



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	22 nd March 2016		Clerkenwell

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
Cubana, 61 Charterhouse Street, London EC1M 6HJ

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The application is to:
 - a) Vary the times for sale of alcohol, for consumption on the premises, to between: 12:00 and 23:00, Sunday to Thursday and 12:00 and 00:00 on Friday and Saturday.
 - b) Allow the provision of Late Night Refreshment between 23:00 and 00:00, Friday and Saturday.
 - c) Vary the opening hours to between 07:00 and 23:00, Sunday to Thursday, and 07:00 and 00:00 on Friday and Saturday.
- 1.3 The premises is currently licensed:
 - a) To sell alcohol, for consumption on the premises, to between: 12:00 and 20:30, Sunday to Saturday.
 - b) With opening hours between 07:30 and 22:30, Sunday to Saturday.

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
Planning	No
Local residents	Yes, one
Other bodies	No

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form and supporting information;
- Appendix 2: representations;
- Appendix 3: map of premises location.

3.2 One representation has been received from a local resident.

3.3 A licence for these premises was originally granted by the Licensing Sub-Committee on 15 May 2014 to Cubana Café Limited. This trading name was subsequently changed to Cubana (Waterloo) Ltd. In January 2016 an application was granted to transfer the premises licence to Cubana (Smithfield) Ltd, the current applicants.

4. Planning Implications

4.1 There is a planning application pending for variation of condition 4 (Opening hours) of planning consent ref P2013/0729/S73RC dated 25/04/2013 to vary the approved opening hours from 05.00 to 23:00 on any day, to 05.00 to 23:00 on Sundays to Thursdays and 05:00 to 00:00 on Fridays and Saturdays.

Recommendations

- 5.1 To determine the application for a variation of the premises licence under Section 34 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 of the current premises licence
 - 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

9.3.16

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: 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 **Cubana (Smithfield) Ltd**

(Insert name(s) of applicant)

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

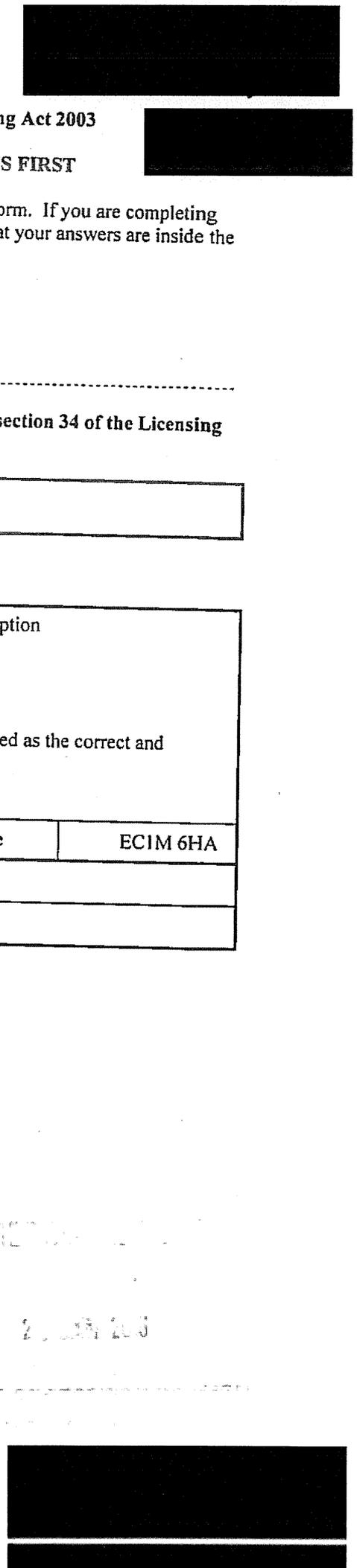
Premises licence number LN/14785-150514

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Cubana 61 Charterhouse St London EC1M 6HA			
(please note that postcode given in licence is EC1Y 8QF – this may have changed as the correct and current postcode is as stated below)			
Post town	London	Postcode	EC1M 6HA
Telephone number at premises (if any)	02074901209		
Non-domestic rateable value of premises	£5,600		

Part 2 – Applicant details

COGNAC
2003
PUBLIC



Daytime contact telephone number		07701 070571	
E-mail address (optional)		phillip@cubana.co.uk	
Current postal address if different from premises address		Phillip Oppenheim Cubana 48 Lower Marsh	
Post town	London	Postcode	SE1 7RG

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY

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 tick No

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

A variation of licensing. The premises consists of a formerly derelict meat packing plant, which extends to around 2,500 sq ft and includes a coffee roaster with a 15kg batch coffee roaster, a bakery and a café

The proposed variation relates solely to an extension of licensable hours within Licensing Policy 8, to 11 p.m. on Sunday to Thursday and midnight on Friday and Saturday. No other conditions are to be amended.

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) x

xSupply of alcohol (if ticking yes, fill in box J)x

In all cases complete boxes K, L and M

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</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed	-----	-----			
Thur	-----	-----	<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</u> (please read guidance note 6)		
Fri	-----	-----			
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	-----	-----	
Wed	-----	-----	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Thur	-----	-----	<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)
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 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								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) We are already licenced to play live music acoustically to 2030 – we would like this extended to closing times – we are happy for the non-amplified music restriction to remain	
Mon	-----	-----		
Tue	-----	-----		
Wed	-----	-----		
Thur	-----	-----		
Fri	-----	-----		
Sat	-----	-----		
Sun	-----	-----	State any seasonal variations for the performance of live music (please read guidance note 5)	
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	

F

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

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur								
Fri	2300	0000				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	2300	0000						
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1200	2300			
Tue	1200	2300			
Wed	1200	2300			
Thur	1200	2300			
Fri	1200	0000			
Sat	1200	0000			
Sun	1200	2300			
			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)		

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 9).

