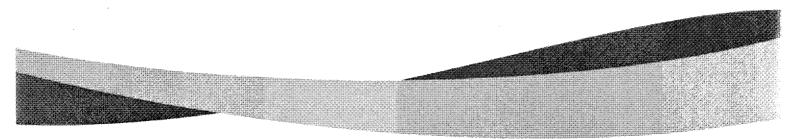


Environment & Regeneration Municipal Office, 222 Upper Street, London, N1 1XR

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 th October 2013	35	Clerkenwell

Delete as	Non-exempt
appropriate	•



Subject:

PREMISES LICENCE VARIATION APPLICATION

69-73 St John Street, London EC1M

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The variation application is to:
 - 1.2.1 To change the layout plan attached to the licence to allow:
 - i) Addition of fixed seating in the mezzanine floor area;
 - ii) Addition of a wall on the ground floor to add a cold room to back of house area;
 - iii) Changes to the openings of the doors to wine store and cloakroom;
 - iv) Addition of salad display and several waiter stations
 - v) General refurbishment and improvement works.
 - 1.2.2 To add the following condition: "Notwithstanding condition 4, alcohol may be supplied and consumed to persons in the designated bar area". (Condition 4 states: "Drinks shall not be served without food.")

2. Recommendations

2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.

- 2.2 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. conditions recommended by responsible Authorities (see appendix 3); and
 - iii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

Appendix 1:

application form;

Appendix 2:

representations;

Appendix 3:

suggested conditions and map of premises location.

- 3.2 A new licence was granted in respect of this premises by the Licensing Sub Committee on 23 April 2013. A previous licence held in respect of these premises, when it operated as North Road, lapsed in December 2012 when the company holding the licence entered liquidation.
- 3.3 The current licence allows the premises to:
 - i) The sale of alcohol, on supplies only, Sundays to Thursdays from 11:00 until 23:00 and Fridays and Saturdays from 11:00 until 00:00;
 - ii) The provision of Late Night Refreshment on Fridays and Saturdays only, to 00:00.
- 3.4 The new licence was transferred to the current licensees, Foxlow Restaurants Limited, in August 2013.
- 3.5 The premises is located within the Bunhill and Clerkenwell Cumulative Impact Policy area, adopted by the Council on 24 January 2013.
- 3.6 The Licensing Authority received one letter of representation, this is from the Metropolitan Police Service. A second representation from the Senior Environmental Health Officer was received after the legal deadline and has not been included in the papers.

4. Planning Implications

5.

4.1 Islington's Planning Service have confirmed that the site was granted planning permission to use the premises as a restaurant and wine bar in 1987, between the hours of 09:00 and 00:00 on any day.

Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions as it considers 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

4-10.13

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

Appendix 1 2013 22316 Thomas & Thomas

Application to vary a premises licence under the Licensing Act 2003

LN114165

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Bef	Before completing this form please read the guidance notes at the end of the form. If you are con	npleting this form by
han	nand please write legibly in block capitals. In all cases ensure that your answers are inside the box	es and written in black
ink.	nk. Use additional sheets if necessary.	

You may wish to keep a copy of the completed form for your records.						
I/We Foxlow Restaurants Ltd (Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below						
Premises licer LN/14165-230						
Part 1 – Premi	ises Details					
Postal address Hawksmoor 69-73 St John		ne, ordnanc	ce survey map referenc	e or description		
	1				1	
Post town	London	<u></u> -		Postcode	EC1M 4AN	
Telephone nui	mber at premises (if a	any)				
Non-domestic	rateable value of pre	emises	£87,500 🗸			
Part 2 – Applio	cant details					
Daytime conta telephone nun						
E-mail address	(optional)					
Current postal address if different from premises address						
Post town				Postcode		

Part 3 - Variation Please tick as appropriate X Yes Do you want the proposed variation to have effect as soon as possible? No If not, from what date do you want the variation to take effect? Do you want the proposed variation to have effect in relation to the introduction of the late night levy? Yes No (Please see Guidance Note 1) Please describe briefly the nature of the proposed variation (Please see guidance note 2) So as: 1) to change the layout as per the plans which have been submitted with the application (drawing number 03 - 05) Changes are: 1) addition of fixed seating to the mezzanine floor; 2) addition of a wall on ground floor to add a cold room to back of house area; 3) changes to the openings of the doors to wine store and cloak room; 4) addition of salad display and several waiter stations; 5) general refurbishment and improvement works. There is no change to the sanitary provisions. 2) to add the following condition: 'Notwithstanding condition 4, alcohol may be supplied and consumed to persons in the designated bar area'

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.

