

Report of: Service Director, Public Protection

| Meeting of: | Date: | Ward(s): |
|-----------------------------|--------------|-----------------|
| Licensing Sub-Committee - D | 03/12/2019 | Clerkenwell |

| | |
|--|------------|
| | Non-exempt |
|--|------------|

**SUBJECT: PREMISES LICENCE VARIATION APPLICATION
RE: CUBANA, 61-63 CHARTERHOUSE STREET, LONDON
EC1M 6HA**

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 hold a licence allowing the following;

- The On sales of alcohol from 12:00 until 23:00 Sunday to Thursday and from 12:00 until 00:00 Friday and Saturday.
- Late night refreshment from 23:00 until 00:00 Friday and Saturday.
- Opening hours from 07:00 until 23:00 Sunday to Thursday and from 07:00 until 00:00 Friday to Saturday.

1.3 The variation application is to:

- To add the provision of live music and recorded music from 19:00 until 03:00 Friday and Saturday;
- To extend the provision of Late Night Refreshment until 03:00 Friday and Saturday;
- To extend the provision of on sales of alcohol until 03:00 Friday and Saturday.
- To extend the terminal hour until 03:00 on Friday and Saturday.

Note: The application originally requested the removal of the condition which prevents vertical drinking, however, this part of the application has now been withdrawn.

2. Relevant Representations

| | |
|-----------------------|------------------------|
| Licensing Authority | Yes |
| Metropolitan Police | No |
| Noise | No |
| Health and Safety | No |
| Trading Standards | No - Conditions Agreed |
| Public Health | Yes |
| Safeguarding Children | No |
| London Fire Brigade | No |
| Local residents | No: |
| Other bodies | No: |

3. Background

- 3.1 The current premises licence has been in place since at May 2014 when a new premises licence was granted. Cubana (Smithfield) Limited has been the premises licence holder since January 2016. Maria Rangel has been the Designated Premises Supervisor since March 2016.
- 3.2 The application is subject to two representations from the Licensing Authority and Public Health. Islington's Noise and Pollution Team and the Metropolitan Police have agreed conditions with the applicant. The Police initially made a representation to the application as they were concerned that removing the condition which prevented vertical drinking. However, upon confirmation that this part of the application was withdrawn, the Police were happy to withdraw their representation.
- 3.3 On receipt of the representations, the applicants' legal representative wrote to the representors to discuss the representations and describe the nature of the business. At the time of writing the report, no response has been received by either the Licensing Authority or Public Health.

4. Planning Implications

- 4.1 The Planning Department have confirmed that there are no issues relating to planning, and that there is no conflict in terms of established use or conditions. Planning have also confirmed that there are no current planning enforcement cases open relating to this property.

5. Recommendations

- 5.1 To determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.

- 5.2 These premises are located in the Clerkenwell Cumulative Impact Area therefore the Licensing Committee will need to consider Licensing Policy 3, which states that there is a presumption of refusal unless the Committee is satisfied that there will be no adverse cumulative impact on the licensing objectives.
- 5.3 If the Committee grants the application, it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (see appendix 4); and
 - ii. any conditions deemed appropriate by the Committee to promote the four licensing objectives.

6. 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.

Appendices:

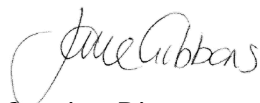
- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representation;
- Appendix 4: police initial representation and their withdrawal
- Appendix 5: suggested conditions and map of premises location

Background papers:

None.

Final report clearance:

Signed by:



Service Director – Public Protection

21/11/19

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

 Indicate here if you would prefer not to be contacted by telephone

Are you:

 Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

 Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

107,000

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VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Cubana is an established small/medium bar restaurant covering 1,500 sq ft of customer area, a serving a good mix of food and drink. We prepare all of our own food freshly from free-range ingredients, bake our own bread, roast our own coffee and we are food led. The premises are on the ground floor and include a coffee shop, kitchen and bar restaurant area.

We are located in a business street opposite Smithfield market. There are no residential units close to us. The nearest residential units are behind us on the far side of the railway line where the new Crossrail will eventually run. We believe that we are a well run operation. We have recently submitted an updated noise plan.

