



L I C E N S I N G S U B C O M M I T T E E C

Tuesday, 9th February, 2016

at 7.00 pm

Room 102, Hackney Town Hall, Mare Street,
London E8 1EA

Councillors sitting:

**Cllr Brian Bell, Cllr Margaret Gordon and
Cllr Emma Plouviez**

**Gifty Edila
Corporate Director
Legal, HR and Regulatory
Services**

Contact:
Natalie Williams, Governance Services Officer
020 8356 8407
governance@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Tuesday, 9th February, 2016

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Minutes of the Previous Meeting		(Pages 1 - 6)
5 Licensing Sub-Committee Hearing Procedure		(Pages 7 - 8)
6 Premises Licence - Basement, 422 Mare Street, E8 1HP	Hackney Central	(Pages 9 - 34)
7 Premises Licence - Healthy Stuff, 168 Dalston Lane, E8 1NG	Hackney Central	(Pages 35 - 42)
8 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

This guide details the procedure for Licensing Sub-Committee hearings under the Licensing Act 2003. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example Personal Licences, Temporary Event Notices and Reviews are considered.

A Licensing Sub-Committee will be held if:

- The applicant has applied for a Premises Licence, Provisional Statement, Club Premises Certificate or expressed their intention to vary their existing licence/certificate and has advertised this in a local newspaper and displayed a distinctive blue notice at the premises, following which representations have been made by a Responsible Authority or Other Person/s.
- A Review has been requested by a Responsible Authority or Other Person/s and the Review has been advertised by displaying a distinctive blue notice at the premises and also at the Council's office and website.
- An application is made to transfer a Premises Licence or for interim authority and the Police have issued an objection
- The applicant has made a Personal Licence application and the Police have objected to the Licence being granted.
- A Temporary Event Notice has been given and the Police and/or those in the Council that exercise environmental health functions have issued an objection.

Prior to your item being heard:

- The Licensing team upon receiving representations will form a view as to whether the representations are irrelevant, frivolous, vexatious or for review applications; repetitious.
- The Licensing team would have provided written notice to all parties in advance of the hearing and would have responded to any request relating to personal details being removed from the agenda.

If you do not believe this to have happened, please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk as soon as possible. For further information on the application process, please see the guidance notes at www.hackney.gov.uk/licensing.

Making decisions on the items being heard:

Hearings will normally be held in public unless the Sub-Committee believe it not to be in the public interest to do so. Although the Chair will try to make the proceedings as informal as possible, these hearings are of a quasi-judicial nature, and the rules of natural justice shall apply.

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

For new applications relating to Premises Licences and Club Premises Certificates, Members can grant with additional conditions attached to the licence, exclude any licensable activities, refuse a Designated Premises Supervisor (DPS) if appropriate or reject the application.

Members when making decisions on variation applications regarding a Premises Licence or Club Premises Certificate, can modify (add, delete or amend) conditions on the licence or reject the application in whole or part. Members will be considering the request for a variation and the impact that this may have. Therefore, representations should be focused on the impact of the variation, although concerns relating to the existing terms of the licence may be relevant in considering the track record of the applicant. However, Members may consider other issues which relate to the promotion of the licensing objectives, although only if it is reasonable and proportionate to do so.

For Provisional Statements, Members can consider any steps that are necessary having regard to the representations made in order to ensure the licensing objectives are not undermined.

Members when deciding a Review application can modify (add, delete or amend) the conditions of the licence, exclude any licensable activities, remove a DPS if appropriate, suspend the licence/certificate for up to 3 months or revoke the licence/certificate completely.

For transfer of Premises Licences, interim authority requests and Personal Licence applications Members can only refuse or grant the application.

Members when deciding on an objection made against a Temporary Event Notice (TEN) will determine whether or not to issue a Counter Notice, which if issued will prevent the proposed event from proceeding. If a TEN has been given for a premises that already has a licence/certificate, Members may impose any of those conditions from the existing licence/certificate to the TEN.

Before the meeting starts:

The Sub-Committee Members are requested to report for business no more than half an hour before the meeting starts to deal with any administrative/procedural issues. This will allow Members to consider;

- the appointment for any substitutes if required
- the appointment of the chair
- any procedural issues
- obtain the list of attendees
- late documents delivered prior to the meeting and to ensure all the paperwork is in order

The Sub-Committee will not be considering any of the actual points raised within the Report itself and no Responsible Authority or Other Person/s shall be present when the Sub-Committee deal with the above issues.

Attending the hearing that concerns you:

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk to confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

All parties should arrive promptly at the outset of the scheduled meeting regardless of when the item is listed to be heard on the agenda.

Please contact the Licensing Service for advice within 4 working days from the date on the notice letter if any of the following apply;

- you have special requirements to help make your representation, because of a disability or you need a translator for example
- you wish to supply additional [documentary] information such as photographs and videos/DVDs

Please note that if you wish to provide additional relevant information, this should be given at least **5 working days** before the hearing. Any additional information provided once the hearing has started will only be accepted if all parties agree. Please note that the use of videos/DVDs is at the Sub-Committee's discretion – requests to show these should be made in advance to the Committee Officer.

Timings

In most cases the application will last no longer than 1 hour, and the times to be allocated to each section are shown on the relevant hearing procedure. If you think that your evidence is likely to exceed this time period, please let the Licensing Service know **within 4 working days of the date on the notice letter** and the Sub-Committee will be advised. If your request is agreed, all parties will also be granted the same extension of time.

Rights of Press and Public to Report on Meetings

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the

wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

If a person or an organisation wants to make a representation to the Licensing Sub-Committee, they must **NOT** contact Sub-Committee Members directly. Licensing Sub-Committee Members have to retain an open mind on any application and determine it on its merits. Members can not be in anyway biased towards a party. Therefore, if a Member of the Sub-Committee has had any prior involvement they must ensure that they come to the hearing with an open mind.

Local ward councillors may be able to speak on behalf of objectors if requested to do so, provided that if they have a disclosable pecuniary interest they leave the meeting room when the application is being considered unless they have been granted dispensation.

Reports

Agendas and Reports for Licensing Sub-Committees are published on the Council's website (www.hackney.gov.uk) 5 working days before the hearing takes place. Copies are also available by contacting Governance Services on 0208 356 3578 or email governance@hackney.gov.uk. Copies of applications together with the detail of any objections will be included in the report.

Appeals

Applicants or any party to the hearing can appeal against the decision made by the Sub-Committee. The appeal to the Thames Magistrates Court must be made within 21 days of the decision being sent formally in writing. However, TEN's have the added restriction that no appeals can be made later than 5 working days before the event is scheduled to take place.

Withdrawal of an Item or Cancellation of a Hearing

An item may be withdrawn from the agenda of a Licensing Sub-Committee meeting at short notice due to the withdrawal or resolution of the representations or objections to an application or notice. A hearing by the Licensing Sub-Committee may therefore be cancelled at short notice if there are no substantive items remaining on the agenda.

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Contacts

If you have a query about Licensing Sub-Committee procedures and protocols then please contact Governance Services –

Governance Services
2nd Floor Maurice Bishop House
17 Reading Lane
London, E8 1HH

Telephone: 020 8356 3578
E-mail: governance@hackney.gov.uk

If your query relates general licensing matters or to specific applications then you are advised to speak to the Licensing Service. They can be contacted at:

Licensing Service
Hackney Service Centre
1 Hillman Street
London E8 1DY

Telephone: 020 8356 4970
Fax: 020 8356 4974
E-mail: licensing@hackney.gov.uk

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, on 020 8356 3265 or email Gifty.Edila@hackney.gov.uk



FS 566728

Relevant Extracts from Hackney's Statement of Licensing Policy

Please find below relevant extracts from the Statement of Licensing Policy 2011.