Prov	rision 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)	
Prov	ision of late night refreshment (if ticking yes, fill in box I)	
Sale	by retail of alcohol (if ticking yes, fill in box J)	
in al	I cases complete boxes K, L and M	

Plays Standard days and timings (please read guidance note		_	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	reau guiu	ance note	note 3)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance i	note 4)	·
Tue			·		
Wed			State any seasonal variations for performing plays (ple note 5)	ase read guidan	ce
Thur					
Fri			Non standard timings. Where you intend to use the proper performance of plays at different times to those listed left, please list (please read guidance note 6)		n the
Sat		W			
Sun					

Films Standard days and timings (please read guidance note		- :	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	eau guide	mee note	Hote 37	Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance r	note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of films guidance note 5)	(please read	
Thur					
Fri			Non standard timings. Where you intend to use the pre- exhibition of films at different times to those listed in the left, please list (please read guidance note 6)		<u>e</u>
Sat					
Sun					

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

D

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

Standa	Live music Standard days and timings (please read guidance note		Will the performance of live music take place indoors or outdoors or both – please tick (please read	Indoors		
(please read guidance note7)		ince note	guidance note 3)	Outdoors		
Day	Start	Finish		Both		
Mon			Please give further details here (please read guidance r	note 4)		
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
			guidance note 3)			
Thur						
Fri			Non standard timings. Where you intend to use the pr		mn	
			performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun			·			

Recorded music Standard days and timings (please read guidance note		_	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	- read Baras		galactice note 5/	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance i	note 4)	
Tue					
Wed			State any seasonal variations for the playing of recorde guidance note 5)	<u>ed music</u> (please	read
Thur					
Fri			Non standard timings. Where you intend to use the proplaying of recorded music at different times to those ling on the left, please list (please read guidance note 6)		<u>nn</u>
Sat					
Sun					

Standa	nances of rd days and read guida	d timings	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the performance of guidance note 5)	<u>dance</u> (please re	ad
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to those listed the left, please list (please read guidance note 6)		
Sat					
Sun					

descrip within Standar	ng of a sim tion to tha (e), (f) or (p rd days and read guida	i t falling g) d timings	Please give a description of the type of entertainment	you will be provi	ding
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 3)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance	note 4)	
Wed					
Thur			State any seasonal variations for entertainment of a state and seasonal variations for entertainment of ente		on to
Fri					
Sat			Non standard timings. Where you intend to use the pentertainment of a similar description to that falling with different times to those listed in the column on the learned guidance note 6)	within (e), (f) or	(g) at
Sun					

Late night refreshment Will the provision of late night refreshment take Indoors Standard days and timings place indoors or outdoors or both - please tick (please read guidance note (please read guidance note 3) Outdoors Day Start Finish Both Mon Please give further details here (please read guidance note 4) Tue Wed State any seasonal variations for the provision of late night refreshment (please read guidance note 5) Thur Fri 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 Sun

1

J

Standar	of alcohol d days and read guida	d timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	
7)	read guide	ance note		Off the premises	
Day	Start	Finish		Both	
Mon			State any seasonal variations for the supply of alcohoguidance note 5)	(please read	
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the part of alcohol at different times to those listed in the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

Κ

	nment or services, activities, other entertainment or matters s that may give rise to concern in respect of children (please read
None	
·	

L

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

lone				

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 below	of it
Reasons why I have not enclosed the premises licence or relevant part of premises licence.	
Submitted with Transfer application	