We have never had a complaint from a member of the public, although we did have a case with licensing in 2017 which was dealt with and we have improved our operations to comply with licensing officers' suggestions. We are currently licensed to 12.00 midnight on Fridays and Saturdays but would like this to be extended to 3.00am on these days only to bring us into line with other premises in the area.

Currently we are at a major disadvantage compared to neighbouring premises. On Saturdays, in particular, Smithfield really only operates late and it is not worth us opening on Saturdays on our current license. The area is changing with new office developments as well as Crossrail and the Museum of London. We feel it reasonable to ask for the license extension on Fridays and Saturday only. We also currently have a vertical drinking restriction which is very onerous.

We are, as mentioned, very much food led but if people cannot buy a drink at the bar and drink it without sitting down, it does again put us at a severe disadvantage. We have no intention of being drink led, but we feel that these two changes would allow us to develop our business which is currently very marginal, at a very difficult time for our sector

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors
- Outdoors
- Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We generally use Cuban bands who play accoustically, but they are sometimes amplified - we do have a noise plan in operation and very good levels of soundproofing

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

amplified - see comments on noise plan

Continued from previous page...

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We will also want to serve food during any extension granted

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

noe

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

Vertical drinking

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

see below

b) The prevention of crime and disorder

We report any instances of crime etc to the police and have an incident book - we have not had to use this to date

Participation in relevant licensing schemes locally

Two registered door supervisors after 9pm when open - zero tolerance on substance abuse, drugs or drunkenness - the policy is proactively to prevent problems by not letting people we consider a risk to enter

We have cctv and the premises are well covered

Where relevant, we serve drinks in bioplastic cups

No outside drinking or taking drinks outside

No bringing alcohol or drugs into the premises

Clear safety and crime notices plus staff and SIA's told to keep a watch on suspect activities

Spot searches on entry for knives etc

c) Public safety

Full safety checks, logged

Fire exits checked and access unobstructed

Good disabled access and toilets

Proper lighting in non-window areas

Emergency and fire systems properly maintained

First aid equipment and water available

We try and have a first aider on duty when busy

No special effects lighting apart from low level spots

d) The prevention of public nuisance

We are noise insulated and have a noise plan - although we are a long way from residential premises, we take this very seriously

No outside music and doors/windows kept closed after 10.00pm

Notices requesting respect when people are leaving

We have a noise plan but we are happy to have a further plan submitted if needed

Controls on music systems to ensure limits are not exceeded

Notices informing people of public transport etc

Staff and SIAs told to ask people to minimise noise on leaving

No gathering of more than a few people outside when leaving

No drinks or bottles outside

Continued from previous page...

Bins away from where people will hear noise from bottles etc

e) The protection of children from harm

Challenge 25 and proof of age scheme

Staff and licensees properly trained about age restrictions

We ask for proper proof of age where relevant

Refusals log

We suggest that people do not bring children onto the premises after a certain time except for special occasions

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

| | |
|-------------|---|
| * Full name | <input type="text" value="phillip oppenheim"/> |
| * Capacity | <input type="text" value="ceo"/> |
| * Date | <input type="text" value="18"/> / <input type="text" value="10"/> / <input type="text" value="2019"/> |
| | dd mm yyyy |

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/islington/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

| | |
|----------------------------|--------------------------|
| Applicant reference number | <input type="text"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



PREMISES LICENCE LICENSING ACT 2003

| | | | |
|--------------------------------|---------------|--------------------------------|---------------------------|
| Premises licence number | LN [REDACTED] | Date of original grant* | 15 th May 2016 |
|--------------------------------|---------------|--------------------------------|---------------------------|

