



Report of: Service Director, Public Protection

Meeting of:	Date:	Ward(s):
Licensing Sub-Committee - A	25/01/2022	Bunhill

	Exempt	Non-exempt
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SUBJECT: PREMISES LICENCE REVIEW APPLICATION **RE: SIMMONS, 105 CHARTERHOUSE STREET**

1. Synopsis

- 1.1 This is an application by **a local resident** for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the following licensing objectives:
- i) The prevention of public nuisance;

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	No: conditions agreed
Noise	Yes: suggested conditions
Health and Safety	No
Trading Standards	No: conditions agreed
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	Yes: applicant and one other resident
Other bodies	Yes: Freeholder of the premises supporting the premises

3. Background

3.1 The premises currently holds a licence allowing:

- i) The exhibition of films, from 06:00 to 23:00, Monday and Tuesday, until Midnight on Wednesday, from 06:00 to 02:00 Thursday to Saturday and from 12 noon to 23:00 on Sunday.
- ii) Live music; from 11:00 to 23:00, Sunday to Tuesday, 11:00 to midnight Wednesday to Saturday
- iii) Recorded music, from 06:00 to 23:00, Monday and Tuesday, 06:00 to midnight Wednesday, 06:00 to 02:00 Thursday to Saturday, 12 noon to 23:00 Sunday
- iv) The sale of alcohol, on and off supplies, from 06:00 to 23:00 Monday and Tuesday, 06:00 to midnight Wednesday, 06:00 to 02:00 Thursday to Saturday, 12 noon to 23:00 Sunday.

3.2 Licensing History:

- This property applied for a premises licence conversion and a variation in June 2005, no objections were received and the licence was granted to Punch Taverns on 8 August 2005
- On 4 November 2009, an application for a minor variation was made by Punch Taverns to add the provision for facilities for dancing.
- Punch Taverns on 3 June 2010, made a further minor variation application to add the exhibition of films. All licensable activities, permitted hours and opening hours remained as existing.
- On 7 June 2013, Ares Properties Limited made an application to transfer the premises licence.
- On 27 January 2017, Ares Properties made an application for a variation for changes to layout as shown on the appended plans. The proposed changes included regularising the introduction of a new licensable area in the basement following refurbishment works and planning consent ref. P2016/0872/FUL. There were no changes to the licensable activities; permitted hours or licence conditions.
- 13 April 2018, an application was made to transfer the licence by Charterhouse Street Light Bar Ltd who are the current premises licence holder.
- The designated premises supervisor was also varied on a number of occasions – June 2008, September 2018, August 2019, June 2021 and in December 2021 the DPS was varied to Leah Beigi who remains the current Designated Premises Supervisor
- On 3rd December 2020, Ares Properties Ltd who are the freeholder made an application for a shadow premises licence.

- There have been a number of calls made in September and October to the ASB/compliance team reporting loud music emanating from the premises, causing a nuisance and disturbance, subsequently, the review application was submitted.
- Following this premises licence review application the Licensing Authority received representations from a local resident, the Metropolitan Police who have agreed conditions with the licensee, the Council's Trading Standards Team and the Council's Noise Team who have all suggested conditions.
- The legal representative of the freeholder have submitted a letter in support of the premises.
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4. Planning Implications

- 4.1 The Planning & Development section have the following comments to make in relation to the above license review application.
- 4.2 The property is not a listed building but it is located within the Charterhouse Square Conservation Area.
- 4.3 Planning records indicate that the premises has been operating as A4 (pub use) since at least 1983 planning ref:83/1172. There appears to be no restrictive conditions relating to these premises.
- 4.4 There are currently no planning enforcement investigations affecting these premises.

5. Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
 - f) the Committee also have the option to leave the licence in its existing state;
 - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

6. 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: representations;
Appendix 4: letter of support for premises
Appendix 5: suggested conditions and map of premises location.

Background papers:

None.

Final report clearance:

Signed by:


Service Director – Public Protection

11/01/22

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

Se [Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I TIANXIONG HU

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
SIMMONS FARRINGDON, 105 CHARTERHOUSE STREET,
ISLINGTON, LONDON, EC1M 6HW

Post town LONDON

Post code (if known) EC1M 6HW

Name of premises licence holder or club holding club premises certificate (if known)
CHARTERHOUSE STREET LIGHT BAR LTD

SIMMONS FARRINGDON

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

HU

First names

TIANXIONG

I am 18 years old or over

Please tick ✓ yes



Current postal address if different from premises address

105A CHARTERHOUSE ST

FLAT 2

Post town

LONDON

Post Code

EC1M 6HW

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Flat 1, 105A Charterhouse St, London, EC1M 6HW

Flat 3, 105A Charterhouse St, London, EC1M 6HW

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The application is to review the premises license for Simmons Farringdon, 105 Charterhouse St, London, EC1M 6HW. The application for review is made by the resident in Flat 2, 105A Charterhouse St, London, EC1M 6HW, with backing from other residents in the building (see names in Details of Other Applicant section). Flat 2 is two stories above ground floor level, which is where Simmons Farringdon is located. Flat 1 and 3 are one and three stories above the ground floor respectively.

This Review is concerning with the noise nuisance caused by Simmons Farringdon since July 2021 when the business reopened following relaxation of government's Covid-19 restrictions.

Simmons Bar operates in 23 locations across London. It is, in my view, an established nightlife chain that should have effective public nuisance management system in place.

It should be noted that all three units of flats have only been occupied by long-term residents starting from the second quarter of 2021. As far as I, the Review applicant, Flat 2 resident Tianxiong Hu, is aware, the three flats directly above the ground floor bar and basement club were used for short-term rental purposes prior to April 2021.

It should also be noted that I was only made aware on the 25th September 2021 of my legal right to request license review under the Licensing Act 2003 and of the government's definition of Statutory Nuisance under the Environmental Protection Act 1990.

After six marginally helpful ASB interventions within a 10-day period and almost three months of living in a constant state of exasperation in my own home, I have been left with no choice but to formally request a license review based on the following licensing objective:

- i. The prevention of Public Nuisance.

While I appreciate the ASB team's interventions, I cannot say the cause for public nuisance has been addressed.

Before a particularly helpful and sympathetic ASB officer's intervention in week commencing on the 4th of October, the bar/club regularly played music at an elevated level that is clearly audible 70 meters away from the premise (at La Café Du Marche). Being a resident in a flat two stories above the bar, I have not been able to open my living room windows (facing the street) even during the worst of the heatwave in the summer of 2021 when the bar is open. Even with all windows closed, I still could hear the music clearly in my own flat as if I was playing music from my living room speakers out loud myself. I can supply a list of songs played by the premise frequently if the licencing committee deems this helpful for my review application.