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)

b) The prevention of crime and disorder

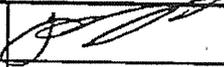
c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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	
Date	25/01/2016
Capacity	Managing Director

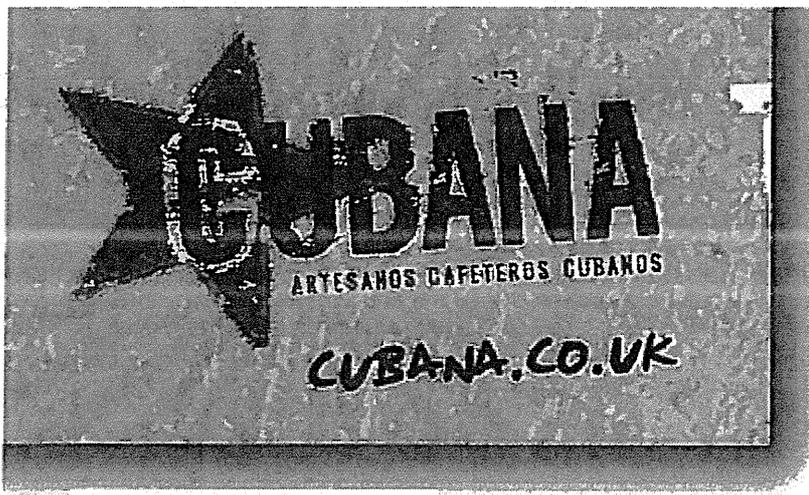
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

Phillip Oppenheim
Cubana
48 Lower Marsh

Post town	London	Post code	Se17rg
Telephone number (if any)	07701070571		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) phillip@cubana.co.uk			



Islington
Licensing Service
Public Protection Division
222 Upper Street
London N1 1XR
licensing@islington.gov.uk

22nd January 2016

Dear Sirs

Please find enclosed our application to vary a licensing condition in order to trade to the hours set out in licensing policy 8 for restaurants and cafes, namely 11 p.m. on Sunday to Thursday and midnight on Friday and Saturday.

Our licence was granted on 15th May 2014 by the Licensing Sub-Committee for premises which were formerly a meat packing plant, which had been empty and derelict for some time.

When we applied for the licence, we made it clear that we intended to operate as a food-led premises with a bakery and Cuban coffee roastery, with an ancillary alcohol offer. As part of the application process, we withdrew our application for regulated entertainment.

The Licensing Sub-Committee held that, although the site is in a cumulative impact area, an exception applied. The exception was that set out in paragraph 6 of the licensing policy, namely that the premises are not alcohol-led and operate only within the hours specified in Licensing Policy 8, such as coffee shops.

To ensure that the premises is food-led, a condition was imposed that alcohol may be sold at times when substantial food and fresh, non-alcoholic fruit drinks are available for purchase and promoted on the premises; and that alcohol may only be consumed by seated customers. We do not propose to vary any of those, or any other, protective conditions. This application simply relates to hours.

Since receiving our licence, we have made a very considerable investment in the premises, so as to create the congenial, Cuban-inspired environment which we placed before the Sub-Committee.



CUBANA HEAD OFFICE 48 Lower Marsh, London SE1 7RG E. info@cubana.co.uk W. cubana.co.uk
CUBANA (UK) LTD REGISTERED OFFICE 48 Lower Marsh, London SE1 7RG
CUBANA WATERLOO LTD Registered in England No 3471137 | VAT No 710 3627 72
CUBANA SOUTHFIELD LTD Registered in England No 07532596 | VAT No 211 1761 57

In relation to food, we draw attention to the following:

- we have a large, well-equipped kitchen with a walk-in chiller;
- there are eight full-time chefs, sous chefs, pastry chefs and KPs;
- we have a fully-equipped bakery with a four-deck bake oven, pastry brake and dough mixer producing sourdough-breads and patisserie – this employs two highly-qualified, full-time bakers
- we also have a 15kg batch Giessen coffee roaster run by a full-time master roaster
- all of our food is prepared daily from fresh ingredients – nothing is bought in we have a 100% free-range policy and have received awards from the RSPCA for sourcing and sustainability, as well as Compassion in World Farming's Good Egg award and Good Pig commendation;
- we have been certified by the Marine Stewardship Council for sustainable sourcing of wild fish; all of our farmed fish is also Best Aquaculture Practise certified
- our sales are very much food-led with non-alcohol sales running at around 80% of current sales

This premises has, as mentioned, seen a very substantial investment to restore the ground and basement floors of the building, as well as a big investment in a coffee roastery and bakery area.

Since we have opened, we have had no regulatory issues or complaints whatsoever which, given our trading style, we did not anticipate in any event.

However, we have found the viability of the premises affected by the 8.30 p.m. restriction, since people are put off by the early hours. It also makes Saturday trading almost impossible.

We have therefore given close consideration to what we might do to ensure that we are consistent with Islington's licensing policy. Having taken advice, we are asking simply to be allowed to trade for the hours set out in Licensing Policy 8, with which we have already been found to be consistent.

As you will know, our premises are on a road consisting solely of business premises, just across from Smithfield Market – to the rear is Farringdon station and the main rail line. The nearest residential premises are a long way away, across the rail line.