M					_
Describe any additional steps you intend to tal the proposed variation:	ke to promote t	he four licensi	ing objectives	as a result	of
a) General – all four licensing objectives (b, c,	. d and e) (pleas	se read guidan	nce note 10)		
The applicant has considered the licensing obj- conditions that are currently contained on the	jectives and is o	f the opinion t	that the layout	and the bjectives.	
,		•		-	
b) The prevention of crime and disorder					
See above	-				
		•			
	<u>*************************************</u>			'	
c) Public safety See above					
300 daoin					
d) The prevention of public nuisance					
See above					
e) The protection of children from harm					
See above					
		•			•

Checklist:

Ple	ase	tick	to	india	ate	agreei	ment

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

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	Tomasaothismuis			
Date	16 th August 2013			
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	

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

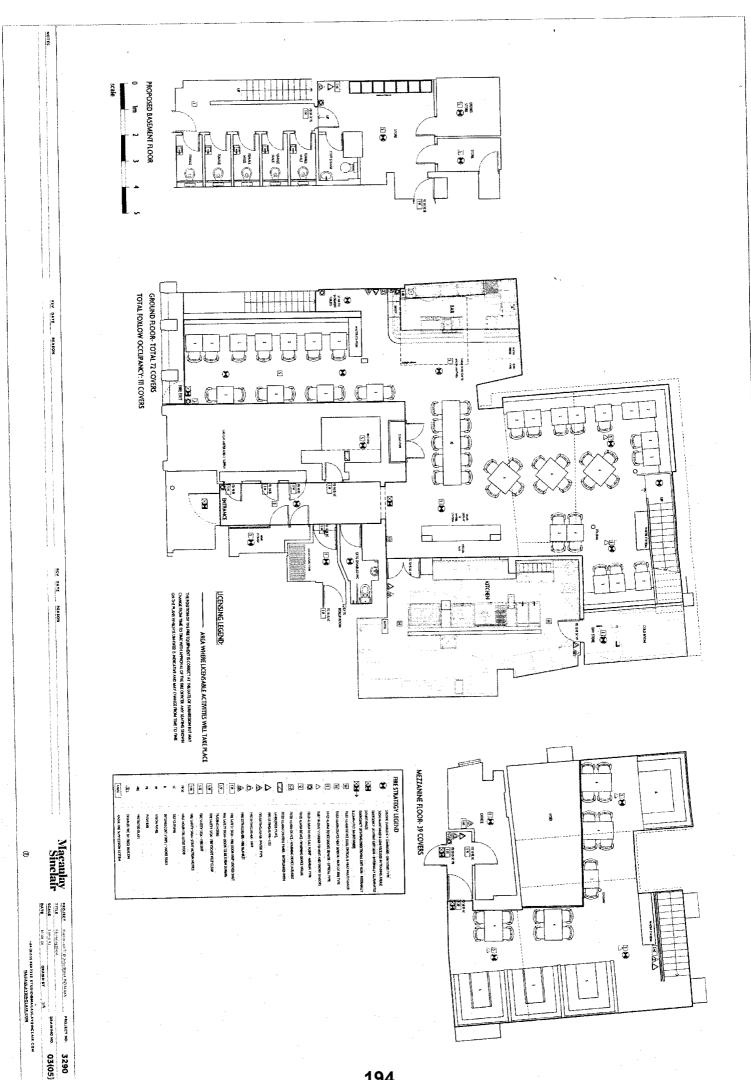
Thomas & Thomas Partners LLP

38a Monmouth Street

Post town London Post code WC2H 9EP

Telephone number (if any) 020 7042 0417

If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rhepworth@tandtp.com





PREMISES LICENCE LICENSING ACT 2003

Premises licence number | LN/14165-010813

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

HAWKSMOOR 69-73 ST JOHN STREET

Post town	ost town LONDON			Post code	EC1M 4AN
Telephone number		0203 217 0033			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence Ground & Mezzanine Floors

- · The provision of late night refreshment
- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities The provision of late night refreshment: Friday 23:00 to 00:00 Saturday 23:00 to 00:00 The sale by retail of alcohol: 11:00 23:00 Monday to Tuesday 11:00 23:00 to Wednesday 11:00 to 23:00 11:00 11:00 Thursday 23:00 to Friday to 00:00 Saturday 11:00 00:00 to Sunday 11:00 to 23:00