It is also worth mentioning that the street in front of the bar/club seems to provide the ideal shouting ground for patrons of the bar. With the elevated music level from the bar/club and the effect of inexpensive alcohol supplied at the premise, the patrons have the tendency to communicate via shouting, which in itself adds another source of noise nuisance.

My bedroom is in close proximity to the ceiling of the bar on the north-west side of the building. See supporting evidence for a video documenting music leak from the ceiling. Simmons bar has glass panels installed in the ceiling which leaks noise to the courtyard and prevents me from falling asleep before the bar/club closes at its designated closing time. Even with earplugs in, the bass sound travels easily through my double-glazed windows and keeps me up at night. I have also noticed that the bass sound travels through the solid structure of the building. When I lay in my bed with 3M foam earplugs in at night, I could clearly hear the banging sounds coming from downstairs.

There was one horrific incident which I failed to document in detail in one evening in mid-

September after midnight, where I heard intoxicated people getting on the roof of Simmons Bar outside my bedroom laughing and shouting. I did not want to open my curtains to document this incident, but I locked my bedroom door leading to outside. Being a single person living alone, I did not want to engage this late at night. My neighbour [REDACTED] resident in Flat 1, made a police report of this incident but the police report reference number is lost.

In my view, the current building structure is unfit to house together a) a licensed premise that plays elevated level of music during day and night with no effective noise management system in place b) residential dwellings.

After ASB team's interventions, I have noticed two noise mitigating actions from the bar management team which is not sufficient to allow for reasonably enjoyment of my home.

1. Lowered level of music (only before dusk) and when the ASB team is present
2. closed front door at night

I appreciate the efforts from management, but I still face the same problems as before.

1. Disruptive level of music in my living room and bedroom when I keep windows closed before and after midnight up until 2 am
2. Even higher level of music in my living room when patrons open door to exit the premise – one a scale of 1-10, 1 being infrequent and 10 being at least one exit lasting 5 seconds and more at night on average per minute, my personal assessment would be 9.5.
3. Bass sound and loud music travels through the solid structure of the building and leaks through the glass ceiling of the bar, preventing me from falling asleep in my bedroom before the Simmons Bar closes.
4. Large group of intoxicated bar/club patrons on Charterhouse St shouting at each other when communicating in front of the bar/club – I can only image they exit the premise to shout because they could not hear each other when shouting inside the premise. I, however, have no evidence to back this up and I have no intention to conduct close-up interviews with intoxicated people at night during a time when Covid-19 is still prevalent in London.
5. Large group of people gathering blocking my door when a doorman is present at Simmons Bar
6. Rubbish and alcohol left outside my building entrance
7. I had a brief chat with [REDACTED] in Flat 3 in the same building on 8th October, 2021. I explicitly asked if she felt the noise nuisance issue had been somewhat addressed and her answer was a definitive NO. She also confirmed that the noise level had been unbearable since the bar/club reopened, but she wasn't aware of the legal rights she had as a resident in the Borough of Islington. She has agreed to add her name to my application for review.
8. I had a brief chat with [REDACTED] in Flat 1 on 9th October, 2021. He confirmed the noise had been unbearable, the bass sound in particular. He verbally agreed to support my license review application.

The above public nuisances have prevented me and at least two other residents in 105A Charterhouse St from reasonably enjoying our homes. The public nuisance has taken a significant toll of my psychological and physical wellbeing.

Please take into consideration of the amount of effort I have put into submitting this review

without lawyer's representation as further evidence of the public nuisance Simmons Bar has caused to the local community.

To conclude, I believe Simmons Bar has caused significant public nuisance to me and at least two other residents in my building. The noise management failure from Simmon's Bar after ASB team intervention has further proven support for this review application.

My recommendations to the Council:

1. Suspend Simmon's Bar's license for a period of 90 days;
2. add a license condition which requires the Simmons Bar to close by 10pm on any given day;
3. add a license condition which requires the Simmons Bar to implement EFFECTIVE noise control management system, including but not limited to:
 - i. remove speakers from wall mounts and place them on thick acoustic foams,
 - ii. effectively soundproof basement and ground level
 - iii. replace glass ceilings with concrete ceilings,
 - iv. implement acoustic seals on all ground level doors and vents,
 - v. build separate lobby area on ground floor to minimise sound leak from the premise when front doors are open,
 - vi. play music in all parts of the Simmons Bar at a level which permits normal conversation without raising voice
 - vii. play music at a level that is not disruptive to the residents to 105A Charterhouse St
 - viii. employ strict crowd management system outside of the premise (within 10 meters) to minimise noise and crowd gathering by patrons of the premise
4. immediate revocation of license if residents in Flat 1, Flat 2, and Flat 3 of 105A Charerhouse St continue to make substantiated complaints of noise nuisance to the ASB team at Islington Council after the suspension period.

Please add or modify any conditions as you deem appropriate. I would welcome immediate suspension of premise license if the councillors consider the failed noise management by Simmons Bar so far as evidence of its inability and unwillingness to conduct business responsibly in Islington.

Please provide as much information as possible to support the application (please read guidance note 3)

Simmons Bar Farringdon Website Description

“The biggest and best yet! We're located a few minutes walk away from Farringdon Station. We have a banging underground club space and with the best DJs around, from 8pm onward Thursday - Saturday. And of course we have the signature Simmons FIVE hour long Happy Hour, perfect for those much needed after work drinks!”