LP1 Planning

Licence applications should normally be from premises where:

- (a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995)
- (b) The hours sought do not exceed those authorised by any planning permission.

Note- Where the appropriate planning consent has not been obtained in advance and relevant representations are made, applicants will need to demonstrate that the operation of the premises would not be detrimental to the promotion of the licensing objectives.

LP2 Provisional Statements

The principles to be applied for provisional statements are similar to those applied for premises licences.

The application form for provisional statements is to include:

- Clear plans of the proposed structure
- An operating schedule including details of:
 - The activities to take place there
 - The time at which such activities will take place
 - The proposed hours of opening
 - Where the applicant wishes the licence to have effect for a limited period, that period
 - The steps to be taken to promote the licensing objectives, and
 - Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify.

LP3 The Application Form and Operating Schedule (minimum requirements)

The application form is to outline the operations of the entire licensed business or event and must include:

- (a) Prescribed plans
- (b) A general description of the style and character of the business or event to be conducted at the premises or venue, e.g. supermarket, restaurant, cinema, nightclub, or street party

- (c) An indication of the type of entertainment available
- (d) The relevant licensable activities to be undertaken at the premises or event, preferably with a risk assessment in respect of these activities
- (e) The times during which each of the proposed licensable activities are to take place
- (f) Any other times during which it is proposed that the premises or event be open to the public
- (g) Where the applicant wishes the licence to have effect for a limited period, that period to be specified
- (h) Whether alcohol is to be supplied for consumption on or off the premises or both
- (i) Where alcohol is to be supplied, details of the designated premises supervisor (not necessary for premises holding club premises certificates unless alcohol is to be sold rather than supplied to members)
- (j) Whether they propose to have sexual entertainment involving nudity or striptease or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with an 18 restricted category. This will need to be licensed as a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982, as amended. The applicant must demonstrate that they hold the relevant licence
- (k) The steps which are proposed to promote the licensing objectives. In doing this, applicants are strongly encouraged to address the LPs as applicable.

Note:

- The conditions that are necessary for the promotion of the licensing objectives should normally emerge initially from a prospective licence or certificate holder's application.
- If the application has been granted the details of the application will be incorporated into the licence as conditions. Breach of these conditions could result in prosecution or a review and ultimately revocation.
- Where representations are made and the matter progresses to a Licensing Sub Committee, if the Sub Committee have:
 - i) Doubts about the applicant's ability to promote the licensing objectives and comply with the terms of a licence (for example, proposed conditions, and how licensable activities will be conducted during the operation of the licence)

- ii) Doubts around the track record of the management and suitability of the DPS,
 - iii) Been notified of any actions taken by responsible authorities or the licensing authority in relation to the premises
 - iv) Been notified of recent or historical complaints
- the Council may not grant the permission as sought.

LP4 Crime and Disorder

Applicants are expected to demonstrate within their application measures to prevent crime and disorder, such as:

- (a) Details of registered door supervisors and other staff to be provided including their relevant qualifications or registrations, the number of such staff, their location whilst working at the premises and the times they will be on duty. All door supervisors are to be licensed by the Security Industry Authority (www.the-sia.org.uk)
- (b) Locations of any physical security features to protect the premises, customers and staff, such as CCTV equipment, alarms systems, secure window locks to be used inside/outside the premises. When referring to CCTV, identify its coverage of the interior and exterior of the premises, that it is to be recordable, kept for a minimum of 31 days and made available to the Police and Licensing Authority on request. When details of security measures are provided, they will be kept out of the public domain
- (c) Provision of adequate search facilities where appropriate to the use of the premises. This may include use of technology such as club scan, weapon arches and search wands
- (d) Measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons. For example, designing out areas or surfaces where there is a risk of crime, drug detection and confiscation policies, internal patrols
- (e) Measures to be implemented to promote sensible drinking and prevent binge drinking. For instance, by the display of safe drinking material or legal warnings
- (f) Arrangements for any promotional events such as “happy hours” or special offers should be avoided having regard to the mandatory conditions. If any such event is undertaken, careful consideration should be given to their duration, times, location within premises and any additional measures (such as increased security), to minimise crime and disorder
- (g) Location of lighting inside/outside the premises
- (h) Other measures aimed at preventing crime and discouraging anti-social behaviour. Careful regard should be given to the Council applying its borough wide DPPO (“Controlled Drinking Area”). Depending on the

circumstances, this may for example include the restricted sale of low cost, high strength alcohol (which may be indicated by wording such as “super” on the drinks packaging) and the display of signage highlighting that the premises is located in a Controlled Drinking Area

- (i) Whether or not the premises will be serving alcohol in glass or plastic containers; if serving alcohol in glass containers, identify what measures will be implemented to ensure patrons cannot take glass outside the premises
- (j) Whether the premises belongs to a local Pub Watch scheme or has complied with a Police Club Industry Minimum Operating Standards (CIMOS) report
- (k) The availability of drinking water
- (l) The location of any toughened glass to be installed at the premises
- (m) The details of any proof of age scheme to be implemented
- (n) The maximum capacity figure for the premises and a statement demonstrating the premises’ ability to accommodate the predicted number of patrons safely and how this is managed, for example by way of door supervision or counting mechanisms such as clickers
- (o) Whether the premises has undertaken a Police Drug Ion Itemiser Tracker assessment or cooperated with any other Police investigation in order to detect crime and disorder. Where premises have taken part in such activity, an explanation of the outcomes, including any actions taken in addressing the issues raised is encouraged
- (p) Whether queue management arrangements are in place. This may include door supervision and/or the use of barriers where these do not obstruct the public highway
- (q) Whether staff training on the licensing objectives is provided and recorded
- (r) Whether other socially responsible practices are employed, such as anti spiking measures, use of hand bag clips, notices and designated driver schemes
- (s) Whether other management practices are employed, such as maintenance of incident and accident logs, refusal of sales logs, refusal of entry logs, server training, provision of emergency contact numbers to regulatory agencies should contact with management be required as a matter of importance
- (t) Whether appropriate safeguards are in place to address the potential risks and impacts of gang related activity, particularly where the area and/or the premises are renowned for being a source of or associated with gang related activity.

LP5 Public Nuisance

Applicants are expected to demonstrate within their application that problems such as noise, light, smoke, odour, litter, anti-social behaviour, human waste, fly posting and highways/footpath obstructions can be minimised through steps they propose.

For example, the application should where necessary:

- (a) Demonstrate that, between 11.00 pm and 7.00 am:
 - No noise is audible a metre from the façade of the nearest noise sensitive premises, or
 - No noise is audible within the nearest noise sensitive premises.
 - There is no discharge of glass recycling bins and no waste/recycling collectionsDepending on the individual circumstances, the Council may request the provision of an acoustic report
- (b) Provide details of the location and types of noise attenuation measures used to minimise noise and vibration escaping the premises and car parking areas. Such measures may include sound-proofing, acoustic lobbies and sound limitation devices
- (c) Demonstrate measures to avoid vehicular queuing on the carriageway and disturbances from patrons queuing on the footpath
- (d) Illustrate the location of any taxi ranks, bus stops, train or tube stations in relation to the premises
- (e) Provide details of the location of gardens, open-air areas and the number of tables and chairs (where relevant) within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas

Provide details of how outside areas will be managed, in particular:

- The hours of use of any outside area where for example smoking, eating and drinking will be permitted. These may explain that use of the area is prohibited after a certain time to avoid disturbance late at night where residents are located nearby
- Measures to prevent drinks being spiked where people leave these unattended
- Where there is payment for admission, how re-entry can be managed – for example by the use of wrist bands
- Measures to ensure that patrons outside do not create nuisance from noise, smoke, obstruction or litter to neighbours or members of the general public
- Use of any physical security features and CCTV
- Use of door supervisors to monitor the area and people's behaviour
- Clear delineation of outside areas in consultation with Environmental Enforcement Services and Public Realm to

avoid the obstruction of any public highway

- Provision of regular glass collection and cleaning patrols
- Any offer of a waited table service

Demonstrate that there are effective dispersal policies in place, such as:

- Door supervision
- Notices and posters asking patrons to enter and exit the premises quietly
- “Winding down” periods

NOTE:

For good practice guidance on managing the end of a night, applicants may wish to refer to the NOCTIS Dispersal Policy available at: www.noctisuk.org

- (f) Provide details of permissions where relevant (for example, planning permission or a street trading licence) for any gardens, open-air areas or tables and chairs to be used by patrons
- (g) Provide details of the refuse and waste management arrangements and collection times in place at the premises, including where on the premises refuse and recycling will be stored before collection. Give details of trade waste agreements that exist for the premises
- (h) Identify whether the activity will generate additional litter (including flyposters and/or illegal placards) in the vicinity of the premises, and the measures to deal with any such litter

LP6 The Protection of Children from Harm

- (a) Applicants are expected to demonstrate within their application that those factors that have the potential to harm children have been addressed. These include the potential for children to:
 - (i) Purchase, acquire or consume alcohol. (details of any proof of age schemes should be provided)
 - (ii) Be exposed to drugs, drug taking or drug dealing
 - (iii) Be exposed to gambling
 - (iv) Be exposed to activities of an adult or sexual nature including the exhibition of film, or transmission of programmes or videos that include strong language and/or sexual content
 - (v) Be exposed to incidents of violence or disorder
 - (vi) Be exposed to environmental pollution such as excessive noise
 - (vii) Be exposed to hazards

- (viii) Purchase cigarettes from vending machines. The Council expects these machines to be in sight and under the supervision of bar staff

Note – This is not intended to be an exhaustive list.

- (b) Alcohol is not to be served to under 18s, except in the limited circumstances allowed for by the Licensing Act 2003. For example children aged between 16 and 18 are only permitted to consume beer, wine or cider on licensed premises if accompanied by an individual aged 18 or over and if eating a table meal (this excludes bar snacks). (This excludes venues holding a club premises certificate where over 18s only are allowed alcohol.)

- (c) Where relevant representations have been made, the Council will not normally permit children to be admitted where:

- (i) Entertainment of an adult or sexual nature is commonly provided
- (ii) There have been convictions for serving alcohol to under 18s
- (iii) Certain gambling activities take place (see Council guidance note)
- (iv) There have been convictions of harbouring drug dealings or the premises has a known association with drug dealers

Note - The Act details a number of measures designed to protect children in licensed premises. The Council will work closely with the Police and its partners to ensure appropriate enforcement of the law, in line with the Council's Enforcement Policy

- (d) Where limiting access to children is considered necessary, the Council will consider the following options:

- (i) A limit on the hours when children may be present
- (ii) An age limitation (for under 18s)
- (iii) A limitation or exclusion when certain activities are taking place
- (iv) A requirement for children to be accompanied by an adult
- (v) Access may be limited to certain parts of the premises

- (e) No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee

- (f) Events provided primarily for children will not be permitted to sell alcohol on or from the premises

- (g) Where internet access is provided measures may be put in place to ensure children are suitably supervised in those areas.

LP7 Access to Cinemas, Theatres, Auditoriums and similar premises

- (a) Licensees are required to restrict children from viewing age-restricted films according to the recommendations of the British Board of Film Classification or, where relevant, any age restriction agreed by the Council. The licensee should state in the operating schedule what measures are to be put in place to control such access
 - (b) For regulated entertainment especially presented for children, the Council will, where relevant representations have been made, require the following arrangements in order to control entry to and exit from the premises to ensure their safety:
 - (i) An adult member of staff to be stationed in the vicinity of every exit, subject to there being a minimum of one member of staff per 50 children or part thereof
 - (ii) No child, unless accompanied by an adult, to be permitted in the front two rows of any balcony
 - (iii) No standing to be permitted in any part of the auditorium during the performance
- Note The Council will expect these issues to be satisfactorily addressed in operating schedules. The Council will consider attaching conditions to licences and permissions to prevent harm to children.

LP8 Public Safety

Applicants are expected to demonstrate within their application measures to protect public safety, including:

- (a) A current fire risk assessment as required by the Regulatory Reform (Fire Safety) Order 2005. If this has not been undertaken, the Fire Authority are likely to make a relevant representation on public safety grounds
- (b) Safe use of special effects/equipments (lasers, smoke machines, strobe lights etc) which may affect public safety (particularly in music and dance venues and similar premises)
- (c) The availability of up-to-date public transport and car parking information at the premises
- (d) A detailed plan that identifies all existing and proposed fire safety features, including smoke detectors, emergency lighting, sprinkler systems and other safety features. All fire safety measures to be compliant with relevant standards
- (e) All exits to be kept unobstructed, easy to open and clearly signed
- (f) Adequate measures to be in place for disabled people to allow their safe evacuation in the event of an emergency

- (g) The availability of first aid equipment and arrangements for training staff in its use
- (h) Any equipment or fixtures of a particular standard used on the premises to be maintained and inspected with details of checks recorded in a log book.

LP9 Premises Safety

- (a) Applicants are expected to demonstrate the safety of their premises by ensuring records are kept detailing maintenance checks thereafter in respect of:
 - (i) Periodic electrical inspection
 - (ii) Annual inspection of fire alarm
 - (iii) Annual inspection of hand fire appliances
 - (iv) Emergency lighting inspection and test
- (b) Premises wishing to provide regulated entertainment, or who do not currently adequately ensure safety under current legislation, may also need to comply with prescribed standards. These may include (but are not limited to) additional certificates such as battery discharge, gas safety, passenger lifts, stage equipment, ceilings, and generators.

LP10 Personal Licences

- (a) When determining a contested application the Council will consider whether the grant of the licence promotes the crime and disorder objective. It will consider the:
 - (i) Seriousness and relevance of any conviction(s)
 - (ii) The period that has elapsed since committing the offence(s)
 - (iii) Any mitigating circumstances.

LP11 Temporary Event Notices

- (a) The Police have indicated that they will normally object to TENs where:
 - The TEN does not provide sufficient information to alleviate Police concerns
 - The TEN has not been completed fully
 - Insufficient notice has been given for the Police to satisfy themselves that the event would not undermine the crime and disorder objective
 - The premises has a history of complaints or incidents linked to the crime and disorder objective. Alternatively, the premises has had a one off serious incident affecting the crime and disorder objective
 - Previous TENs by the premises user have caused issues of Police concern
 - The premises user has failed to comply with previous advice and recommendations given by the Police with regard to the management of the premises/ event
 - Crime and disorder issues have arisen as a result of previous

temporary events linked to the organiser and/or the premises

- The venue does not already possess a premises licence, or if the event involves a departure from the terms of the premises licence, applicants have not sufficiently demonstrated that the management of the event will meet the requirements set out in the LPs as applicable and proportionate to the nature of the event
- A risk assessment of the event in consultation with and to the satisfaction of the Police has not been provided to the Police 14 days in advance of the event. The Police recommend completion of a Form 696 to help satisfy this.

The Licensing Authority treats the Police as its main source of advice on crime and disorder and so is likely to treat the advice of the Police in matters concerning TENs as worthy of significant weight.

