 13 Dec 2016, at 13:11, [REDACTED] wrote:

Thank you for the quick response and their agreement, that's the easy part out of the way.

We appreciate that the venue operated for a while with these conditions, before reducing the hours. However our concern is that the current licence is now not fit for a restaurant operating at those hours.

Essentially, if the venue is going to operate as a restaurant during those hours, we think it should be conditioned as such., we would like to see an up to date operating schedule, and possibly the inclusion of SIA door security.

Look forward to hearing from you

Regards

**From:** [REDACTED]  
**Sent:** 12 December 2016 13:08  
**To:** [REDACTED]  
**Subject:** RE: Burger & Lobster Licence variation  
**Importance:** High

Dear [REDACTED]

Thank you for your email.

I'm pleased to confirm that your conditions are agreed.

With kind regards

[REDACTED]

[REDACTED]

Partner

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





W: [www.tandto.com](http://www.tandto.com)

<image001.jpg><image002.jpg>

Thomas & Thomas Partners LLP is a limited liability partnership registered in England and Wales (number OC353873) and regulated and authorised by the Solicitors Regulation Authority (number 561362). A list of members is open to inspection at the registered office at 36a Monmouth Street, London WC2H 9EP. The term partner is used to refer to a member of Thomas & Thomas Partners LLP. VAT registration number GB 115 8839 92

As this email and the information it contains are confidential and may be privileged, please notify us immediately if you have received this email in error. You should not copy it for any purpose, or disclose its contents to any other person. Internet communications are not secure and therefore Thomas & Thomas Partners LLP does not accept legal responsibility for the contents of this message as it has been transmitted over a public network. If you suspect the message may have been intercepted or amended, please call the sender.

Cyber Crime Warning Notice: Scams and cyber threats are becoming increasingly common. Please be advised that we do not notify changes to important business information such as bank account details, by email. Should you have any doubt about the authenticity of a communication purportedly coming from Thomas and Thomas Partners LLP or any of our partners or staff, please contact the partners or the person managing your matter, by telephone using any of the numbers available on our website.

From:   
Sent: 10 December, 2016 04:04  
To:   
Subject: Burger & Lobster Licence variation

  
Please consider this email as an initial representation.

Can you please ask the applicants if they would be willing to upgrade their current CCTV condition to read as below in italics, our rationale is set out below.

There have been three recorded crimes since the beginning of 2015 at the venue.

In February 2015 there was CCTV evidence of a crime at the venue, the manager was unable to download the CCTV at the time that officers attended. Officers had to return and download it.

In April 2015 CCTV was not requested.

In Feb 2016 Staff were unable to download CCTV for police, re-contacted five days later regarding the CCTV request, this was never supplied and the crime against the venue remains unsolved as a result.

- **CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:**
  - **The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;**
  - **The Police must be informed if the system will not be operating for longer than one day of business for any reason;**
  - **One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;**

- **The system will provide coverage of any exterior part of the premises accessible to the public;**
- **The system shall record in real time and recordings will be date and time stamped;**
- **Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request; &**
- **At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.**

Regards,

  
Police Licensing Officer  
Islington Police  
07799 133 204



**This e-mail is intended for the addressee only. If you have received it in error, please contact the sender and delete the material from your computer. Please be aware that information in this email may be confidential, legally privileged and/or copyright protected.**



[REDACTED]

**From:** [REDACTED]  
**Sent:** 16 December 2016 18:23  
**To:** Licensing  
**Subject:** Licensing Act 2003- Premises License Application Variation BURGER& LOBSTER  
38-42 StJohn Street.EC1M 4AY

**Attn:** [REDACTED] Licensing Department

Your ref: WK/160036816

Dear [REDACTED],

I am writing with regard to the application by the Burger & Lobster at 38-42 St. John Street, EC1M 4AY, to extend their licensed hours until 4am. We consider this to be contrary to the aims of the council in trying to minimize the affect of antisocial behaviour associated with the 'night time' economy, and we therefore **OBJECT** to this application to vary the License to extend the opening hours.

St.John Street suffers from anti-social behaviour associated with bars in the area. The noise late at night is a public nuisance, along with public urination in doorways, and air of intimidation and violence that can accompany the drunkenness. This presents a serious health hazard for residents in the street, especially those with young families.

We trust that you will take our views into account, along with other residents, when determining this application.

Many tahnsk and best wishes,

[REDACTED]

REP 11

Licensing Service

London Borough of Islington

3<sup>rd</sup> Floor, 222 Upper Street

London N1 1XR

Attention: Katie Tomashevski

Dear Sirs

**Licensing Act 2003 Premises Licence Application Variation – Burger & Lobster, 38-42 St John Street, EC1M 4AY (Your ref: WK/160036816)**

We refer to the above premises licence application variation (the Application). We own and live in a flat which is approximately 20 metres from 38-42 St John Street (the Premises) and on the same side of St John Street.