Simmons Bar Opening Hours

Monday 4pm – 11pm

Tuesday 4pm – 11pm

Wednesday 4pm – 12am

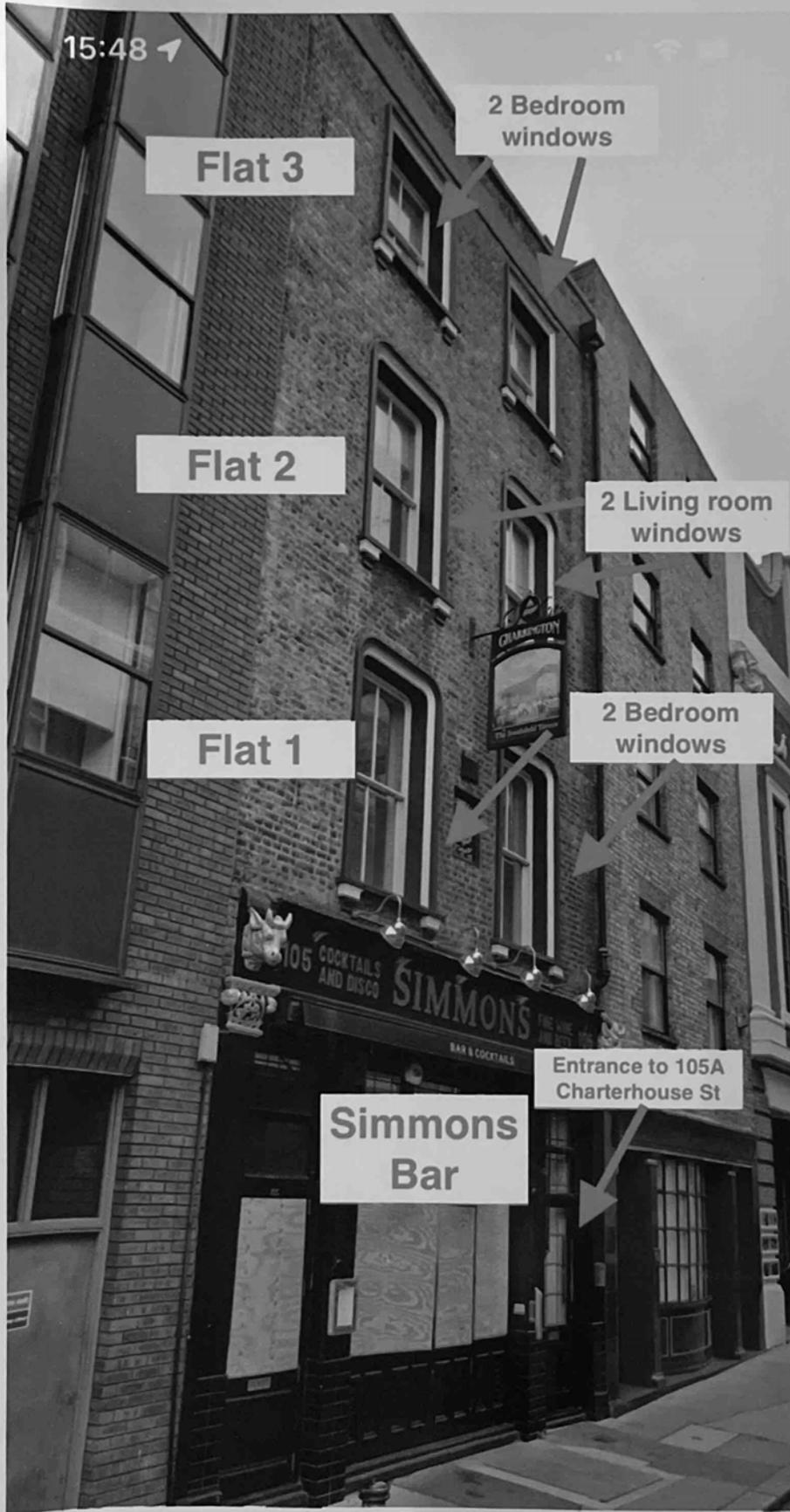
Thursday 4pm – 2am

Friday 4pm – 2am

Saturday 4pm – 2am

Sunday Closed

105A Charterhouse St Building Structure



15:48

Flat 3

2 Bedroom windows

Flat 2

2 Living room windows

Flat 1

2 Bedroom windows

Simmons Bar

Entrance to 105A Charterhouse St

Roof of Simmons Bar in the Northwest side of 105 Charterhouse St



Mid to Late July

Simmons Bar reopened and started to blast out music, especially on Wednesday, Thursday, Friday, and Saturday nights.

Around Mid-September

People climbed on Simmons Bar roof after Midnight

I heard at least three people on the roof of Simmons Bar after midnight. As mentioned in the previous section, I did not engage or document this incident. My neighbour [REDACTED] in Flat 1 made a police complaint but he did not keep the reference number.

25/09/2021

I was made aware of some legal rights regarding Public Nuisance caused by a licensed premise granted to residents of England.

26/09/2021 01:13 AM

ASB Reporting Form Submission

Reference Number: 3034405

01/10/2021 Friday 23.06 PM

ASB Reporting Form Submission

Reference Number: 3038680

02/10/2021 Saturday 19.24 PM

ASB Reporting Form Submission

Reference Number: 3038995

06/10/2021 Wednesday 21.39 PM

ASB Reporting Form Submission

Reference Number: 3041827

06/10/2021 Wednesday 22.45 PM

ASB Officer called back when he was outside the premise

06/10/2021 Wednesday 22.53 PM

ASB Officer called back and checked if the noise level had gone down. I confirmed the noise level was lower after he intervened.

07/10/2021 Thursday 23.11 PM

ASB Reporting Form Submission

Reference Number: 3042681

07/10/2021 23.56PM

ASB Officer calls back when he is outside the premise and had told the premise to turn the music down

08/10/2021 Friday 10.35PM

I spoke to one of my neighbours [REDACTED] from Flat 3. She verbally confirmed that she had suffered from the same issue regarding noise nuisance caused by Simmons Bar on 105 Charterhouse St as I had since the bar/club reopened in July. She also confirmed that she hadn't noticed any improvement in this situation. Then I disclosed to her that I had made several ASB complaints and ASB team intervened twice to my best knowledge. She said she planned to move out in a few months, but she confirmed that she would support my application.

08/10/2021 Friday 00.14 AM

I went to bed in my bedroom on the north-west side of the build and could still hear the bass in bedroom. I put on earplugs and couldn't sleep because of the bass sound until after the bar closed at 2.00 AM.

08/10/2021 Friday 21.56PM

ASB Reporting Form Submission

Reference Number: 3043297

08/10/2021 Friday 23.04PM

I made a video recording of the current situation I was facing. Excessive level of music and crowd noise are clearly audible in the recording made with living room windows closed. I will send the recording as an email attachment to the Licensing Team when I submit my license review application.

09/10/2021 Saturday 00.36PM

ASB Officer calls back when he was outside the premise. He mentioned he would raise the issue to the licensing team. He said the music inside the premise was extremely loud and whenever the door was open, the music could be heard at least 40 meters away which shouldn't happen in a residential area. He mentioned the music inside was too loud, so the people outside raised their voices when talking. He mentioned he would ask his team to call me and conduct a Covid questionnaire before they could enter my flat for an assessment in the coming week.

09/10/2021 Saturday Afternoon

I discussed the noise nuisance with my neighbour Mario in Flat 1. He confirmed he was bothered by the noise a lot, especially the bass sound from the bar.

15/10/2021 Friday 23.52 PM

ASB Reporting Form Submission

Reference Number: 3047784

16/10/2021 Saturday 12.20 AM

I heard Simmons Bar playing American Boy by Estelle and Kanye West when I was standing in my living room.

16/10/2021 Saturday 12.26 AM

Noise level from Simmons Bar was reduced to a reasonable level

16/10/2021 Saturday 12.28 AM

ASB officers called me and informed me they were outside my building

16/10/2021 Saturday 12.40 AM

ASB officers ended their visit. Music stayed low.

16/10/2021 Saturday 12.45 AM

I went to bed

16/10/2021 Saturday 12.50 AM

Music level returned to unreasonable level. I gave up the idea of sleeping before 2am.