Therefore, applicants are strongly encouraged to have regard to the factors above and provide the following data when notifying the Police and Council of a TEN:

- Accurate premises user contact details as well as alternative contact details to ensure that contact can be made
- Full details of all acts/performers
- Confirmation that the owner of the land/building has consented, preferably in writing, to the TEN
- Confirmation that the building/land are deemed suitable for the proposed TEN both in terms of patron safety and neighbouring premises and occupants safety.

- (b) The premises user is reminded that a fire risk assessment is to be completed or should be in place. Failure to do so may lead to the Fire Authority prohibiting use of the premises under their separate powers
- (c) The freeholder or leaseholder of the premises (where relevant) should have given their permission for the use of the premises for the temporary event
- (d) When the Police have made an objection based on crime and disorder and a Licensing Sub Committee uphold the objection at a hearing, a counter notice will be issued.

LP12 Licensing Hours

Where relevant representations have been made, the Council adopts the following principles.

- (a) The Council supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. The licensing hours fixed will always reflect the individual merits of the application, the relevant representations received and the requirement to promote the licensing objectives.
- (b) Earlier hours may be set if the individual circumstances require it. Later hours will be set where it can be demonstrated by the applicant that there would be no breach of the licensing objectives. In residential areas the Council will not normally grant licences beyond 12 midnight, unless the applicant can demonstrate that operating hours beyond this will not cause

undue disturbance to local residents.

- (c) The Council would expect premises wishing to trade for longer hours to site themselves in places where they will not create disturbances to residential accommodation, and will take a stricter approach to licensing hours in residential areas.
- (d) The Council may impose conditions limiting the hours of usage of an outside area or preventing drinks being taken to the outside area beyond the stated terminal hour.

LP13 Special Policy Area – Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied.

The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:

- The quality and track record of the management
- The good character of the applicant
- The extent of any variation sought.

LP14 Special Policy Area – Dalston

All **new or variation** applications within the Dalston SPA will have to show:

- High standards of management
- The quality and track record of the management
- The good character of the applicant

Notwithstanding the above, where a relevant representation is made the policy will be to refuse any new or variation application which seeks to:

- Increase the capacity of an existing premises,
- Extend the hours of operation of an existing premises, or
- Permit any activity/use not identified or allowed for in the table below or,
- Permit any activity/use where there is a genuine concern that the proposal will have a negative impact in the area. For example this may include premises that have a large capacity or are mainly outdoors.

The policy is directed at the concentration of persons in the area and particularly those who have been drinking late at night. Therefore any application will need to demonstrate that it does not add to the issues of cumulative impact in the Dalston area.

[✓ = yes * = no]

	Sun-Thurs Up to 23.00	Sun-Thurs Up to midnight	Fri& Sat Up to 23.00	Fri& Sat Up to midnight	Mon – Sun Post midnight
Restaurant (with alcohol)	✓	*	✓	✓	*
Restaurant (without alcohol)	n/a	*	✓	✓	*
Takeaways	n/a	*	n/a	*	*
Pubs and Bars	✓	*	✓	✓	*
Nightclubs	*	*	*	*	*
Off Licences	✓	*	✓	*	*
Theatres	✓	✓	✓	✓	*
Cinemas	✓	✓	✓	✓	*
Combined Uses	✓	✓	✓	✓	*
Qualifying Clubs	✓	✓	✓	✓	*

LP15 Cumulative Impact – General

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

LP16 The Olympic and Paralympic Games 2012

(a) Where, as a result of representation(s) made, it is identified that a licence, certificate or proposed event presents a risk that the licensing objectives will be undermined, it is likely that such applications will not be granted.

(b) Careful consideration will be given to representations from responsible authorities in relation to licence applications for activities before, during and after the Games which refer to the safety and security of the public.

(c) Particular regard will be given to representations received which highlight that the resources of the Police and other emergency/ regulatory services are insufficient to deal with the risks presented.

This page is intentionally left blank



MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE E

THURSDAY, 3RD DECEMBER, 2015

Councillors Present: Councillor Sophie Linden in the Chair
Councillor Abraham Jacobson (substitute)

Officers in Attendance: Mike Smith (Principal Licensing Officer), Butta Singh (Senior Lawyer), Darren Reilly (Licensing Enforcement Officer), Peter Gray (Governance Services Officer)

Also in Attendance: Nadya Sale (Applicant from Wittles)
Jeremy Bark, Solicitor (Canalside Here East)
Gavin Poole (Canalside Here East)
Sara McCarthy (Canalside Here East)

1. Election of Chair

1.1 Councillor Sophie Linden was duly elected as chair.

2 Apologies for Absence

2.1 None

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest

4. Minutes of the Previous Meetings

4.1 The minutes of the meetings held on Thursday 24th September and Tuesday 3RD November were agreed as a correct record.

5 Licensing Sub-Committee Hearing Procedure

5.1 The chair referred the Sub-Committee to the hearing procedure to be followed at the meeting.

6 Premises Licence: Wittles, 45 Blackstock Road, London, N4 2JF

- 6.1 Mike Smith, Principal Licensing Officer, introduced the application for a premises license to supply alcohol at Wittles, 45 Blackstock Road. He reported that the Police, Licensing and the Health authority had withdrawn objections, following agreement of conditions. Further, there had been agreement on the opening hours.
- 6.2 Nadya Sales, the applicant, spoke in support of the application, wanting to sell wine at the venue. She confirmed that it would be necessary for her to apply for planning permission for the business.
- 6.3 Barry Coughlan, Senior Planning Officer, confirmed that the business would require planning permission. He told the Sub-Committee that the change of use could cause a nuisance.
- 6.4 The Chair emphasised that the applicant should now regulate planning status of the premises.

The decision

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;
- The protection of children from harm;

the application has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:

- the deletion of conditions 9 and 10
- Opening Hours be amended to read; Monday - Saturday 08:00hrs - 19:00hrs and Sunday 08:00hrs - 13:00hrs
- The sale of alcohol 'off the premises' be amended to read; Monday - Saturday 12:00hrs - 19:00hrs and Sunday 12:00hrs - 13:00hrs
- The sale of alcohol 'on the premises' will cease 30 minutes prior to the premises closing.

and the following additional conditions:

Any sales of alcohol shall be charged at not less than 50p per unit of alcohol. The license holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

Reasons for the decision

The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

Public informative

The applicant is reminded of the need to operate the premises according to any current planning permission relating to its user class, conditions and hours.

It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.

7 Premises License: Units 3, 4, 5, 6, 7, 8, 9 & 10 Canalside, Here East Estate, Queen Elizabeth Olympic Park, London

7.1 Mr Smith, Principal Licensing Officer, introduced the application for a premises license at Canalside Here East. He referred the Sub-committee to the proposed licensable activity at page 51 of the report. He told the Sub-Committee that the applications were identical except in layout. He referred the Sub-Committee to the email correspondence between the Planning Authority and the applicant.