We object to the Application on the basis that, if it is granted, this would breach at least two of Islington Council's four licensing objectives and would not comply with Islington Council's Licensing Policy 2013-2017 (the Licensing Policy), as detailed further below.

***Licensing objective – prevention of public nuisance***

This part of Clerkenwell is primarily a residential area for families and young professionals, with some shops and businesses. Whilst in previous years the number of residents may have been limited as the area contained many bars, restaurants and other businesses, this is no longer the case. We note that in the last few weeks alone, we have been sent three consultations on residential planning applications under the Town and Country Planning Act 1990, which will further increase the number of residents in the area.

However, this area is already subject to considerable public nuisance at night from customers of Tinseltown Diner, which is next door to the Premises, and the numerous bars and clubs around Smithfield Market nearby. From about 11pm to 4am, especially from Thursday to Saturday, the area of St John Street around the Premises is filled with people shouting at each other and fighting, as well as cars and motorcycles very loudly revving their engines and racing along the street. Even from our fifth floor flat, we find the noise very disruptive, and in the mornings a large amount of rubbish needs to be cleaned up (especially glass bottles, cigarettes and vomit).

We understand that despite the nuisance created by its customers, Tinseltown Diner is not even licensed to sell alcohol. The situation will only become considerably worse if the Application is granted, since this would allow alcohol to be consumed on and outside the Premises until at least 2am and up until 4am on Saturday. Fuelled by alcohol, customers from both Burger & Lobster and

Tinseltown Diner will be able to stay for several hours longer than is currently the case. In our view, this would create an unbearable amount of noise, rubbish and other disturbance for residents.

***Licensing objective – prevention of crime and disorder***

It is evident to us that there is already a significant crime issue in this area. We see and hear sirens from the police and ambulance services frequently at night along St John Street and regularly witness fights taking place outside both Tinseltown Diner and Burger & Lobster. We are also aware of doors and walls being vandalised at street level. Granting the Application will make this situation substantially worse.

***Islington Council licensing policy 2013-2017***

The Licensing Policy indicates that the Premises are located in the designated Clerkenwell cumulative impact area. As you will be aware, this creates a (rebuttable) presumption that licence application variations will normally be refused, unless the applicant can demonstrate why this will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

On its face, the Application cannot and does not meet these criteria and therefore must be rejected. For the reasons outlined above, granting the Application will clearly add to the detrimental cumulative impact on residents of the bars and clubs in the Clerkenwell area and have a significant adverse impact on the promotion of Islington Council's licensing objectives, particularly in relation to public nuisance, crime and disorder. This area has reached saturation point in terms of the number of late night licensed premises.

Further, licensing policy 8 (pages 22-23 of the Licensing Policy) states that the Licensing Authority will give favourable consideration to bars which close at 11pm from Sunday to Thursday and midnight on Friday and Saturday. As a starting position, the Application must therefore be viewed unfavourably by the Licensing Authority. The current licence for the Premises, which allows alcohol to be served and music to be performed until midnight, is perfectly adequate and contributes to the promotion of a pleasant restaurant and bar which we have visited several times. The substantial extension of these hours which is proposed by the Application is completely unreasonable and disproportionate to both the Licensing Policy's objectives and the rights of residents not to be disturbed late at night.

If you have any questions regarding the above, please do not hesitate to contact [REDACTED] at [REDACTED]

Yours faithfully

[REDACTED]

**Suggested conditions of approval recommended by the Pollutions Team**

**Remove Annex 2 Conditions 9 and 10 and replace with the following:**

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 to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music and speech 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 regulated entertainments taking place at the premises.
2. All amplified music played within the premises shall be subject to the control of an entertainment noise control system. All pre-recorded music played through the in-house music system shall be controlled by an automatic electronic noise limiting device which restricts the sound system output to below pre-set threshold levels. All music from live bands, or DJs utilising their own amplification equipment, shall be controlled by a continual music noise level monitoring device which cuts the power supply to the sound system if a pre-set threshold is exceeded. The device shall be installed and calibrated to the Council's satisfaction prior to regulated entertainments at the premises.
3. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee or a designated manager. Access to the entertainment noise control system is to be restricted to the licensee or a designated manager.
4. The agreed maximum sound levels shall be expressed on the premises licence as follows:

Sound levels shall not exceed:       XX dB Linear (1 min)  
  XX dB "A" (1 min)  
  XX dB @ 63 Hz (1 min)  
  XX dB @ 125 Hz (1 min)

N.B. Maximum sound levels are yet to be agreed for this premises.

The measurement point for sound levels is XXXXXXXXXXXX (a suitable easily identifiable position at the premises)

5. The entertainment noise control system shall be recalibrated as necessary to ensure the agreed maximum sound levels shall not be exceeded.



Printed By:  
RO RO

Printed At:  
19-01-2017