16/10/2021 Saturday 12.53 AM

Second ASB Reporting Form Submission in the same night

Reference Number: 3047801

16/10/2021 Saturday 01.08 AM

Call by from ASB officer saying they wouldn't be able to make to the property before 2am. They advised me to document my experience.

16/10/2021 Saturday 01.10 AM Personal Journal Documenting My Experience

Sitting at the back of my Uber drive home, I passed the crowd queuing in front of the infamous Fabric club on the main street section of Charterhouse St, I knew I had a long night ahead of me.

I arrived home off the main section of Charterhouse St at about 11.40pm. There were three patrons of Simmons Bar holding drinks and blocking my building door. At least 10 people in total were chatting loudly within 2m distance from the bar. There was a half empty glass of drink, which I almost kicked over unknowingly, sitting 20 cm in front of my doorstep. I sighed in aggravation and looked at the doorman from Simmons Bar before getting through to my door. I didn't want to engage with the clearly drunk group, particularly not during covid time.

As I walked upstairs, the music and loud bass from the bar filled the entire staircase leading up to my flat. When I entered my flat, I could hear music and crowd shouting clearly with all windows closed in my living room. I sympathised with my neighbours in Flat 1 and 3 whose bedrooms were directly under and above my living room respectively (facing the street side). They were forced to bear with the cheesy music, loud bass and crowd shouting in bed, I thought.

I made no attempt to sleep at that moment since my bedroom was filled with loud, rhythmic bass sound. My experience in my bedroom was reminiscent of my pre-covid visits to club bathrooms where the music was faint but bass prominent. I could shut off the crowd sound and most of the music from Simmons Bar by closing the two doors leading to my bedroom, but never the bass. I had learned not to sleep before 2am on Thursdays, Fridays and Saturdays. Earplugs wouldn't work with bass sounds since sound with long wavelength penetrates walls, skulls, and earplugs easily.

At 11.50, I made an ASB complaint. I knew the unbearable noise wouldn't stop before 2am.

At 12.09 am, I received a call from an ASB officer who had previously dealt with my complaints. I told him I had completed a covid questionnaire so he could finally come into my flat to check the noise.

At about 12.20 am, the song playing in Simmons Bar was American Boy by Estelle and Kanye West. This song, along with all cheesy American singalong songs from the period 2000 to 2015 were frequently played on Thursdays, Fridays, and Saturdays at an elevated volume by the premise, before and after ASB team interventions. I heard the song and people singing along to it in my living room with all windows closed.

I thought if the officers were here at that exact moment, they would perfectly witness the negative environmental impacts Simmons Bar had brought to the local residents.

At exactly 12.26 am, I suddenly noticed the music and crowd noise going down in my living room and bedroom. My world was "quiet" albeit some crowd noise from outside. I intentionally made a note of time.

At 12.30, I received a call from the ASB officer who had previously engaged with the bar staff just a week before. He asked to come upstairs, and I buzzed the two officers in. When the two officers came upstairs, music level and crowd noise remained low. The officers informed me that they had parked their car outside the bar and observed for a few minutes.

The officers' visit lasted until around 12.40. They couldn't confirm noise was a public nuisance since music had been abruptly turned down by Simmons Bar. If only they had come 10min earlier and in an inconspicuous way, I thought, they would without a doubt corroborate with my complaints. I nevertheless was grateful for their presence since noise level had been noticeably reduced.

I went to bed at 12.45 am. At 12.50 am, I started to notice loud, rhythmic bass music penetrating through my earplugs, and I simply could not sleep when I felt like someone was hitting my face repeatedly with an Oxford dictionary in my bedroom. I made another ASB complaint, but the officers informed me that they wouldn't make it in time before the premise closes at 2 am.

At 1.28 am, as I'm sitting in my bedroom writing this journal, with all windows closed, I recognise the song playing right now at Simmons Bar bring Havana by Camila Cabello. The song quickly changed into one that I don't recognise, then back to continuous thumping.

I have resorted to chain smoking in these occasions. In a cold night like tonight after a long day of work, three months of disrupted sleep, and many helpful but failed interventions from the Islington ASB team, I feel deeply depressed and agitated.

What can I do to gain some peace in my home? When can I finally get back to my normal sleep schedule? When will Simmons Bar finally care about the community it operates in? Do we really need a disrupting club this close to the historical Charterhouse square area when the world infamous Fabric club is already operating 200 meters away? These are the late night questions I need answers for.

Now the time is 1.42 am. I'm going to put in my earplugs, wait for 20 minutes and finally, I'll be able to sleep without disturbance at 2 am, at least until Saturday night comes and the bar lures in more intoxicated people using cheap alcohol and cheesy, thumping music again.

Video Evidence

06 Oct 23.04 pm

Video taken from outside Simmons and inside my building staircase

<https://photos.app.goo.gl/kLSH4nbzpWmznC3GA>

10 Oct 2021 01.06 am

Video taken in my living room showing elevated level of music and noise from Simmons Bar

<https://photos.app.goo.gl/kLSH4nbzpWmznC3GA>

16 Oct 2021 01.32 am

Video taken from my bathroom window showing roof of Simmons Bar and elevated level of music

<https://photos.app.goo.gl/kLSH4nbzpWmznC3GA>

The above three videos taken from my phone represent my experience after ASB team engaged with Simmons Bar. The noise nuisance the residents of 105A experience can only be imperfectly captured by the phone microphone.

VIDEO EVIDENCE IS LINKED IN LICENCE
REVIEW APPLICATION EMAIL SENT TO THE
LICENSING TEAM OF ISLINGTON COUNCIL.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature 胡天雄

Date 25/10/2021

Capacity **Individual**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
TIANXIONG HU	
FLAT 2, 105A CHARTERHOUSE ST, LONDON, EC1M 6HW	
Post town LONDON	EC1M 6HW
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN2549-011121	Date of original grant*	24 November 2005
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**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			
SIMMONS BAR FARRINGDON 105 CHARTERHOUSE STREET			
Post town	London	Post code	EC1M 6HW
Telephone number			

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 provision of regulated entertainment by way of: <ul style="list-style-type: none"> The exhibition of films The performance of live music The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
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Except on:

From the start of permitted hours on New Year's Eve to the end of permitted hours on New Years Day.

Non standard timings:

Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday weekend, for the Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend, Christmas Eve and Boxing Day to add an additional hour to standard hours for licensable activities.

Gaming Machine Provision:

N/A

The opening hours of the premises:

Monday	06:00	to	23.30	
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Sunday	06:00	to	23.30	

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

On and Off Supplies

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

Charterhouse Street Light Bar Ltd,
32 Caledonian Road,
Islington,
London,
N1 9DT.