We therefore hope that you will agree to the variation; and we would very much welcome a visit from one of your team, if you have the time, to see Cubana.

I should add that Cubana Café Ltd, the original licensee, had its name changed to Cubana (Waterloo) Ltd last year; and we have applied for the license to be transferred to Cubana (Smithfield) Ltd, which is to be the operating company for Cubana in Charterhouse St – both companies are 100% owned by Cubana (UK) Ltd and so are in effect the same entity. We are therefore making this application in the name of Cubana (Smithfield) Ltd, but if there are any issues with this, please let me know – please feel free to contact me at Phillip@cubana.co.uk, on 07701 070571 or at our head office address, below.

Yours faithfully



Phillip Oppenheim
Managing Director

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number LN/14785-150514	
Postal address of premises, or if none, ordnance survey map reference or description CUBANA CAFE 61 CHARTERHOUSE STREET	
Post town LONDON	Post code EC1Y 8QF
Telephone number 020 7633 0200	

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	12.00	to	20.30
Tuesday	12.00	to	20.30
Wednesday	12.00	to	20.30
Thursday	12.00	to	20.30
Friday	12.00	to	20.30
Saturday	12.00	to	20.30
Sunday	12.00	to	20.30

The opening hours of the premises:

Monday	07.30	to	22.30
Tuesday	07.30	to	22.30
Wednesday	07.30	to	22.30
Thursday	07.30	to	22.30
Friday	07.30	to	22.30
Saturday	07.30	to	22.30
Sunday	07.30	to	22.30

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

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

Cubana Café Limited
1 Knight's Court Archers Way
Battlefield Enterprise Park
Shrewsbury
Shropshire
SY1 3GA
020 7928 8778
info@cubana.co.uk

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

3471137

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

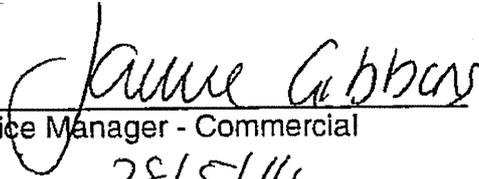
Joao Maurico Abreu Dos Santos De Gouveia



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



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


Service Manager - Commercial

28/5/14
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.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

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

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

this effect. The system will provide an identifiable full head and shoulder system of everyone entering the premises and will operate in any light conditions within the premises. The system 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 24 hours of every request. 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.

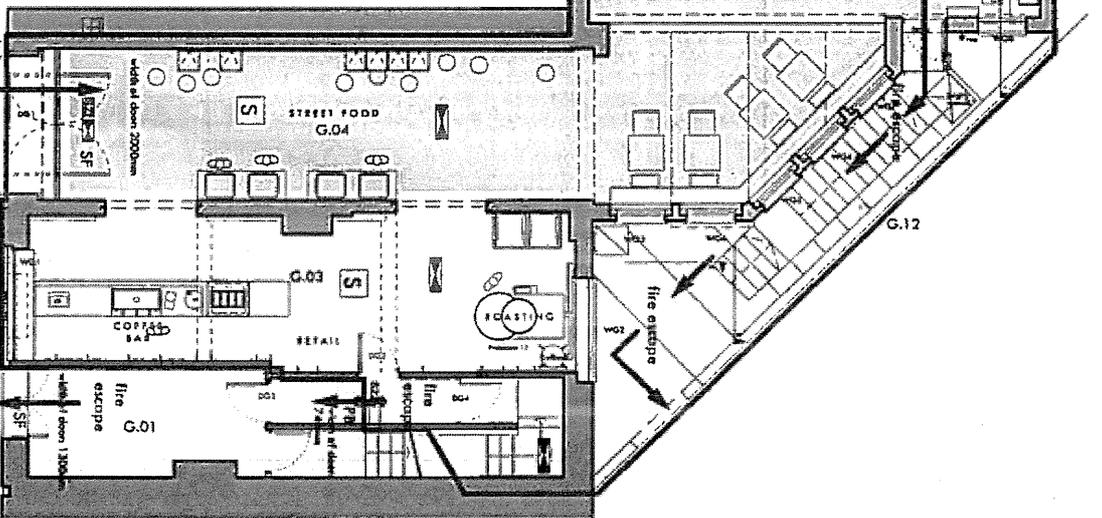
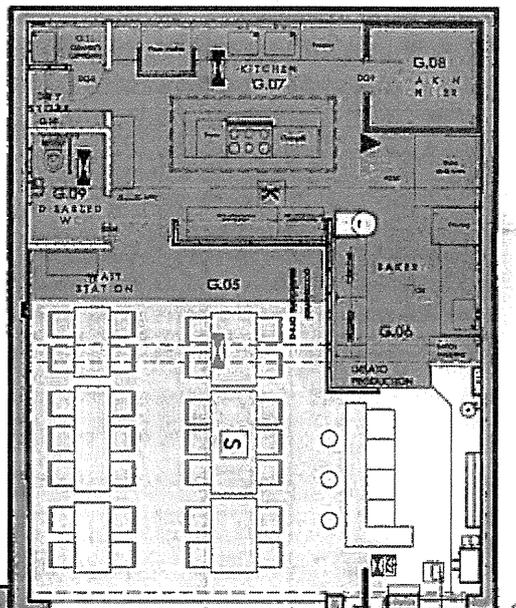
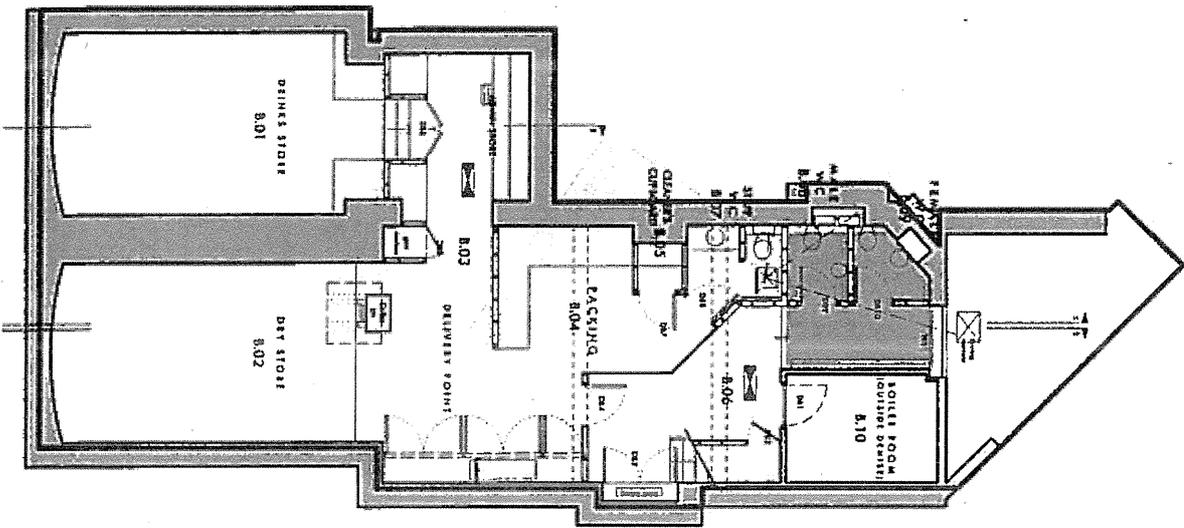
12. A scheme for noise insulation shall be agreed with the Council's pollution team.
13. Public transport information will be included on the premises' web-site and provided to customers.
14. There shall be erected and maintained in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise nuisance to local occupants of any properties in the vicinity.
15. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
16. Music levels shall be monitored and kept lower towards the front of the premises.
17. There shall be no music played outside of the premises.
18. An assessment of the premises sound insulation shall be undertaken and appropriate improvement works carried out, so as to ensure that noise levels generated on the premises meet the Council's Technical Criteria; and, maximum music noise levels shall be agreed.
19. The improvement works and maximum music noise levels shall be approved in writing through the Council's Pollution Team.
20. The Premises Licence Holder or nominated person shall supervise and control levels of noise on the smoking area and advise patrons of the need to respect local occupants of any properties in the vicinity where appropriate.
21. The occupier of the first floor premises at 57-61 shall be fully consulted as to the specification and testing of sound insulation and the setting of music noise levels.