7.2 Mr Jeremy Bark, Solicitor, in his opening on behalf of the applicant, stated that the development formed part of the legacy deal. There was to be a large number of tenants at Canalside with over 5000 people employed. The units would include a Tapas restaurant and a Juice bar with branches of two universities, one of which was already in situ. He told the Sub-Committee that the operators were very experienced and brought a lot of expertise, currently managing projects at Kings Cross and Liverpool Street. He referred to the fact that LP5 and LP12 were the relevant sections of the licensing Policy and that there had been ongoing discussions with the Police and Licensing Authorities on the development. He referred the Sub-Committee to the agreed conditions and approved plan. There was to be limited off sales and only in the seated area and those edged in green on the plan. Other than in the designated area edged and hatched in blue all service of alcohol for consumption on the premises would be by way of waiter/waitress service. He referred the Sub-Committee to the conditions around off sales and arrangements for high profile sporting events taking place within the Queen Elizabeth Olympic Park. A further condition confirmed the requirement to comply with any Broadgate Estate current rules and regulations relating to outside spaces. He told the Sub-Committee that there would be no less than 10 SIAs patrolling the area during the day with 5 SIAs patrolling at night. Further, the security operatives would carry body cameras. He stated that the nearby bridge was only accessible from the local school. Further, there was an excellent transport network to Stratford. He confirmed that the development was not in the SPA area. Further, he emphasised that the Broadgate Estate rules and regulations would apply. It would be made clear that tenancies would be reviewed if conditions were not complied with. He submitted that the plans were carefully thought out and the intention was not to disturb residents. He said that evidence of cumulative impact was required.

7.3 The Chair stated that condition 23, regarding the Broadgate Estate rules should be made more understandable. She stressed that the use of the outside area was the central issue. Mr Bark stated that Broadgate had draft rules and regulations relating to the outside areas, outlining expectations of tenants and that tenancies could be reviewed if the rules and regulations were not complied with. He offered to send a copy to the Council. The Sub-Committee noted that Mr

Reilly had not yet seen the document and was handed a copy. Mr Bark told the Sub-Committee that one person would be monitoring the cameras at the development and there would be radio links throughout.

- 7.4 Darren Reilly, (Licensing Authority representative), in his opening, outlined licensing objections to the application. He referred to the fact that West Ham United football matches would attract large numbers of football fans every two weeks and on cup final days. He expressed concerns about unrestricted outside drinking and potential public disturbance and the risk of patrons with open containers spreading out of the designated areas. Further, he emphasised that the consumption of alcohol should be ancillary to food. He submitted that the development was situated opposite a very residential area and that there were a number of premises in the development applying for a premises licence with consequent general cumulative impact implications. He stated that there were concerns regarding the risk of negative impact from outside areas. He concluded by stating that the conditions offered did not properly satisfy licensing objections.
- 7.5 The Chair's clarified that the Queen Elizabeth Olympic Park byelaws would be enforceable. She expressed concern at the potential for large groups of people at the venue, the difficulties in estimating likely numbers, the appropriateness of outside drinking on the landscaped area and possible public nuisance. She referred to licensable objections.
- 7.6 Mr Bark said that the areas in question were raised, planted with trees and foliage and were for use by families. He stated that full restaurant conditions would remove the flexibility required at the venue to allow people to drink. He confirmed that patrons would be required to move to the seated area at 9.30pm and that signs could be erected requesting patrons to remain within the grassed or seating area. He emphasised the need to be careful of the risks involved. He reiterated that the area was highly regulated and subject to byelaws. He said that Innovation City (London) had much experienced of managing these types of spaces in other locations together with high capacity pubs. He said that safeguards were in place without too many restrictions. Further, tenants would be briefed on what was expected of them and glasses would have the Bar's logo on the side to stop patrons moving away and ensuring the Unit accountability. He suggested that Here East Management Team could assess risks of events at Olympic stadium. He referred to the lack of objections from residents.
- 7.7 Mr Gavin Poole stated that this was a high end business. Further, the views of neighbours in the area were taken very seriously.
- 7.8 In summing up, Mr Reilly stated that he accepted that this was a high end development. He reiterated his concerns about unrestricted drinking in the outside area and the potential for public nuisance, submitting that open alcohol containers should not leave the seated area. He said that holding units to account was unworkable in terms of enforcement. He further stressed the need for the consumption of alcohol to be ancillary to food.
- 7.9 Mr Bark summed up by submitted that there was a carefully thought out policy on the proposals with clear conditions on the operation. If these were not complied with the use of the units could be removed from tenants. He stressed that the businesses within the units were food led.

Decision

The Sub-Committee has adjourned the hearing in order to allow further discussions to take place between the applicant and the Licensing Enforcement Team. A reconvened hearing will only need to take place if the parties have not agreed the Broadgate Estate rules and regulations.

Notwithstanding the adjournment the Sub-Committee have agreed the following amends to the application;

Condition 20 be amended to read;

- Off sales of alcohol in open containers referred to in condition 18 above shall cease at 9pm on Mondays to Sundays except within the designated seating areas shown on the layout drawings edged in green immediately outside the licensed premises such sales may take place until 10pm on Sundays to Wednesdays and 10:30pm pm on Thursdays to Saturdays, provided that such off sales for the last hour of operation are to persons seated at tables and are consuming a substantial meal from the menu.

Condition 23 be amended to read:

- The premises shall comply with any Broadgate estate rules and regulations relating to the use of the outside space, as agreed with the licensing service. Any changes to the rules and regulations relating to the use of the outside spaces requires the consent of the Licensing Authority before being approved.

Along with the following additional conditions:

- That signs be erected within the landscaped area requesting patrons to remain within the grassed or seating area and to respect the rights of peace and quiet for residents in the area
- Whenever West ham united FC are playing at QE Olympic Stadium then open containers and off sales of alcohol shall not be permitted to the landscaped areas edged in green.
- The Here East Management Team (HEMT) is to notify the Licensing Service of any high profile sporting or cultural event taking place within the QE Olympic Park in order for the Licensing Service to determine whether the condition employed for when West Ham United are playing at the stadium be applied for the event.

Reasons for the Decision

The Sub-Committee was satisfied, subject to the relevant agreement being reached, the application be approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

8 Temporary Event Notices - Standing Item

8.1 There were no temporary events notices

Duration of the meeting: 2pm – 4.15pm

Signed

.....

Councillor Sophie Linden
Chair of Committee

Contact:

Peter Gray

Tel No: 020 8356 3326

governance@hackney.gov.uk

Agenda Item 5

Licensing Sub-Committee hearings, under the Licensing Act 2003 & Local Government (Miscellaneous Provisions) Act 1982 – Type A [Re; Premises Licence, Club Premises Certificate, Provisional Statement & Sex Establishment Licence]

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Applicant's Case</p>	<p>The Applicant will present their case in support of their application.</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities' Case</p>	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.</p>	<p>5 minutes each</p>
<p>Step 5 Other Persons' Case</p>	<p>The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.</p>	<p>5 minutes each</p>
<p>Step 6 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.</p>	<p>15 minutes</p>
<p>Step 7 Closing remarks</p>	<p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p>Step 8 - Final clarification</p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p>Step 9 Consideration</p>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	<p>10 minutes</p>
<p>Step 10 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

The Council's procedure rules are also incorporated into these hearing procedures in so far as it does not conflict the procedures as set out above. The Licensing Hearing Regulations can also be viewed by following the link below – <http://www.legislation.gov.uk/uksi/2005/44/contents/made>

This page is intentionally left blank



REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 09/02/2016	Classification DECISION	Enclosure
Application for a Premises Licence Basement, 422 Mare Street, E8 1HP	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s) Art Emporium	In SPA Not Applicable
Date of Application 12/10/2015	Period of Application Permanent
Proposed licensable activity Late Night Refreshment Supply of Alcohol (On and Off Premises)	
Proposed hours of licensable activities	
Late Night Refreshment Primary:	Standard Hours: Fri 23:00-23:30 Sat 23:00-23:30
Supply of Alcohol Primary:	Standard Hours: Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:30 Sat 11:00-23:30 Sun 11:00-22:30
The opening hours of the premises	
Primary	Standard Hours: Mon 11:00-23:30 Tue 11:00-23:30 Wed 11:00-23:30 Thu 11:00-23:30 Fri 11:00-00:00 Sat 11:00-00:00 Sun 10:00-23:00

Capacity: Not known	
Policies Applicable	LP1 (Planning), LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority (Pollution) • Planning Authority • Other Persons

2. APPLICATION

- 2.1 **Art Emporium** has made an application for a premises licence under the Licensing Act 2003:
- To supply alcohol for consumption on and off the premises
 - Late night refreshment
- 2.2 The application is attached as Appendix A. The hours described in para. 1 above reflect amendments agreed with responsible authorities.