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

10150317

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

Leah Beigi,

[REDACTED]
[REDACTED]
[REDACTED]
[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)

2/12/2021

Date of Issue

Licensing

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. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means the authorised hours specified on this licence for the sale by retail of alcohol. This restriction does not prohibit:
 - a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h) the taking of alcohol from the premises by a person residing there; or
 - i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours for the sale by retail of alcohol unless one of the following applies:
 - a) He is the child of the holder of the premises licence.
 - b) He resides in the premises, but is not employed there.

- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

- 3. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.
- 4. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:
Children and Young Persons Act 1933
Cinematograph (Safety) Regulations 1955
Sporting Events (Control of Alcohol Etc) Act 1985
- 5. The toilets in the premises will be checked by a member of staff every hour.
- 6. Any customer suspected of possessing or using drugs on the premises will be immediately removed from the premises by the DPS, barred from entering the premises again and shall be reported to the Police. Notices to this effect shall be prominently displayed on the premises.
- 7. CCTV system shall be installed and maintained inside and outside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with 24 hours of any request.
- 8. The premises shall raise awareness of safer drinking and travel at night by use of the premises in house display boards, these board shall also prominently display local licence mini cab numbers.
- 9. Amplified live music will stop at midnight.
- 10. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 11. There shall be no unaccompanied children on the premises and no children are permitted in the premises after 21.00.

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

N/A

Annex 4 – Plans

Reference Number: 170002986 Date 31 January 2017

Premises Licence Summary

Licensing Act 2003

Premises licence number	LN2549-011121	Date of original grant*	24 November 2005
--------------------------------	---------------	--------------------------------	------------------

**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			
SIMMONS BAR FARRINGDON 105 CHARTERHOUSE STREET			
Post town	London	Post code	EC1M 6HW
Telephone number			

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 provision of regulated entertainment by way of: The exhibition of films The performance of live music The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

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- The sale by retail of alcohol:

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Gaming Machine Provision:

N/A

The opening hours of the premises:

Monday	06:00	to	23.30	
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

Name, (registered) address of holder of premises licence

Charterhouse Street Light Bar Ltd,
32 Caledonian Road,
Islington,
London,
N1 9DT

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

10150317

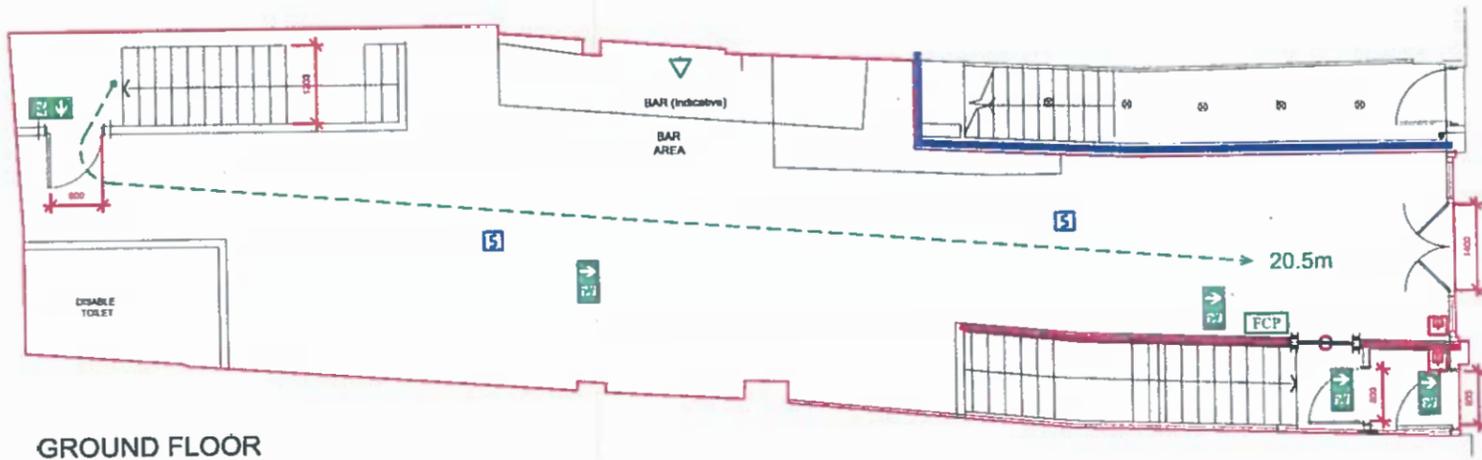
Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Leah Beigi

State whether access to the premises by children is restricted or prohibited

No children under the age of 14 allow in the premises subject to Annex 2 Condition 2 There shall be no unaccompanied children on the premises and no children are permitted in the premises after 21.00 subject to Annex 2 Condition 11. It is an offence to allow persons under the age of 16 years to be on the premises whilst it is open exclusively or primarily for the supply of alcohol for consumption on the premises unless they are accompanied by a person aged 18 or over. No unaccompanied person under the age of 16 years shall be permitted on the premises between 12 midnight and 5am if alcohol is supplied for consumption on the premises.

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



GROUND FLOOR

CHARTERHOUSE STREET

FIRE PROTECTION SYMBOLS LEGEND	
	30 MINUTE FIRE RESISTING CONSTRUCTION
	60 MINUTE FIRE RESISTING CONSTRUCTION
	30 MINUTE FIRE RESISTING DOOR/SLIP WITH DAMPS SEALS
	60 MINUTE FIRE RESISTING DOOR/SLIP WITH DAMPS SEALS
	FIRE CONTROL PANEL
	FIRE ESCAPE ROUTE SIGNAGE
	FIRE EXTINGUISHER - STAFF AREAS (AL Water, Dg CO2)
	SMOKE DETECTOR
	FIRE ALARM CALL POINT
	TRAVEL DISTANCE

Notes:

- Door leaf at base of stair is double acting.
- Inward opening doors are to be held open during working hours.



BASEMENT

This drawing is Copyright©
Contractors must check all dimensions.
Any discrepancies must be reported before
work proceeds.
Only work to dimensions stated on drawing.

INTERNATIONAL FIRE CONSULTANTS LIMITED

20 Park Street
PRINCES RISBOROUGH
Buckinghamshire
HP27 9AH
United Kingdom
Tel: +44 (0)1844 275500
Fax: +44 (0)1844 274002
Email: info@ifcgroup.com
Web: www.ifcgroup.com

IFC Report F55/16189/01
Consulco Capital Real Estate Ltd
105 Charterhouse Street,
London, EC1M 6HW

Basement & Ground Floor
Plans Showing
Fire Protection Layout

Job number: 16189
Drawn by: CSP | Checked by: AG
Not To Scale | Drawn: Jan 2017

F55/16189/01-01

Ref: WK/17000298
Date: 31 Jan 17

**Licensing Authority Representation
Licensing Act 2003 – Premises Licence Review**

**Premises: Simmons, 105 Charterhouse Street
EC1M 6HW**

**Licensee: Charterhouse Street Light Bar
Ltd**

Premises Licence number: LN/2549-180621

Applicant: Mr Tianxiong Hu

I am submitting a representation on behalf of the Licensing Authority concerning the application for a Premises Licence Review submitted by Mr Tianxiong Hu. This representation relates to the prevention of public nuisance licensing objective.