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

1. The designated premises supervisor shall work solely at the premises.

Annex 4 - Plans

Reference Number: CHS_L 101 - January 2013



- area of all licensable activities and consumption of alcohol
- kitchen
- public conveniences
- sign keep passage clear
- sign emergency exit
- sign door kept open when premises are occupied
- emergency light
- central panel handsets and handover signals
- fire alarm call point
- area covered by smoke detectors
- area covered by heat detectors
- water fire extinguisher
- emergency shower
- carbon dioxide fire extinguisher
- panic lock
- single firewing

nagranjohnson

2 Pantyroll Place
London SE1 8QF
Tel: 020 7633 0200
Fax: 020 7633 0224
e: info@nagranjohnson.co.uk

Drawn: [Signature]
Checked: [Signature]
Scale: 1:100/A3
Date: January 2013
No.:

Mr P Oppenheim
Charterhouse Street
LONDON

Ground and Basement CHS_L
Plans as proposed 101

external seating area
all tables and chairs will be
cleared away by 11.00pm
no consumption of drinks
after 11.00pm
no music in this area

Gallacher, Simon

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 08 February 2016 13:55
To: Gallacher, Simon
Cc: [REDACTED]
Subject: [REDACTED] Cubana licence variation applications

Hi Simon

I hope you are well. I saw the respective Notices on the premises' windows this weekend, only because I realised blue paper means a license application. They are tiny, in small print and you have to go right up to the windows to read it. I would be very surprised if any local residents see them.

Both applications ask for alcohol to be available for longer into weekend mornings. This is the owners asking permission to sell more drink to more people well into Saturday and Sunday morning, with no consideration of what happens when their customers leave. [REDACTED] residents object to both applications for the following reasons.

Local residents objected to the original Cubana application in May 2014. The application succeeded because LBI was persuaded that sale of alcohol was incidental to the main business supported by a written statement from the owner/ Director. This is attached to ensure the committee is reminded of it and we quote particularly the following extract:

1. 'While a full list of proposed conditions is annexed, it may help if I say:
 - a. I withdraw the application for regulated entertainment.
 - b. I withdraw the application for off-sales of alcohol.
 - c. I am willing to accept a condition that no alcohol may be consumed outside.
 - d. I am willing to accept a condition that alcohol may be sold only from mid-day to 8.30 p.m.
 - e. I am willing to accept a condition that the premises must close at 10.30 p.m. each night.
2. The reason that I am able and willing to limit the proposal is because the business will be a coffee roasting house, bakery and café, at which there will be some ancillary sales of alcohol, as I describe below.
3. I am aware that the premises lie in a cumulative impact area, and that paragraph 6 of the Council's licensing policy states:

"Examples of applications that the licensing authority may consider as exceptional may include, though are not limited to

...

premises which are not alcohol-led and operate only within the hours specified in Licensing Policy 8 such as coffee shops.”