**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 | | | |
| CUBANA CAFÉ | | | |
| 61 CHARTERHOUSE STREET | | | |
| Post town | London | Post code | EC1M 6HA |
| Telephone number | [REDACTED] | | |

| |
|--|
| Where the licence is time limited the dates |
| Not Applicable |

| |
|--|
| Licensable activities authorised by the licence |
| Ground Floor |
| <ul style="list-style-type: none"> • The sale by retail of alcohol • The provision of late night refreshment |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--------|-------|-------|-------|---------|-------|----|-------|-----------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|--------|-------|----|-------|----------|-------|----|-------|
| The times the licence authorises the carrying out of licensable activities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • The sale by retail of alcohol: <table style="margin-left: 20px;"> <tr><td>Monday</td><td>12.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>12.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>12.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>12.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>12.00</td><td>to</td><td>00.00</td></tr> <tr><td>Saturday</td><td>12.00</td><td>to</td><td>00.00</td></tr> <tr><td>Sunday</td><td>12.00</td><td>to</td><td>23.00</td></tr> </table> • The provision of late night refreshment: <table style="margin-left: 20px;"> <tr><td>Friday</td><td>23.00</td><td>to</td><td>00.00</td></tr> <tr><td>Saturday</td><td>23.00</td><td>to</td><td>00.00</td></tr> </table> | Monday | 12.00 | to | 23.00 | Tuesday | 12.00 | to | 23.00 | Wednesday | 12.00 | to | 23.00 | Thursday | 12.00 | to | 23.00 | Friday | 12.00 | to | 00.00 | Saturday | 12.00 | to | 00.00 | Sunday | 12.00 | to | 23.00 | Friday | 23.00 | to | 00.00 | Saturday | 23.00 | to | 00.00 |
| Monday | 12.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tuesday | 12.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wednesday | 12.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thursday | 12.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Friday | 12.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saturday | 12.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sunday | 12.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Friday | 23.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saturday | 23.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|---|--------|-------|-------|-------|---------|-------|----|-------|-----------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|----------|-------|----|-------|--------|-------|----|-------|
| The opening hours of the premises: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="margin-left: 20px;"> <tr><td>Monday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>07.00</td><td>to</td><td>00.00</td></tr> <tr><td>Saturday</td><td>07.00</td><td>to</td><td>00.00</td></tr> <tr><td>Sunday</td><td>07.00</td><td>to</td><td>23.00</td></tr> </table> | Monday | 07.00 | to | 23.00 | Tuesday | 07.00 | to | 23.00 | Wednesday | 07.00 | to | 23.00 | Thursday | 07.00 | to | 23.00 | Friday | 07.00 | to | 00.00 | Saturday | 07.00 | to | 00.00 | Sunday | 07.00 | to | 23.00 |
| Monday | 07.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tuesday | 07.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wednesday | 07.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thursday | 07.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Friday | 07.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Saturday | 07.00 | to | 00.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sunday | 07.00 | to | 23.00 | | | | | | | | | | | | | | | | | | | | | | | | | |

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

Cubana (Smithfield) Limited

[Redacted]

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

[Redacted]

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

Maria Rangel,

[Redacted]

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

[Redacted]

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

T: 020 7527 3031

E: 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. 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. 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. No alcohol may be consumed outside.
2. Alcohol may only be consumed by seated customers.
3. 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.
4. The premises shall operate Challenge 21.
5. Children will only be allowed on the premises under the supervision of adults.
6. All staff shall undergo licensing training, which shall include training concerning knowledge of licensing law and the social impacts of the sale of alcohol.
7. A maximum of three tables (12 seats) may be provided outside, but only under the authority of a pavement licence. Tables and chairs to the front of the premises shall be cleared and rendered unusable at, or before, 22:15 on each day of operation. Any moveable furniture will be fitted with rubber (or equivalent) feet.
8. Adequate notices shall be displayed to inform patrons of the time of removal of tables and chairs.
9. 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 designated smoking area shall not be used for the consumption of drinks, unless patrons are seated in the tables and chairs area to the front of the premises.
10. 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.
11. 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.

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

Licensing Act 2003 - Licensing Authority Representation

Application for Variation to a Premises Licence

Cubana Café, 61-63 Charterhouse Street EC1

I am submitting a representation on behalf of the Licensing Authority with respect to the application submitted by **Phillip Oppenheim**

The application is seeking to:

- a) extend the hours for sale of alcohol, supply of hot food and regulated entertainments until 3am on the days following Friday and Saturday nights and.
- b) remove the condition that prevents vertical drinking

The grounds for the representation are:

- Prevention of Crime & Disorder; and
- Prevention of Public Nuisance.