The review application

This review application presents the recent experiences by the applicant of noise nuisance and disruption caused to residents living above the premises.

Licensing Policy considerations:

The following Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

Licensing Policy 8 - Management Standards

Licensing Policy 21 - Public Nuisance

Licensing Policy 22 - Noise Associated with Licensable Activities

Licensing Policy 29 - Review of Licensed Premises

Background

The licensed premises is on the ground floor and basement of the property, with residential properties above. The premises have been licensed since prior to the Licensing Act 2003, although owners and the trading name have changed on a number of occasions. The hours, activities and conditions have been in place since at least 2006.

The current licence holder has held the premises licence since April 2018, when the Transfer of the licence was successfully granted.

There have been four applications to vary the Designated Premises Supervisor (DPS) since that time. Mr Kelsey Brennan was the DPS on the premises licence when the review was applied for. Since then an application has been received for Ms Leah Beigi to be named on the licence as DPS. At the time of writing, the amended licence to reflect the change has not been issued.

The premises is licensed for the sale of alcohol and regulated entertainment from 0600 to 2300 Monday and Tuesday, from 0600 to midnight on Wednesdays, 0600 to 0200 Thursday to Saturday and from 1200 to 2300 on Sundays.

Due to Covid restrictions the premises was closed between end of March 2020 and re-opened in mid-July this year.

On viewing Council records, I can see that prior to the covid lockdown there was two

complaints in 2019 from residents of music noise. Since re-opening there have been 13 reports to Islington's ASB/Noise service of music noise emanating through the building and noise from customers in the street outside.

Officers witnessed nuisance on one occasion from a resident's home and on several occasions have witnessed noise from customers outside drinking or smoking, the most recent on 18/11/21 when there were thirty people outside smoking and being noisy. Door staff began moving people inside at request of officers.

Licensing Officers have witnessed on two occasions, loud music noise when front doors are left open and door staff not controlling customers outside of the premises. The most recent visit was on 12/11/21 when music could not be heard, as speakers had been moved away from the front doors and staff were monitoring customers smoking outside.

The current licensees attended an officer panel meeting on 10/12/18 with the Council's Service Director Jan Hart with Police and Licensing officers, to discuss controlling capacity and disorder incidents.

The licensee agreed to look into having a dedicated DPS for the premises and not one person for the whole group and additional conditions on the licence for CCTV, reporting crime and disorder and keeping incident logs. To date they have not applied to have the conditions on the licence and have only recently applied to vary the DPS.

Standards of Management:

When assessing the licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- can demonstrate comprehensive knowledge of best practice
- has sought advice from the responsible authorities
- has implemented any advice that been given by the responsible authorities
- is able to understand verbal and written advice and legal requirements
- can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- is able to run their businesses lawfully and in accordance with good business practices
- can demonstrate a track record of compliance with legal requirements

Where there is a history of non-compliance associated with the management of the premises, the Licensing Authority is unlikely to permit premises to continue to operate without further restrictions on review, unless there is evidence of significant improvement in management standards.

The Licensing Authority is committed to promoting high standards of management in all licenced premises and expects licensees to demonstrate this through their management practices. Experience indicates that where these requirements are not adhered to, the licensing objectives are likely to be undermined.

Review of Licensed Premises

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- Restricting hours of operation
- Removing licensable activities from the premises licence
- Imposing additional conditions
- Require the removal of a designated premises supervisor
- Suspending a licence

- Revoking a licence.
- The Licensing Authority believes that the promotion of the licensing objectives are best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews are therefore mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

Recommendation

Police have submitted a representation regarding this review and the licensee has agreed to implement the suggested conditions on to the licence, which are similar to those agreed in 2018.

Andrew Ford, Pollution Manager has also submitted a representation and has suggested conditions that if imposed, should reduce the noise nuisance to residents living above the premises and control customer noise outside.

The Licensing Authority has submitted this representation, having considered the application and the representations and suggested conditions put forward by the Police and Noise Service and have reviewed the Licensing Service's records.

It is recommended that the Licensing Committee consider the full options available under Section 52 of the Licensing Act. If the Committee are minded to modify the conditions on the licence, it is recommended that the suggested Police and Noise conditions be implemented to reduce the noise and nuisance experienced by the residents.

Terrie Lane
Licensing Manager
Public Protection Division
222 Upper Street
London N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

19/11/2021

From: [Ford, Andrew](#)
To: [REDACTED]
Cc: [Licensing; O'Donoghue, Natasha](#)
Subject: RE: Premises Licence Review: Simmons Farringdon, 105 Charterhouse Street, Islington, London, EC1M 6HW.
Date: 17 November 2021 11:32:08

Dear Nick Campbell,

Thank you for the conversation we had the other day.

We discussed the need to update the current licence to add in various conditions to address potential public nuisance.

I would suggest that these following conditions are added to your licence. They address the main areas of complaints, most likely areas of potential nuisance and put in provision for addressing any noise nuisance if it is witnessed in the future.

- Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
- 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.
- Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The delivery of licensable goods to the premises shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No deliveries of licensable goods to the premises shall be made on a Sunday or Bank Holiday.
- The collection of refuse shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No waste collections shall be made on a Sunday or Bank Holiday.
- The outside frontage shall be swept and cleared of any rubbish and smoking litter associated with the business towards the end of trade each evening.
- All doors and windows will remain closed from 23:00 hours, except for access or egress.
- All speakers will be positioned as to face away from doors or windows.
- All speakers will be mounted away from walls adjacent to residential properties.
- Customers will not be allowed or encouraged to congregate in the entrance/exit of the premises except in an emergency.
- Customers will not be permitted to take drinks outside of the premises onto the steps or the pavement in open containers.
- The outside of the premises shall be regularly monitored to ensure that noise levels from patrons do not cause a nuisance to any nearby residents.

- Exterior lighting shall be directed away from residential properties.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.
- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- No more than 10 patrons, at any one time, shall use the frontage of the premises to smoke after 21:00hrs until closing. Signage shall be displayed to advise customers of this.

- In the event of noise nuisance being established, the licensee shall appoint an acoustic consultant accredited by the Institute of Acoustics or the Association of Noise Consultants to install an entertainment noise control system and come to agreements with the Council regarding maximum levels of amplified sound at the premises.
 - If the above licence condition is required, the agreed maximum levels of amplified sound shall be expressed on the premises licence.
 - If the above licence condition is required, the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.
- The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

I hope you find this useful. If you have any questions or concerns please let me know.