3. CURRENT STATUS / HISTORY

- 3.1 The premises are not currently licensed for any activity. There have been no TENs at the premises within the last 12 months.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution) (Appendix B1)	Representation received on the grounds of the prevention of public nuisance
Environmental Health Authority (Environmental Enforcement)	Representation has been withdrawn with the agreed conditions as set out in para 8.1
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority (Appendix B2)	Representation received on the grounds of the prevention of public nuisance & LP1 (Planning)
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	No representations received
Police	Representation has been withdrawn with the agreed conditions as set out in para 8.1

Licensing Authority	Representation has been withdrawn with the agreed conditions as set out in para 8.1
Health Authority	Representation has been withdrawn with the agreed conditions as set out in para 8.1

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from local resident. (Appendix C)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance.

6. GUIDANCE CONSIDERATIONS

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (Planning), LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 (Public Safety) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

Supply Of Alcohol (On/Both)

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.
 - (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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark or
- (b) an ultraviolet feature

6. The responsible person must ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.

Conditions derived from operating schedule

9. The holder of the premises licence shall subscribe and participate fully in the local pubwatch scheme.

10. Customers shall not be allowed to take drinks outside the premises after 23:00 hours.

11. Staff shall monitor the pavement area directly outside the premises to ensure customers are not blocking the area and / or causing a nuisance to local residents.

12. The premises shall prominently display clear, legible notices at the exits of the premises requesting customers to leave the premises quietly.

13. Staff shall be provided with training on offences and refusals with regards to sales of alcohol to persons under 18 years of age.

14. The premises shall operate a 'Challenge 25' proof of age scheme. Only photocard driving licences and passports will be accepted as proof of age.

Conditions derived from Responsible Authority representations

15. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

16. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

17. The Licensee's premises are situated in an area within which refuse may only be left on the public highway during certain time bands. If the Licensee's waste carrier cannot or does not comply by collecting the refuse during the present or any future time bands imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as its waste carrier arrives to collect the refuse.

18. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.

19. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip, for the use of customers.

20. There shall be no off sales of alcohol after 10pm.

21. Before 10pm, any off sales of alcohol will be ancillary to a cold food platter /artisanal sandwich or tapas style snack, where the food sales must be over £10.

22. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

24. There shall be a staff member from the premises who is conversant with the operation of the CCTV system on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.

25. There shall be "CCTV in Operation" signs prominently displayed.

26. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

27. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.

28. Tapas and other warm or cold food will always be available whenever alcohol is being sold.

29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.

- a. All crimes reported:
- b. All ejections of patrons
- c. Any complaints received.
- d. Any incidents of disorder.
- e. Seizure of drugs or offensive weapons.
- f. Any faults in the CCTV system.
- g. Any refusal of the sale of alcohol.
- h. Any visit by a relevant authority or emergency service

30. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.

31. All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.

32. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint and shall be advertised at the premises or on its website.

33. All staff receives training on the legislation relating to the sales of alcohol to underage persons and drunken persons. There shall be written records kept of this training and kept on the premises. They will be made available to police or other authorised officer upon request.

34. Patrons will not be allowed to take drinks, glass or open containers outside of the building at any time, except for those customers sat in the designated outside seating area.

35. After 9pm there shall be a maximum of 5 people outside smoking at any one time.

36. SIA registered door staff will be employed at the premises when required on the basis of an operational risk assessment with identity badges displayed at all times. SIA numbers, full names, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded.

37. The capacity of the venue will be 60. All customers will be seated and served by staff at the table.

38. Except for smokers, the outside area shall not be used after 10pm.

39. Background music only will played at all times when this licence is in force.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 9 to 14 above are derived from the applicant's operating schedule. Conditions 15 to 19 have been proposed by environmental enforcement, 20 to 22 by public health, 23 to 38 by the police and 39 by Licensing. The proposed conditions have been accepted by the applicant, and representations have been withdrawn as a result.

10. LEGAL COMMENTS

10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made

and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

A. Option 1

That the application be refused

B. Option 2

That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

13.1 That Members decide on the application under the Licensing Act 2003.

Corporate Director of Legal, HR and Regulatory Services	Gifty Edila
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 2 Hillman Street E8 1FB Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: Basement, 422 Mare Street, E8 1HP	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

Hackney
LA01

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.



I/we ART EMPORIUM
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description <u>BASEMENT AT 422 MARRE ST,</u>			
Post town	<u>LONDON</u>	Postcode	<u>E8 1HP</u>
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	<u>£ 8547</u>		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

London Borough of Hackney

 LICENSING SERVICE
 08 OCT 2015
 Duty Officer W Acknowledged

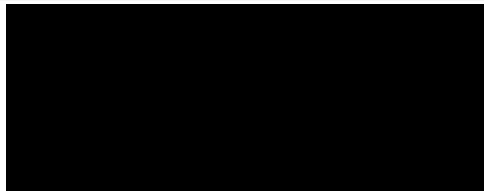


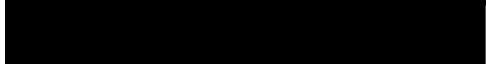
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname EMPORIUM			First names ART		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	10	2015

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
 	 	

Please give a general description of the premises (please read guidance note 1)

Cafe, restaurant + bar
A3.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	23:30			
Tue	11:00	23:30			
Wed	11:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	23:30	NEW YEARS EVE UNTIL 04:00 ONLY		
Fri	11:00	00:00			
Sat	11:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	23:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23:30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NEW YEARS EVE UNTIL 04:00 ONLY		
Thur	23:00	23:30			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun	23:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	11:00	23:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) NEW YEARS EVE UNTIL 04:00 ONLY		
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	23:30			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	10:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	LONZI Calder-keuork		
Address	[REDACTED]		
Postcode	[REDACTED]		
Personal licence number (if known)	[REDACTED]		
Issuing licensing authority (if known)	HACKNEY		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	11:00	23:30
Tue	11:00	23:30
Wed	11:00	23:30
Thur	11:00	23:30
Fri	11:00	00:00
Sat	11:00	00:00
Sun	10:00	23:00

State any seasonal variations (please read guidance note 4)

NEW YEARS EVE ONLY UNTIL 04:00

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

AS DETAILED BELOW IN B), C), D) + E)

b) The prevention of crime and disorder

- The holder of the premises licence shall subscribe to and ensure a member of staff participates fully in the local pubwatch scheme.
- No drinks allowed outside after 11pm.

c) Public safety

- ① The premises at basement @ 422 Morea, will continue to comply with all relevant legislation including fire safety, pest control, health + safety and so forth.
- ② our local minicab details will be provided if public transport not available - ensuring a safe + efficient journey home.