4. That precisely describes the nature of our operation.’

It is not acceptable for a license application to be approved on this basis, to be followed by the owners’ request to extend sale of alcohol until 12.30am.

[REDACTED]

I hope our objections are clear. It does get exasperating to have to repeat the same problems. If LBI’s saturation policy is to mean anything, it will not allow more drinking into the early hours.

Would you confirm receipt of this email and that our objections will be formally considered in the license application process?

Many thanks

[REDACTED]

[REDACTED]



To: [REDACTED]

Re: Cubana licence variation application

25th February 2016

Dear [REDACTED]

The licensing authority has kindly sent me a copy of your representation and I have asked them to pass on this response.

I would like to begin by saying that I understand and sympathise with your position re nuisance from late-night establishments in the area. I hope that I will be able in part at least to allay some of your concerns about Cubana and invite you to come and see us, if you have not already been in.

First, we are not applying for our licence to be extended to sell alcohol until 12.30am. We are in fact applying for a variation to stay open until 11.00pm Sun-Thurs and midnight Fri-Sat – that is pretty much in line with the standard hours before the 2003 Act.

We have always stated that we would be a food-led organisation and we have lived up to that. We employ several highly trained chefs, two full-time bakers and two pastry-chefs. Our kitchen includes a four deck bake oven, bread prover and dough mixer. We also have a 15kg batch coffee roaster and roast all of our own coffee.

We prepare all of our food in-house from scratch using 100% free-range ingredients; our fish is also Marine Stewardship Council certified and we have won awards from Compassion in World Farming.

Alcohol sales are therefore very much ancillary to food. However, people do frequently want to drink with their food and limiting alcohol sales to 8.30pm also has the effect of severely limiting food sales.

We did originally apply for normal opening hours and we have tried working with the very restricted hours, but for a food-led operation with a large investment in the kitchen and a skilled workforce, such short hours make the operation of a successful food led operation very difficult.

We are, I believe, the only place in the area where you can purchase sourdough bread baked freshly on the premises, along with fresh-roasted coffee and home-baked cakes and pastries. I would hope that an operation such as ours would be a benefit to local people, especially at weekends during the day when there is little available in the area. We have already begun to build up a good local clientele and no other local residents have objected.

Finally, on your point about our customers possibly causing problems for 40 St John St residents when they leave, our premises are in fact quite a long way from any residential addresses and separated by a busy rail line. It would seem unlikely that

any customers leaving our premises would go near 40 St John St as they would access Farringdon or Barbican Stations by other routes; or the buses on Farringdon Road without going near St John St. The forthcoming Crossrail Station will also not involve people leaving Cubana using St John St.

We feel therefore that our application is reasonable and in line with the council's policy relating to opening hours for food-led premises. We are clearly food-led, we hope that premises such as ours serving freshly-made food would enhance the area. We also have very strict licensing conditions.

Cubana is surely therefore a better place for people to go and eat well-prepared food with any alcohol, than other places which are alcohol-led?

I would like to have the opportunity to invite you to come and see Cubana, if you have the time, and I hope to be able to allay some of your fears, even if your objection remains.

If you do have the time and would like to do this, please email me at phillip@cubana.co.uk or call me on 07701 070571 and I would be happy personally to show you around.

Yours sincerely

Phillip Oppenheim

PS Our licence variation notice was on the standard council template and we also advertised the application in the local press

Cubana
59-61 Charterhouse St
London EC1

Islington Council Licensing Sub-Committee
22nd March 2016

Witness Statement

Phillip Oppenheim of Cubana will say as follows

1. I am the Managing Director of the Applicant
2. I make this statement in order to give some further detail about our application to vary our licence to allow us to open until 23:00h Sundays to Thursdays; and 00:00 midnight on Fridays and Saturdays, as set out in Licensing Policy 8 for restaurants and cafes.
3. Our licence was granted on 15th May 2014 by the Licensing Sub-Committee for premises which were formerly a meat packing plant, which had been empty and derelict for some time. When we applied for the licence, we made it clear that we intended to operate as a food-led premises with a bakery, Cuban coffee roaster, café and restaurant with an ancillary alcohol offer.
4. The Licensing Sub-Committee held that, although the site is in a cumulative impact area, an exception applied. The exception was that set out in paragraph 6 of the licensing policy, namely that the premises are not alcohol-led and operate only within the hours specified in Licensing Policy 8, such as restaurants, coffee shops and cafes.
5. To ensure that the premises is food-led, a condition was imposed that alcohol may be sold at times when substantial food and fresh, non-alcoholic fruit

drinks are available for purchase and promoted on the premises; and that alcohol may only be consumed by seated customers.