Kind regards,

Andrew

Andrew Ford
Environmental Pollution Manager
Islington Council
t : 020 7527 2022

From: [Standards Trading](#)
To: [Licensing](#)
Subject: T5 reps - Premises Licence Review - Simmons Farringdon, 105 Charterhouse Street, EC1M 6HW
Date: 28 October 2021 17:16 09
Attachments: [image001.jpg](#)

Good Afternoon,

Trading Standards would like to make a representation please as Challenge 25 does not appear to be addressed within the existing licence conditions. We would therefore like get the following Challenge 25 conditions added on to the licence if possible.

The proposed Trading Standards conditions are as follows:

- The licensee shall adopt a 'Challenge 25' policy and promote it through the prominent display of posters.
- The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.

Thank you.

Regards,

Louise Smedley (she / her)
Principal Trading Standards Officer
Trading Standards
Public Protection and Regulatory Services
Islington Council
222 Upper Street, London, N1 1XR
Tel: 0207 527 2235
Mobile: 07803 576 465
Email: Louise.Smedley@islington.gov.uk

Alternative contact:
Trading Standards Duty Officer: 0207 527 4028
TradingStandards@islington.gov.uk

Licensing Act 2003 representation pro-forma

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

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

Premises Name and address ___ Simmons 105 Charterhouse
Street _____

Your Name: _____

Interest: ___ Resident _____

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

Your Address: _____

Email: _____

Telephone _____

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

Public Nuisance

We have to say that the numbers of people outside, loud music, shouting and litter is becoming a problem. Most Fridays and Saturdays large numbers of people are outside, and seems to be making the street a more general gathering place for people going to local nightclubs. Hence nitrous oxide balloons and cartridges, bottles and cans all over the street. Broken glass (including drinking glasses) all over the street, eg this weekend broken wine and beer glasses were directly outside the venue from Saturday night and still there by Tuesday morning. Other venues with entrances onto Charterhouse street seem to manage this much more effectively.

Crime and Disorder

Protection of Children from Harm

Public Safety

I wish my identity to be kept anonymous Yes/No –Yes

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

I would like this representation to be anonymous as we are close neighbours and would prefer some goodwill to be maintained

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

Your ref:
Our ref: JS

38a Monmouth Street
London WC2H 9EP
te: 020 7042 0410
fax: 020 7379 6618

Licensing Team
London Borough of Islington
222 Upper Street
London
N1 1XR

By post and email: licensing@islington.gov.uk

19 November 2021

Dear Sirs

Section 51 Licensing Act 2003
Simmons, 105 Charterhouse Street, EC1N 6HW

We act for the freeholder of the above premises, Ares Properties Ltd. We would be grateful if the Licensing Authority could please consider this representation in respect of the current application to review the Premises Licence.

Our client is an experienced property owner who takes pride in a carefully curated and professionally managed property portfolio, which extends to 34 investments located mainly in Farringdon, Soho and Covent Garden. Of these properties, 14 are licensed but this is the first review it has had in 11 years.

Our client is the landlord of the following leases in respect of the premises:

1. An Assured Shorthold Tenancy agreement with the applicant for review. This tenancy commenced on 1 May 2021 and is due to expire on 30 April 2022.
2. A lease with the Premises Licence holder. This lease commenced on 6 April 2018 and is due to expire on 5 April 2043.

The lower floors of the building have historically operated as a licensed business. Since our client acquired the property in 2013, there have been multiple lettings of the residential flats on the upper floors. Our client is not aware of any problems to the extent set out in the review papers ever being raised before.

Unfortunately, the applicant for review did not contact our client before initiating the review proceedings. Had they done so, our client would have suggested and helped to facilitate a mediation to

discuss the concerns raised. Notwithstanding the current review proceedings, our client remains committed to helping to resolve the dispute in any way that they can.

Our client understands that the Premises Licence holder is taking steps to address the points raised in the review and work closely with the Responsible Authorities. In addition, our client understands that the Premises Licence holder is seeking expert advice from an independent acoustic consultant experienced in the operation of licensed premises. Our client supports these steps taken by the Premises Licence holder, in partnership with the Responsible Authorities, in order to promote the Licensing Objectives.

As a result of the foregoing, our client expects that the matters raised in the review proceedings can be adequately addressed without any amendment to the Premises Licence.

Thank you for your consideration of this letter.

Yours faithfully

Thomas & Thomas Partners LLP



Suggested conditions put forward by Responsible Authorities in response to the application for review:

Conditions agreed with the Metropolitan Police

1. Remove conditions 1 and 4.
2. Remove condition 7 and replace with:

CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;

The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request

The police must be informed if the system will not be operating for longer than one day of business for any reason

One camera will show a close-up of the entrance to the premises, to capture a clear, full-length image of anyone entering

The system will provide coverage of any exterior part of the premises accessible to the public

The system shall record in real time and recordings will be date and time stamped.

Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and

At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.
3. **Remove condition 10 and replace with:**

Clear and prominent signage will be displayed at the premises highlighting:

 - a) CCTV in operation.
 - b) Challenge 25 Proof of Age Scheme in operation.
 - c) Residential Area: Please be respectful of our neighbours and leave quietly.
 - d) Co-operation with any premises search policy in operation is an absolute condition of entry.
 - e) Current contact telephone number for the DPS or a manager on duty
4. An incident log shall be maintained at the premises, and made available to the Police or any authorised officer upon request. All entries will include time/date/name of person making entry. Said log will record the following;
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder either in or directly outside the venue
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system
 - g) any visit by a relevant authority or emergency service.
 - h) any refusal of alcohol sales.

5. In the event that any assault or serious crime is (or appears to have been), committed on the premises, the management will immediately ensure that;
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All safe and practicable steps are taken to apprehend any suspects pending the arrival of the police;
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police.
6. There shall be at least 1 personal licence holder on duty on the premises at all times when open for licensable activities.
7. A fully equipped first aid box will be available at the premises at all times.
8. **Remove conditions 2 and 11, and replace with:**

There will be no unaccompanied children under 18 on the premises at any time and no under 16 year olds in the premises after 2100 save for those attending a prebooked private event.
9. The premises licence holder shall ensure that any patrons smoking outside of the premises do so in an orderly manner and are regularly monitored by staff so as to ensure that there is no public nuisance or obstruction on the public highway.
10. A fire safety risk assessment shall be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005). (Maximum venue capacity will be maintained at a level dictated by said risk assessment, as per legislation).
11. The premises shall operate the Challenge 25 proof of age scheme, where the only forms of acceptable identification shall be:
 - Photographic driving licence;
 - Valid passport;
 - Military/ UK Services Photo ID;
 - PASS Hologram ID
12. All staff members engaged in selling alcohol on the premises shall, upon induction and every 12 months thereafter, receive training pertinent to the Licensing Act.