d) The prevention of public nuisance

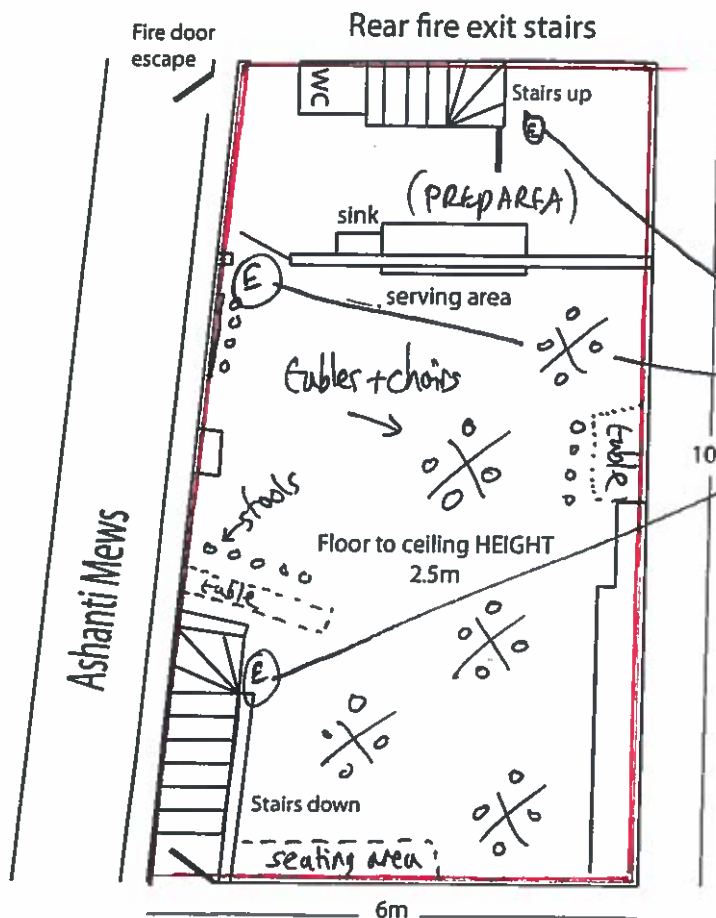
- ① staff @ basement 422 shall monitor / supervise the street + pavement area - ensuring customers not blocking the pavement or causing nuisance to neighbours.
- ② immediate area outside premises will be kept clear, tidy + constantly maintained in a clean + satisfactory manner.
- ③ prominent, clear + legible exit notices - requesting customers leave quietly - see attached risk assessment.

e) The protection of children from harm

- ① staff training on details of any offences, including sale + supply of alcohol - especially to under 18's + 25's.
- ② any doubt regarding age - valid photographic 'challenge 25' scheme to be used.
- ③ acceptable I.D to validate only with holographic mark of British drivers licence or current passport.

RECEIVED IN CORPORATION
BUSINESS SUPPORT
- 6 OCT 2015

FLOORPLAN (2 / 2)
BASEMENT at 422 MARE ST
HACKNEY
E8 1HP



- FRA completed
- emergency lights + fire exit signs at each point + change of direction.
- smoke / fire alarm
- x 3
- 4 x fire extinguishers
- 1 x CO2 + 1 x foam in Main area
- +
- 1 x CO2 / 2 x foam in prep area.

EXISTING & PROPOSED
BASEMENT
FLOOR PLAN
SCALE 1:100

Main basement front entrance

Basement approx floor area 678 sqft

Red outline indicates application site

Drg no. 2/2
page size: A4
20/08/15
drawn by: Chou
@ Design Access

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

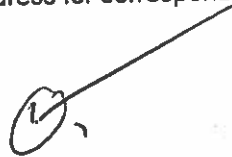
Signature		
Date		
Capacity		

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature		
Date		
Capacity		

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

previously given.



Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Lewis Dodd

From: Stephen Collingwood
Sent: 19 October 2015 11:36
To: 'ART@glowresin.com'
Cc: Licensing
Subject: WK/201507295

Dear Sir/Madam,

Thank you for your application for a premises licence in the Basement 422 Mare Street E8 1HP.
I am not inclined to recommend this be approved as the facilities in the kitchen appear inadequate and no WC facilities are provided for patrons unless you expect them to use Ashanti Mews.

Please contact me if you have further information concerning these matters which you want to bring to my attention.

Best regards,

Stephen Collingwood
Specialist Noise and Advice Officer
Community Safety Team,
London Borough of Hackney,
2nd Floor Maurice Bishop House,
17 Reading House,
London E8 1HH
020 8346 4675

**Planning Authority Representation:
Application under the Licensing Act 2003**

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Laraine Rolt
Officer telephone number	020 8356 8076
Officer's email address	laraine.rolt2@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Basement 422 Mare Street London, E8 1HP
Applicant name	Art Emporium

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime on disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

Planning ref. 2014/0534 granted permission for a "Change of use of basement unit from minicab office (Use Class Sui Generis) to a Café/Tapas bar (Use Class A3)". Therefore the use of the basement at 422 Mare Street as a café/restaurant is authorised.

Condition 5 of 2014/0534 limits the opening hours to between 11:00 and 23:30 hours Mon to Thurs, 11:00 to 00:00 hours on Fri and Sat and 10:00 to 23:00

hours on Sun and Bank Holidays. The opening hours proposed in the premises licence application fall within those permitted.

It is noted that there are two pre-commencement conditions contained in planning permission ref. 2014/0534 that have yet to be discharged:-

Condition 3 states that, prior to commencement of the A3 use, a premises management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of management of waste and deliveries to the premises, management of customers outside of the premises and management of any external operations related to the premises.

Condition 8 states that details of a scheme for sound insulation between the basement and the remainder of the building shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be installed before the commencement of the Class A3 use.

These pre-commencement conditions have been incorporated into the planning permission to safeguard the amenity of the adjoining occupiers and the area generally. The fact that they have not been discharged could result in a public nuisance and is contrary to policy LP1.

Please provide the following information (if applicable)

Area (that permission applies to)	Basement
Permitted use	Class A3 (café/restaurant)
Permitted hours	11:00 to 23:30 hours Mon to Thurs, 11:00 to 00:00 hours Fri and Sat and 10:00 to 23:00 hours on Sun and Bank Holidays.
Specific/restrictive conditions	<p>2014/0534 - Condition 5 (opening hours)</p> <p>2014/0534 - Condition 4 - The use of the land to the east and south of the site (Ashanti Mews) shall at no time be used for any activity in relation to the operation of the Class A3 use, including use as a smoking area.</p> <p>2014/0534 - Noise levels associated with the Class A3 use shall at all times remain 5dB(A) or more below the existing background levels when measured from the nearest residential window.</p>
Recent applications	2014/0534 - Change of use of basement unit from minicab office (Use Class Sui Generis) to a Café/Tapas bar (Use Class A3)
Decisions	2014/0534 - granted
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	<p>2014/0534 - Condition 3 (Management Plan)</p> <p>2014/0534 - Condition 8 (Sound Insulation)</p>

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

The use of the basement premises at 422 Mare Street as a café/restaurant is authorised, and the opening hours proposed in the premises licence application fall within those permitted under planning permission ref. 2014/0534 Condition 5.

However, there are two pre-commencement conditions contained within 2014/0534 (Condition 3 - Management Plan, and Condition 8 - Sound insulation) that have yet to be discharged. The licensing applicant would need to apply for planning

permission to discharge these conditions prior to the commencement of the Class A3 (café/restaurant) use.

Signed	
Name	
Date	

Lewis Dodd

From: [REDACTED]
Sent: 30 October 2015 09:38
To: Licensing
Subject: Licensing Application - Basement, 422 Mare St, E8.

Dear Sir / Madam,

I am writing to you regarding the application of a bar of off licence in the basement of the Marina Café, 422 Mare St, E8. I am a resident of the building on [REDACTED].

I have been a resident at [REDACTED] for over five years and I strongly oppose the opening of a bar in the basement space.

Firstly, the space used as a bar will undoubtedly increase noise levels through music being played. I have little doubt that after a while the owner will also offer liver music in the bar – as per his previous application for the space and in line with his current premises on Chatsworth Rd, E5.