Licensing Policy Considerations:

Licensing Policies 2 and 3 *Location, cumulative impact and saturation;*

Licensing Policy 5 and 6 *Licensing Hours*

Licensing Policy 7 *Operating Schedule*

Licensing Policy 25 *Dispersal Policies*

Issues of Concern

- The premises are situated within the Clerkenwell Cumulative Impact Area (CIA); therefore, the onus is on the applicant to demonstrate that the application will not add to the cumulative impact. The Licensing Authority therefore expects the applicant to consider **LP's 2 and 3** and acknowledge the CIA within the application and operating schedule.
- The terminal hour proposed by this application for Fridays and Saturdays, 03:00, is in excess of the suggested hours in the Licensing Policy for bars, restaurants and cafes, which is midnight on Fridays and Saturdays. **LP 5 and 6.**
- The Licensing Authority is concerned that the applicant has not recognised their responsibility in regards to the dispersal of their customers from the premises – **LP 25**. The proposed terminal hour for licensable activities is identical to their opening hours. The general principle is that the carrying on of licensable activities at a premises should cease some time before the end of the operational hours to allow for the premises to be cleared of patrons in a gradual and orderly manner. The applicant has made no reference within their operating schedule as to how this requirement will be satisfied or why the authorised hours should deviate from the general principle laid out in the policy.

- The Licensing Authority understands that the applicant has withdrawn the application to remove the condition preventing vertical drinking. However, the applicant has not demonstrated how this requirement will be enforced on a premises operating until 3am providing alcohol, live and recorded music and food. They admit they find the no vertical drinking restriction “onerous”.

Summary

The Licensing Authority recognises that there are several other premises within the vicinity of this premises with similar or longer hours than those applied for and, that the applicants feel at a disadvantage compared to their neighbours. We concur that there are no residents in the immediate vicinity and there have not been any complaints regarding noise.

Cumulative impact is concerned with the potential impact on the licensing objectives- crime, disorder, nuisance or anti-social behaviour caused by a significant number of licenced premises concentrated in the one area.

The Licensing Authority seeks to encourage the highest standards of management and control in licensed premises and it is for the Licensing Sub Committee to determine the application, taking into account our concerns, the operating schedule in the application and submissions made by the applicant.

Terrie Lane

Licensing Manager

Public Protection Division

Islington Council

0207 527 3031

15 November 2019

Esther Dickie
Public Health Strategist
Camden and Islington Public Health
0207 527 8766
Esther.dickie@islington.gov.uk

Licensing Act 2003

Representation from Camden and Islington Public Health department on behalf of health bodies providing services in Islington concerning:

Cubana Cafe, 61-63 Charterhouse Street, Islington, London, EC1M 6HA

We are submitting a representation following the variation for a licence to permit the sale of alcohol outside framework hours from the above premises. This representation is on behalf of Islington's Public Health Department, which is a responsible authority.

The impact of alcohol is particularly great in Islington with some of the greatest levels of alcohol-related problems in London¹, including:

- The highest rate of alcohol-related hospital admissions in London in 2017-18
- The fourth highest rate of alcohol-specific hospital admissions in London in 2017-18

The premises are located on Charterhouse Street, which is located in Clerkenwell ward. The location is within the Clerkenwell Cumulative Impact Area described in Islington's Licensing Policy 2018-2022. The area already experiences significant alcohol-related harm, as described below.

The grounds for the representation are:

- Public safety
- Crime and disorder

The relevant policies in Islington's Licensing Policy²

- Policy 3: Cumulative impact and saturation
- Policy 4: Shops selling alcohol
- Policy 6: Framework hours

We are concerned that if this application for extended hours is granted, it will increase the availability of alcohol for consumption on premises. This could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those buying and consuming the alcohol but also the health of others who come in contact with them.

Allowing additional hours on this alcohol licence would add to the impact in an area which already has high density of licensed premises. This density of on licenses in the Lower Super Output Area (a geographical area in which an average 1,500 residents live) within which this premises is located is 28.2 on-licenses per 1,000 residents – significantly higher than the Islington average; with 58 on-licensed premises open after midnight. The area already has sufficient premises to meet demand and extending

¹ LAPE Data <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

² Islington Licensing Policy 2018 <https://www.islington.gov.uk/business/licences-permits-registration/alcohol-and-entertainment-licences/islington-licensing-policy>

the current supply of alcohol will be detrimental to the local residents in terms of noise and disturbance, anti-social behaviour and crime.