All such training shall be fully documented, signed by the employee, and kept at the premises for inspection by Police or other authorised officers.

Training shall include, but not be limited to:

The premises age verification policy

Dealing with refusal of sales

Identifying attempts by intoxicated persons to purchase alcohol • Identifying signs of intoxication
13. The licensee shall train and instruct the management and staff to prevent the admission of, and ensure the immediate and orderly departure of:
 - a) any and all persons who appear to be drunk and/or disorderly
 - b) any and all persons displaying signs of other substance abuse

Conditions proposed by the Council's Noise Service

14. Noise or vibration must not emanate from the premises to cause a nuisance to nearby properties.
15. Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
16. 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.

17. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
18. The delivery of licensable goods to the premises shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No deliveries of licensable goods to the premises shall be made on a Sunday or Bank Holiday.
19. The collection of refuse shall be restricted to the hours between 07:00 and 23:00 Monday-Saturday. No waste collections shall be made on a Sunday or Bank Holiday.
20. The outside frontage shall be swept and cleared of any rubbish and smoking litter associated with the business towards the end of trade each evening.
21. All doors and windows will remain closed from 23:00 hours, except for access or egress.
22. All speakers will be positioned as to face away from doors or windows.
23. All speakers will be mounted away from walls adjacent to residential properties.
24. Customers will not be allowed or encouraged to congregate in the entrance/exit of the premises except in an emergency.
25. Customers will not be permitted to take drinks outside of the premises onto the steps or the pavement in open containers.
26. The outside of the premises shall be regularly monitored to ensure that noise levels from patrons do not cause a nuisance to any nearby residents.
27. Exterior lighting shall be directed away from residential properties.
28. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
29. Cigarette bins will be provided to encourage smokers to dispose of their cigarettes in a safe manner.
30. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
31. No more than 10 patrons, at any one time, shall use the frontage of the premises to smoke after 21:00hrs until closing. Signage shall be displayed to advise customers of this.
32. In the event of noise nuisance being established, the licensee shall appoint an acoustic consultant accredited by the Institute of Acoustics or the Association of Noise Consultants to install an entertainment noise control system and come to agreements with the Council regarding maximum levels of amplified sound at the premises.
 - a. If the above licence condition is required, the agreed maximum levels of amplified sound shall be expressed on the premises licence.

If the above licence condition is required, the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the levels approved by the Council, are not exceeded.

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

Conditions agreed with the Council's Trading Standards Service

34. The licensee shall adopt a 'Challenge 25' policy where the only forms of acceptable identification shall be:
 - Photographic driving licence;
 - Valid Passport;
 - Military/ UK Services Photo ID;
 - PASS Hologram ID

bearing the photograph and date of birth of the bearer.

That Challenge 25 policy shall be promoted through the prominent display of posters.

35. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, one of the acceptable forms of identification referred to above.
36. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
37. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.



AREA SEARCH



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E/N Long/Lat

+Add More

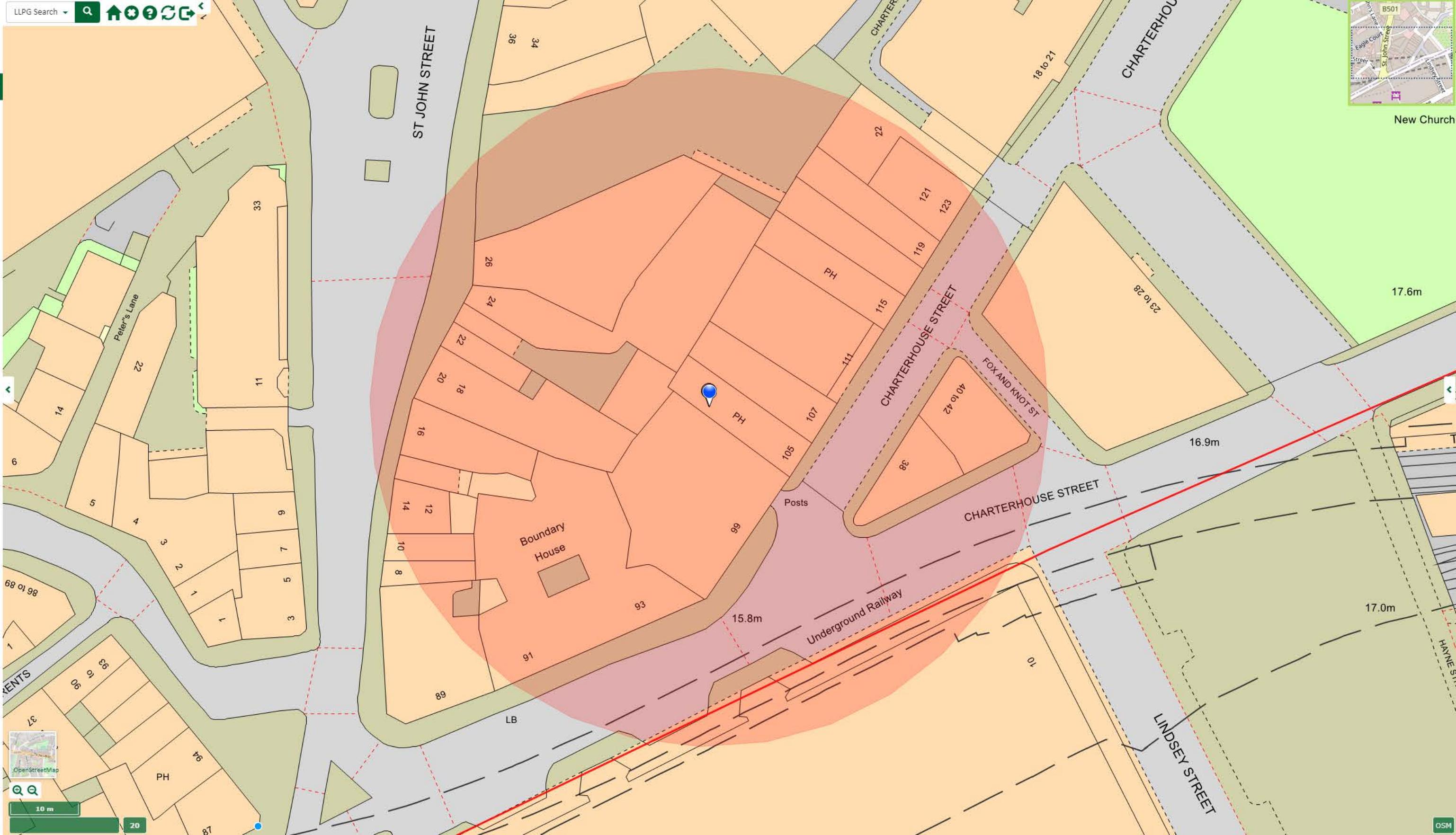
Home button

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New Church