6. We do not propose to vary any of those, or any other, protective conditions. This application simply relates to hours.
7. Since receiving our licence, we have made a very considerable investment in the premises, so as to create the congenial, Cuban-inspired environment which we placed before the Sub-Committee.
8. In relation to food, we draw attention to the following:
 - all of our food is prepared daily from fresh ingredients – nothing is bought in
 - we have a 100% free-range policy and have received awards from the RSPCA for sourcing and sustainability, as well as Compassion in World Farming's Good Egg award and Good Pig commendation
 - we have been certified by the Marine Stewardship Council for sustainable sourcing of wild fish; all of our farmed fish is also Best Aquaculture Practise certified
 - we have a large, well-equipped kitchen with a walk-in chiller;
 - Cubana employs eight full-time chefs, sous chefs, pastry chefs and KPs
 - we have a fully-equipped bakery with a four-deck bake oven, pastry brake and dough mixer producing sourdough-breads and patisserie – this employs two highly-qualified, full-time bakers
 - we bake all of our own breads and prepare all of our pastries in-house – these include Cuban and tropical takes on traditional favourites. For example, one of our most popular donuts has a fresh, home-made lime curd filling and a fresh lime glaze
 - we also produce a range of home-made gelatos, all made with fresh flavours prepared in-house – these include Chocolate Salted-Caramel, Fresh Lime Agave, Fresh Pineapple + Passion Fruit + Guava - and several more

- we have an extensive lunch time Street Food offer, all prepared with fresh, free-range ingredients – this offers healthy, freshly-prepared food boxes for £6 and £3.50 for vegetarian dishes
- we have a 15kg batch Giessen coffee roaster run by a master roaster
- we roast all of our own coffee in house – most of this coffee comes from the coffee-growing mountains in Cuba's south-east where we are involved in a project to support small coffee farmers – this project includes installing micro-depulping equipment to allow the farmers to keep more added-value for themselves, agronomic support and a veterinary programme to ensure the mules who do a lot of the work in the mountains are healthy
- our sales are very much food-led with non-alcohol sales running at around 80% of current sales
- the vast majority of our promotions are food-led and relate to our in-house baked sandwiches, street food and our restaurant – for example, one of our most popular promotions offers half-price on food in our sit-down café-restaurant area, but not on drink. This month we are running a Take-Home-a-Loaf for £1 promotion on our fresh-baked breads

9. We hope and believe that this all fulfils the commitments which we made in May 2014.

10. The bulk of alcohol sales are cocktails, which are all prepared with fresh tropical fruits. We serve a range of these alongside a small range of beers, wines and spirits. We also serve fresh tropical smoothies and juices – again, all freshly prepared. These fresh tropical juices and smoothies are made with fresh papaya, pineapple, mango and other fruits and are sold and promoted prominently alongside coffee and our food offer.

11. We have abided by the stringent conditions laid down for the premises and we have received no complaints from members of the public or from the Police, environmental health or licensing authority - which, given our trading style, we did not anticipate in any event. We have further been visited by Simon Gallacher of the licensing team along with PC Peter Conisbee from the Police

licensing team and they stated that they felt the premises was not the type to cause problem in the area.

12. This premises has, as mentioned, seen a very substantial investment to restore the ground and basement floors of the building, as well as a big investment in a coffee roastery and bakery area.
13. However, we have found the viability of the premises affected by the 8.30 p.m. restriction, since people are put off by the early hours. It also makes Saturday trading almost impossible.
14. I also feel that by offering freshly-prepared, quality food at a reasonable cost, Cubana benefits the area. That benefit would be greater if we could offer the people living and working in the area the same service for what might be considered normal restaurant hours – and it would also be preferable for people to have that option rather than going to more alcohol-led premises.
15. We have therefore given close consideration to what more we might be permitted to do while remaining consistent with Islington's licensing policy. Having taken advice, we are asking simply to be allowed to trade for the hours set out in Licensing Policy 8, with which we have already been found to be consistent.
16. We are particularly grateful that neither the licensing service, Police or environmental health have considered it appropriate to make representations against this application. There is a single representation from a resident who lives some way away on the far side of the railway tracks. We have tried to discuss the representation with the resident concerned and will continue our efforts pending the hearing.
17. As the Sub-Committee will know, our premises are on a road consisting solely of business premises, just across from Smithfield Market – to the rear is Farringdon station and the main rail line. The nearest residential premises are a long way away, across the rail line.

18. All of the premises above and close to Cubana are business premises, from which we have received no complaints.

19. Further, in order to access public transport, any visitors to Cubana would be unlikely to go past any residential areas. Farringdon Station is most easily accessed via Farringdon Rd; the buses also run from Farringdon Rd; and the forthcoming Crossrail Station will be both nearer and also be accessible by a route which does not passing any residential premises

20. I am advised that the proposed variation is properly within the licensing policy and would respectfully ask the Sub-committee to grant the variation in the terms requested.

21. The contents of this statement are true to the best of my knowledge and belief.

Signed

Phillip Oppenheim

9th March 2016

Cubana Café Limited

59 – 61 Charterhouse Street

London EC1

WITNESS STATEMENT

Philip Oppenheim of Cubana Café Limited will say as follows

INTRODUCTION

1. I am the Managing Director of the Applicant.
2. I make this statement in order to give some further detail about our application, and to propose a number of restrictions upon our operation, to try to allay some of the concerns which have been expressed about it.
3. While a full list of proposed conditions is annexed, it may help if I say:
 - a. I withdraw the application for regulated entertainment.
 - b. I withdraw the application for off-sales of alcohol.
 - c. I am willing to accept a condition that no alcohol may be consumed outside.
 - d. I am willing to accept a condition that alcohol may be sold only from mid-day to 8.30 p.m.
 - e. I am willing to accept a condition that the premises must close at 10.30 p.m. each night.
4. The reason that I am able and willing to limit the proposal is because the business will be a coffee roasting house, bakery and café, at which there will be some ancillary sales of alcohol, as I describe below.
5. I am aware that the premises lie in a cumulative impact area, and that paragraph 6 of the Council's licensing policy states:

“Examples of applications that the licensing authority may consider as exceptional may include, though are not limited to

...

premises which are not alcohol-led and operate only within the hours specified in Licensing Policy 8 such as coffee shops.”