Alcohol and health

Alcohol misuse imposes a major preventable burden to health and the effect of this in Islington is felt across all health services. There is a growing body of evidence that an increased number of alcohol outlets results in significant increases in both alcohol consumption³ and alcohol-related harm, including injury, violence and medical harm. Evidence from a number of countries indicates reducing alcohol outlet density can have an impact on reducing violence and problem drinking⁴. There is also evidence that changes in hours or days of trading can have a significant impact on volume of alcohol consumed and rates of alcohol related problems⁵.

Impact of alcohol on health in Islington

The impact of alcohol on health in Islington is particularly severe. Alcohol-specific hospital admissions are those which are wholly related to alcohol (e.g. alcoholic liver disease or alcohol overdose). Islington has the fourth highest rate in London for hospital admissions where alcohol is the specific cause of admission⁸. The rate is also significantly worse than England.

Harm from alcohol in the vicinity of 61-63 Charterhouse Street, Islington, London, EC1M 6HA

Ambulance callouts

The data on alcohol-related ambulance callouts reflect where the ambulance attended, not where the individual lives, and therefore includes people who live outside the borough but who come into Islington to work, socialise, etc. Alcohol related ambulance call-outs highlight the immediate harms of alcohol on health and thus the risk to physical safety that alcohol causes.

There were 70 alcohol related ambulance callouts within the Lower Super Output Area the premise is located between October 2017 and September 2018, a significantly higher rate than the Islington average. Of all alcohol-related ambulance callouts occurring between October 2017 and September 2018 64.5% were between 2300hrs and 0500hrs. This is in comparison to a borough average of 34.1% of alcohol related ambulance callouts occurring between 2300hrs and 0500hrs.

An alcohol-related ambulance call-out is an indicator that public safety has been compromised by alcohol and many are related to crime and disorder. Local analysis shows a general trend that ambulance callouts increase as the number of licensed premises increases.

Conclusion

Islington experiences some of the highest levels of alcohol-related harm in London and the cumulative availability of alcohol is one area that is likely to be impacting on this.

There is already good availability of alcohol in the area around 61-63 Charterhouse Street. There is evidence that increased availability of alcohol, both in terms of the time period in which alcohol is available (hours of sale) and number of premises from which alcohol is available, results in an increase in alcohol-related harm. One effect of this is increased pressure and costs to the NHS. The impacts are also felt across a range of groups including the council, policing and the community as a whole.

Recommendation

³ The Relationship Between Alcohol Availability and Injury and Crime

http://www.alcoholpolicymd.com/alcohol_and_health/alc_availability.htm

⁴ Change in alcohol outlet density and alcohol-related harm to population health

<https://bmcpublihealth.biomedcentral.com/articles/10.1186/1471-2458-12-428>

⁵ Uk institute of Alcohol Studies

https://www.ias.org.uk/uploads/pdf/IAS_reports/IAS_report

Islington's Public Health Department recommends that the application to extend the sale of alcohol outside framework hours at 61-63 Charterhouse Street, Islington, London, EC1M 6HA is refused on the grounds that there is already sufficient supply in an area which already experiences high levels of alcohol-related harm.

Re: Cubana.
Our Ref: [REDACTED]
Date: 23 Oct 2019



METROPOLITAN POLICE SERVICE

Premises Variation Application.

Cubana,
59-63 Charterhouse St,
Islington,
EC1M 6HA

Contact:

[REDACTED]

**Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY**

[REDACTED]
adam.peace@met.police.uk

Dear Mr Oppenheim,

Many thanks for your variation application with regard to the above premises.

Please accept this, my initial representation.

As you know, police hold responsibility for ensuring that with any application the local authorities licensing objectives are adhered to, and that proposals do not invite any heightened risk or likelihood of crime, disorder or anti-social behaviour.