Secondly, people entering and leaving the bar in the evening while inebriated will lead to further noise. Although the bar owner may plan to use security to reduce this problem, the consumption of alcohol undoubtedly leads to drunkenness, noise and anti-social behaviour. In particular, the alley to the side of the property – already used as something of a public toilet, especially when there are events at the St. John Of Hackney Church – will only become more abused. My property runs the length of this alley with the living room and kitchen above where the entrance would be and both bedrooms and bathrooms above the alley so there would be no escape from the disruption.

I also want to point out that as there is a florist now using a space in the building to the back of the property, the alley is already in use with deliveries from 6am on most mornings. This means that with the bar opening until 11pm or 12pm (and customer leaving the bar after that) it leaves a very short space of time during the night for residents to actually be able to sleep without disruption.

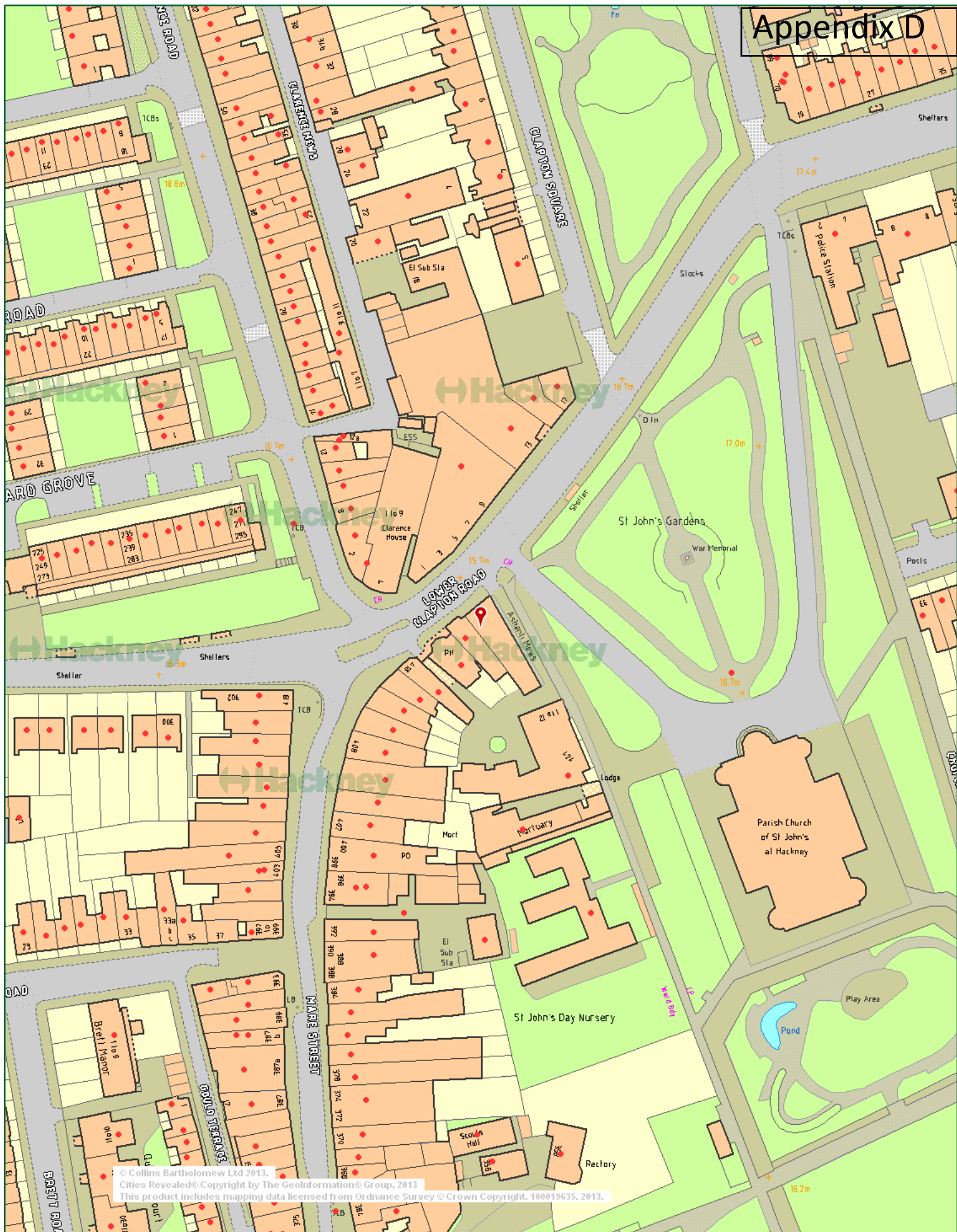
The basement space has previously been used to house an (illegal) bar which, after several weeks of experiencing all of the problems outlined above, was eventually closed down by the police.

If you would like any further information or I can help in any way at all, please feel free to contact me via email or by phone.

Many thanks,

[REDACTED]

[REDACTED]



422 Mare Street, Basement

Scale 1/1250 at A4





REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 09/02/2016	Classification DECISION	Enclosure
Application for a Premises Licence Healthy Stuff, 168 Dalston Lane, E8 1NG	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s) Healthy Stuff Ltd	In SPA No
Date of Application 14/12/2015	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (Off Premises)	
Proposed hours of licensable activities	
Supply of Alcohol	Standard Hours:
INDOOR:	Mon 08:00-19:00 Tue 08:00-19:00 Wed 08:00-19:00 Thu 08:00-19:00 Fri 08:00-19:00 Sat 10:00-18:00 Sun 10:00-18:00
The opening hours of the premises	
INDOOR	Standard Hours:
	Mon 08:00-19:00 Tue 08:00-19:00 Wed 08:00-19:00 Thu 08:00-19:00 Fri 08:00-19:00 Sat 10:00-18:00 Sun 10:00-18:00
Capacity: Not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)

List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Location map
Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority

2. APPLICATION

2.1 **Healthy Stuff Ltd** has made an application for a premises licence under the Licensing Act 2003:

- To supply alcohol for consumption off the premises

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	Have confirmed no representation on this application
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B1)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance,
Licensing Authority (Appendix B2)	Representation received on the grounds of Prevention of Public Nuisance
Health Authority	Have withdrawn representation following acceptance of proposed conditions

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from and on behalf of local residents.	None

6. GUIDANCE CONSIDERATIONS

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

Supply Of Alcohol (Off)

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.
 - (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. 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

4. 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 4.2 For the purposes of the condition set out in paragraph 4.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions Proposed by Responsible Authorities

5. Any sales of alcohol to be consumed off site shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.
6. The age verification policy operated at the premises shall be 'Challenge 25', where any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Forms of ID that may be accepted shall be
 - a) A proof of age card bearing the PASS hologram logo
 - b) A passport
 - c) A UK photo driving licence
7. Notices advertising that the premises operates a 'Challenge 25' scheme will be displayed prominently at the premises entrance(s) and inside the premises

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
9. Any staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage upon request.
10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
 - a. All crimes reported:
 - b. Any complaints received.
 - c. Any ejections
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
12. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written or electronic records shall be kept and produced to police or an authorised officer upon request.
13. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 5 to 7 above have been proposed by Public Health and have been accepted by the applicant. Conditions 8 to 13 have been proposed by the Police.

10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
- **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

- 13.1 That Members decide on the application under the Licensing Act 2003.

Corporate Director of Legal, HR and Regulatory Services	Gifty Edila
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 2 Hillman Street E8 1FB Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: Healthy Stuff, 168 Dalston Lane, Hackney, E8 1NG	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

This page is intentionally left blank