6. That precisely describes the nature of our operation.

BACKGROUND

7. In my previous career, I worked as a publisher and in a senior position in the Treasury. I have a love for and affinity with Cuban life and culture and in 1998 opened a bar / restaurant in Waterloo, named Cubana. The premises has traded until 3 a.m. since the Licensing Act 2003 came into force. The licence has never been reviewed.
8. Some years ago I applied to open a similar business at 59-61 Charterhouse Street, trading to similar, late-night, hours. The licence was refused on grounds of cumulative impact. It was obvious to me that I ought not to pursue the matter any further. I did not appeal, and this application is not a revival of that one. I realise that that would be a waste of my money and the Council's time. My thinking has moved on significantly.

THE PREMISES

9. The premises is a former meat packing plant. It is owned by the City of London Corporation. It has lain dormant for over 6 years. If I may describe the premises, it is in the shape of an L, with a double-street frontage, and effectively an undercover alleyway leading into an approximately oblong space which dog-legs to the left. The space is an ideal for a concept which I wish to develop.

THE BUSINESS

10. I am also the Managing Director of another business. It is called The Cuban Mountain Coffee Company and trade as Alma de Cuba, which means “soul of Cuba”. The company is an importer of Cuban Coffee. While Cuba is famous for its rum and tobacco, the mountain conditions and associated climate mean that it has also produced some of the finest coffee in the world, though that industry has been in decline in recent decades.

11. We are involved in a project to help revive Cuba's mountain coffee but investing in and helping to support small coffee farmers. Under an agreement, we will be involved in the operation from the field to the final roasting. We are already working directly with Cuban growers. For example, we are installing micro-depulsing plants in the villages to allow the farmers to keep more of the value themselves and funding veterinary and breeding support to ensure that the mules who do much of the work in the mountains are healthy and that their coffee and cupping laboratories are working to good standards. We intend to continue to broaden and deepen our connection with growers as our business develops.
12. We are already selling Alma de Cuba coffee online globally, apart from the US, as well as wholesale. What we do not have is a roasting operation over here. That is what we intend to provide at 59-61 Charterhouse Street, where we then intend to sell both dry and wet coffee, i.e. both the roasted beans (ground and unground) and hot coffee. The coffee roasting and retail operation will be on prominent display. We intend the product to be both fine and authentic. It is the main purpose of the premises. The downstairs area will be a packing operation.
13. We have some experience of baking at Cubana in Waterloo. However, we want to extend that very substantially here. There is a range of Cuban and Latin American pastries (such as natas), cakes and breads which I believe are superb and under-recognised in the United Kingdom. We intend there to be a full commercial bakery operating from the premises, supplying both the on-site café and other outlets on a wholesale basis. We are intending an extensive menu of Cuban food, comprising light meals, pastries and cakes, consistent with the café style of operation. We also expect to sell freshly made ice-cream. I have prepared a menu with a selection of the items we hope to sell.
14. The Sub-Committee may find it helpful to look at the plan. The entrance to the property is on the left, which gives onto the alleyway, on either side of which there will be small tables and counter space for people to enjoy their coffee. The right hand side of the alley is the coffee operation, with the roasting equipment at the back and the retail operation – both wet and dry – at the front. Therefore, the presentation of the premises is very much coffee-led, with views into the coffee operation from the street and from the alleyway. As I say, that is the *raison d'être* of the premises.
15. In the "oblong" area at the back, the kitchen and bakery occupies a substantial area to the left. The remainder of the oblong is set out with tables. There is a small dispense bar to the

top right of the oblong. We do not have room for a major alcohol operation and do not want one. We will probably sell Mojitos and one other cocktail, alongside wine and beer. We will also be selling – and this is an important part of our operation – freshly squeezed juices and smoothies made from fruits familiar to Cubans such as mango, papaya, guava and lime. These are labour-intensive products but an essential part of our operation and we intend to highlight them.

16. I thought that it might be helpful if I give some idea of the type of food we plan to serve alongside our coffee:

Bakery: Our bakery will produce

- Sourdough breads
- Cuban bread (used in Cuban sandwiches)
- Ensaimadas (a kind of rolled up cross between a croissant and bread eaten at breakfast)
- Natas and variations using coconut,
- Latin American yeast donuts - light donuts prepared using yeast, filled with fresh coconut cream, chocolate ganache or fresh lime curd - and glazed with fresh mango, passion fruit, honey lime or coconut glaze
- Empanadas - Latin American pastry turnovers served with sweet or savoury fillings

Gelateria: This will produce fresh Latin American style gelatos and Tropical Fruit Ices in a range of flavours from Guava, Mango, Passion Fruit, Lime, Vanilla, Strawberry-Honey, Cuban Espresso, Pistachio/honecomb, Salted Caramel, Chocolate Caramel and Coconut

Street Food: We will offer quick, boxed dishes served at lunchtime and the menu will be :

- Free-range slow roasted Cuban pork served with black beans, rice and plantain
- Pollo Criollo - free-range slow-cooked chicken marinated in fresh orange served with black beans, plantain and rice

- Ropa Vieja - slow cooked shredded beef served with black beans, plantain and rice
- Cuban black beans - served with plantain and rice
- Cuban sandwich - with free range ham, free range shredded pork, cheese, mustard and pickles

Cafe food: This will include

- Club sandwich using home baked bread, free range chicken and home cured free range bacon and ham
- Prime marinated sirloin steak sandwich
- Croquettes prepared with sweet potato and organic chorizo
- Sesame chicken- marinated free range chicken breast lightly fried in a panko sesame batter

Salads: These will include

- Cubana chef's salad - with home cured free range ham and bacon and free range chicken
- Fresh seared sesame tuna
- Sesame chicken salad

Smoothies and fresh juices: These will be made with ingredients including fresh papaya, mango, passion fruit, banana, strawberry, guava, lime and orange juices.