The	opening hours	s of the	premi	ses:
	Monday	9:00	to	00:00
	Tuesday	9:00	to	00:00
	Wednesday	9:00	to	00:00
	Thursday	9:00	to	00:00
	Friday	9:00	to	00:00
	Saturday	9:00	to	00:00
	Sunday	9:00	to	00:00

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

Foxlow Restaurants Limited

Unit 402

70 Wapping Wall

London

E1W 3SS

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

08552600

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

Andrew Needham

ιd

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

1002324911 - Westminster City Council

Islington Council Public Protection Division 222 Upper Street London N1 1XR

Tel: 020 7527 3031

Email: licensing@islington.gov.uk

Service Manager- Commercial

Date of Issue

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. 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
 - drink as much alcohol as possible (whether within a time limit or otherwise);
- 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.
- 4. 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).
- 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. The licensee shall participate in the local Pubwatch scheme.
- 2. The licensee shall ensure training is provided to staff to ensure compliance with licensing laws.
- 3. No alcohol will be served to customers appearing to be drunk, aggressive or on drugs. This will be underlined by signage.
- 4. Drinks shall not be served without food.
- 5. The licensee shall work with responsible authorities where required to ensure that patrons do not contribute to any crime or disorder.
- 6. The licensee shall sign up to the Clerkenwell licensees' charter.
- 7. The licensee shall carry out full risk assessment for the premises, for staff and public, prior to the opening of the premises, and on a regular basis thereafter.
- 8. Regular electrical and gas safety checks shall be carried out.
- 9. The licensee shall ensure staff are trained on a regular basis on emergency procedures.
- 10. First aid equipment shall be kept on the premises.
- 11. Doors will be kept shut to prevent noise onto the street.
- 12. Measures shall be in place to prevent bottles or glasses from being taken off the premises, particularly when patrons go smoking. Signage shall be put up in the restaurant and patrons reminded in person that drinks must stay inside.
- 13. Prominent, clear and legible notices must be displayed at all public exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.
- 14. Prominent notices (a minimum of 2) shall be displayed asking patrons smoking to keep noise to a minimum outside the premises, respect the neighbours and not obstruct the pavement.
- 15. The licensee shall control sources of noise (refrigeration and ventilation units).
- 16. Children shall only be accepted to the dining room with their parents/guardians until 9pm.

- 17. Staff shall be trained to ensure compliance with the law in relation to consumption of alcohol of under 18s, including prevention of adults buying alcohol for children. This would include operating a Challenge 25 policy.
- 18. Staff shall be asked to sign a declaration that they will verify IDs of guests looking 25 years of age and under.
- 19. Signage shall be displayed informing patrons of our Challenge 25 policy.

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

1. Windows at the rear of the premises will be closed at 6.30pm

Annex 4 - Plans

Reference Number: LN-14165-230413

PC Steve Harrington	Metropolitan Police Service	Islington Licensing	
		Unit	

Appendix 2

Your

Our Licensing/NI

Date: 12/09/2013

HÁWKSMOÓR 69-73 ST JOHN STREET EC1M 4AN



METROPOLITAN POLICE SERVICE Steven Harrington Pc 425NI Islington Police Licensing Unit Islington Police Station 2 Tolpuddle Street London N1 0YY

Telephone: 07799133204 Facsimile: 020 7421 0138

Email:

nimailbox-.licensing@met.police.uk

12th September 2013

Dear Sir

Re: HAWSMOOR: 69-73 ST JOHN STREET EC1M 4AN

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

In light of this I would make the recommendation that the following condition be added to the license.

1. Alcohol may be supplied and consumed prior to their meal in the designated bar area, by up to a maximum at any one time, of (12) persons dining at the premises

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, nimailbox-.licensing@met.police.uk

Yours sincerely

Steven Harrington Pc 425NI Islington Police Licensing Officer

Suggested conditions of approval consistent with the operating schedule

1. Notwithstanding condition 4, alcohol may be supplied and consumed by persons in the designated bar area.

Suggested conditions of approval recommended by the Metropolitan Police Service

2. Notwithstanding condition 4, alcohol may be supplied and consumed by persons prior to their meal in the designated bar area, by a maximum at any one time of (12) persons dining at the premises.