You will be aware that the venue in question lies at the heart of the Charterhouse St area, posing significant challenges with regard to crime and disorder in the night-time economy. I note that you are applying for an extension to your licensable hours and that you seek removal of the no-vertical-drinking condition currently stipulated.

In reviewing the application it is obviously incumbent on me to look at the specific issues posed in the immediate vicinity, and to consider the ways in which your operation might operate to the detriment or benefit of the area.

I feel that I could not support the removal of your no vertical drinking condition, safeguarding as it does your premises position as a food led venue in the midst of a number of late licensed bars and clubs.

On the other hand, I would suggest that extending your hours for late night refreshment and food-led alcohol sales could prove to be a benefit. Certainly the area needs well run premises offering food into the early hours. (To put it bluntly, it is to the benefit of all for persons who have had a drink to have access to food).

My position therefore is that I will not challenge an extension to your hours but I do enter a representation against the withdrawal of your no vertical drinking condition.

Please do get back to me as soon as possible with your agreement.

I would of course be very happy to discuss or clarify any queries or reservations you have by return e-mail.

This application is obviously time sensitive and a prompt response would be appreciated.
(Please bear in mind the date for last representations on this matter stands at 15/11/19).

Very best regards,

PC Adam Peace
Islington Police Licensing Officer

Environment & Regeneration
Islington Council
222 Upper Street, London, N1 1XR

Jones, Carol

From: Adam.Peace@met.police.uk
Sent: 28 October 2019 14:20
To: [REDACTED]; Jones, Carol; Lewis, Eleanor
Cc: CNMailbox-.IslingtonPoliceLicensingTeam@met.police.uk; Lane, Terrie; Montanez-Dodson, Monty
Subject: RE: FW: Premises Licence Variation: Cubana Cafe, 61-63 Charterhouse Street, Islington, London, EC1M 6HA.

Phillip many thanks for your prompt response.

Carol, Eleanor.

Phillip withdraws his application to remove the no vertical drinking condition, which is to remain on the licence.

As per the attached representation my position is that an extension to opening hours for food-led business may prove to be a benefit in this locality and as such I offer no objection to the proposed extension to trading hours - **Police representations are withdrawn.**

Best regards all,
Ads

Adam Peace
PC 2533CN
Islington Police Licensing Team

3rd Floor
222 Upper St, Islington, N1

[REDACTED]
adam.peace@met.police.uk

From: Phillip Oppenheim [REDACTED]
Sent: 28 October 2019 12:26
To: Peace Adam - CN-CU <Adam.Peace@met.police.uk>
Subject: Re: FW: Premises Licence Variation: Cubana Cafe, 61-63 Charterhouse Street, Islington, London, EC1M 6HA.

Adam - confirmed - we are withdrawing our application to remove the vertical drinking condition, following our discussion last week

Please let me know if you need anything else from us

regards

Phillip

On Mon, 28 Oct 2019 at 12:06, <Adam.Peace@met.police.uk> wrote:

[REDACTED]

Suggested conditions of approval consistent with the operating schedule

As existing on the current premises licence.

Suggested conditions of approval consistent with the representation from Islington's Noise Service– Agreed

1. Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
2. The sound insulation properties of the premises must be maintained and kept in good order.
3. In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
4. There shall be a Noise Management Plan at the premises. This will be reviewed and updated on an annual basis and a copy shall be provided to the Licensing Team.
5. All doors and windows including the retractable roof to be closed after 20:00
6. No more than 6 smokers will be permitted outside at any one time in an area designated for smoking.
7. After 20:00 managers will use best endeavours to ensure that doors are kept closed except for access and egress.
8. The documented closing down plan as stated on the Noise Management Plan will be applied after 23:00.
9. Staff will be subject to regular training in relation to noise control management. This shall be documented and available for inspection by authorised officers on request.
10. Managers will regularly check maximum levels of sound with a hand held sound level meter and ensure that sound levels do not exceed 90dB.
11. Refuse including bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.



Farringdon

Holborn

Blackheath

The Courtyard

CHARTERHOUSE STREET

67 to 77

57 to 61

14.8m

16.0m

47 to 53

West Mark

Market

EAST POULTRY

20 m

531594.20, 181789.11

OSM