17. Apart from coffee, therefore, our offer will be significantly and strongly food-based.
18. We anticipate that the great majority of customers will come in and have light meals or pastries / cakes with coffee. Some will have fruit juices or alcohol. But alcohol is very much an ancillary part of the operation. Given the hours we intend to operate, an alcohol-led bar would not be feasible, and it is not what we are trying to do. We would not, incidentally, permit any vertical drinking at all.

19. The premises will open for breakfast at 7.30 a.m., serving (among other things) organic yoghurts, tropical fruits and home-made granola. It will serve light meals, pastries etc. as per the above list throughout the day, all day until closing time at 10.30 p.m. As I say, alcohol will only be from 12 noon until 8.30 p.m.
20. To complete the picture inside, there is a disabled toilet at ground floor level, and male and female toilets in the basement, which is accessed through the shop.
21. Outside, there is a very small area, which would accommodate a smoking area, and might accommodate three small tables, but we will not seek to place tables outside without a pavement licence. In any event, no alcohol will be permitted outside. We do not seek to advertise ourselves as a bar by allowing drinking outside.
22. We sought and obtained planning permission for the operation. The permission was for “coffee roasting house and commercial kitchen with a café.” That is precisely what we intend to be. However, the planning permission allows us to operate until 11 p.m., whereas in deference to the concerns which have been expressed we are content to stop selling alcohol at 8.30 p.m. and to close the premises at 10.30 p.m. We are professionally advised that the proposed use is well within the permitted use for the premises.
23. As I have said, we do not seek a licence for regulated entertainment. Music will be background only, of the sort of “mood music” one would find in a café. There will obviously be no dance floor. This is not a salsa bar and I have no aspirations to open one.
24. I have with my advisers given close consideration to the representations which have been raised, and propose the annexed conditions to respond to them in a sensitive manner.
25. The conditions include a CCTV condition suggested by the Police. Although the Police have not objected to this licence application, we are pleased to include it.
26. We would note that while two residential objections have been received, these appear to come from premises more than 100m away on the other side of the railway tracks. Indeed, we are unaware of residential occupiers in the near vicinity and none have objected.
27. There are business occupiers upstairs who have objected. As I have said we already have planning permission to operate for far longer hours than those for which we seek an alcohol licence. I am hoping that the assurances given in this statement and the extensive conditions we are tendering will put our neighbours’ minds to rest.

28. While we have given great care to the drafting of the conditions, plainly we would be pleased to discuss any modifications or additions which might be suggested.
29. I hope that the Sub-Committee can see that this is very far from a late-night alcohol-led bar operation. I genuinely intend to introduce an innovative style of premises serving great Cuban coffee and foods, at which the service of alcohol is very much ancillary. Indeed, I only wish to have an alcohol licence for 8 hours of the 15 which the premises is open each day.
30. I am advised that the proposed operation is properly within the exception to the cumulative impact policy set out above. I would respectfully ask the Sub-committee to grant a licence in the terms requested.

Signed

Philip Oppenheim

8th May 2014

ANNEX

Proposed conditions

1. The application for regulated entertainment is withdrawn.
2. The application for off-sales of alcohol is withdrawn.
3. No alcohol may be consumed outside.
4. The permitted hours for the sale of alcohol are mid-day to 8.30 p.m. each day.
5. The premises must close at 10.30 p.m. each night.
6. Alcohol may only be consumed by seated customers.
7. Alcohol may only be sold at times when substantial food and fresh, non-alcoholic fruit drinks are available for purchase and promoted on the premises.
8. The premises shall operate Challenge 21.
9. Children will only be allowed on the premises under the supervision of adults.
10. All staff shall undergo licensing training, which shall include training concerning knowledge of licensing law and the social impacts of the sale of alcohol.
11. A maximum of three tables (12 seats) may be provided outside, but only under the authority of a pavement licence. Tables and chairs must be fitted with rubber (or equivalent) feet and removed from the street by 10.15 p.m. The outside area shall be supervised by staff.
12. Adequate notices must be displayed to inform patrons of the time of removal of tables and chairs.
13. A designated smoking area and number of smokers outside the premises at any one time will be agreed with the Council's pollution team. Suitable receptacles will be provided for cigarette litter within that area. The area shall be supervised and patrons advised of the need to respect local occupants of any properties in the vicinity when appropriate. Prominent notices asking smokers to respect neighbours shall be erected and maintained.

14. Litter patrols shall be carried out throughout the hours of operation and once the final customers have left to ensure all litter associated with the premises has been cleared from the public highway.
15. 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 and correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder system of everyone entering the premises and will operate in any light conditions within the premises. The system 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 24 hours of every request. 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.
16. A scheme for noise insulation shall be agreed with the Council’s pollution team.
17. Public transport information will be included on the premises’ web-site and provided to customers.
18. There shall be erected and maintained in a prominent position at every exit a clear, conspicuous and legible notice requesting patrons to avoid causing noise nuisance to local occupants of any properties in the vicinity.
19. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

