



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

Thursday, 18th February, 2016

at 7.00 pm

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

Councillors sitting:

**Cllr Richard Lufkin (Substitute),
Cllr Sharon Patrick and Cllr James Peters**

**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

Thursday, 18th 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 Licensing Sub-Committee Hearing Procedure		(Pages 1 - 2)
5 Variation to Premises Licence - Ryan's Bar, 181 Stoke Newington Church Street, N16 0UL	Clissold	(Pages 3 - 40)
6 Premises Licence - My Neighbours the Dumplings, 165 Lower Clapton Road, E5 8EQ	Hackney Downs	(Pages 41 - 68)
7 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



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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.

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Agenda Item 4

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/ukxi/2005/44/contents/made>

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REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 18/02/2016	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Ryan's Bar, 181 Stoke Newington Church Street, N16 0UL	Ward(s) affected Clissold	

1. SUMMARY

Applicant(s) Mr Gerard Joseph O'Sullivan	In SPA No
Date of Application 7 December 2015	Period of Application Permanent
Proposed variation: <ul style="list-style-type: none"> • New Plan to reflect revised layout of premises • To replace conditions on current licence • To extend hours for Recorded Music, late night refreshment and sale of alcohol on Friday and Saturday to 00:30 	
Proposed hours for licensable activity	
Recorded Music Primary	Standard Hours: Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:30 Sat 10:00-00:30 Sun 10:00-00:00 Non-Standard Hours: From end of permitted hours New Year's Eve to start of permitted hours on following day.
Late Night Refreshment Primary Indoors	Standard Hours: Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:30 Sat 23:00-00:30 Sun 23:00-00:00

	<p>Non-Standard Hours: From end of permitted hours New Year's Eve to start of permitted hours on following day.</p>
<p>Supply of Alcohol</p> <p>Primary</p>	<p>Standard Hours: Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:30 Sat 10:00-00:30 Sun 10:00-00:00</p> <p>Non-Standard Hours: From end of permitted hours New Year's Eve to start of permitted hours on following day.</p>
<p>The opening hours of the premises:</p> <p>Primary</p>	<p>Standard Hours: Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-00:30 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-00:30</p> <p>From end of permitted hours New Year's Eve to start of permitted hours on following day.</p>
<p>Current activities/hours:</p> <p>Plays Standard Hours: Mon 19:00-23:00</p> <p>Premises: Tue 19:00-23:00 Wed 19:00-23:00 Thu 19:00-23:00 Fri 19:00-23:00 Sat 19:00-23:00 Sun 19:00-23:00</p> <p>Films Standard Hours: Mon 19:00-23:00</p> <p>Premises: Tue 19:00-23:00 Wed 19:00-23:00 Thu 19:00-23:00 Fri 19:00-23:00 Sat 19:00-23:00 Sun 19:00-23:00</p> <p>Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day</p>	

Live Music	Standard Hours:
Premises:	Mon 19:00-23:00 Tue 19:00-23:00 Wed 19:00-23:00 Thu 19:00-23:00 Fri 19:00-23:00 Sat 19:00-23:00 Sun 19:00-23:00
	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
Recorded Music	Standard Hours:
Premises:	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00
	Non-Standard Hours: On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
Performance of Dance	Standard Hours:
Premises:	Mon 19:00-23:00 Tue 19:00-23:00 Wed 19:00-23:00 Thu 19:00-23:00 Fri 19:00-23:00 Sat 19:00-23:00 Sun 19:00-23:00
	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
Other Entertainment Similar to Live or Rec Music or Dance Performance	Standard Hours:
Premises:	Mon 19:00-23:00 Tue 19:00-23:00 Wed 19:00-23:00 Thu 19:00-23:00 Fri 19:00-23:00 Sat 19:00-23:00 Sun 19:00-23:00
	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve

	from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
Late Night Refreshment	Standard Hours: Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00
Premises:	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
Supply of Alcohol	Standard Hours: Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00
Premises:	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
The opening hours of the premises	
Premises	Standard Hours: Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-00:30 Fri 10:00-00:30 Sat 10:00-00:30 Sun 10:00-00:30
	Non-Standard Hours: On St George's day, St Patrick's Day, Good Friday, Christmas Eve to 00:30 the day following On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day
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), LP12 (Licensing Hours),
List of Appendices	A – Application for variation of 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"> • Planning Authority • Licensing Authority • Other Persons

2. APPLICATION

- 2.1 Mr Gerard Joseph O'Sullivan has made an application vary his premises licence under the Licensing Act 2003:
- New Plan to reflect revised layout of premises
 - To replace conditions on current licence
 - To extend hours for recorded music, late night refreshment and sale of alcohol on Friday and Saturday to 00:30
- 2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. CURRENT STATUS / HISTORY

- 3.1 The premises have been operating as a licensed venue prior to the introduction of the Licensing Act 2003 with the hours described in para 1 above and subject to the conditions below. The licence was transferred to the current licensee in 2006.

Mandatory Conditions:

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.

Exhibition Of Films

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

"film classification body" means person('s) designated under s4 of the Video Recordings Act 1984(c.39).

Door Supervision

9. 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

10. The licensee shall ensure that all staff are trained in all aspects of the Licensing Act 2003.

11. Staff are to be carefully selected and trained to be 'non-confrontational' when dealing with potentially dangerous situations.

12. Local Police to be liaised with to uphold crime prevention initiative.

13. Current Health and Safety legislation to be adhered to, and a safe environment for customers and staff shall be maintained at all times.

14. Notices shall be displayed regarding the prohibition of the sale of alcohol and cigarettes to under age persons.

15. Proof of age scheme to be promoted.

Conditions attached after a hearing by the licensing authority

16. A detailed acoustic report to be carried out by a competent person to be submitted to Pollution Control for approval. All recommendations within the report approved by the Pollution Team should be introduced into the premise before entertainment takes place.

17. Sound limiting devices shall be installed and maintained (device type to be approved by the Pollution Team) to all music systems. The limiting devices should be set to ensure inaudibility in all residential premises, a certificate of compliance should be submitted to the Pollution Team.

18. Notices to be prominently displayed inside and outside Ryan's Bar informing patrons to leave in a quiet and orderly way.

19. The garden area should not be used after 22:00 hours.

20. The rear doors and windows be kept closed after 22:00.

21. There to be no more than 150 people in the garden area at any one time.

22. There to be no live music on the ground floor.

3.2 No TENs have been submitted in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution)	Representation received on the grounds of the prevention of public nuisance
Environmental Health Authority	Representation received on the grounds of the prevention of public nuisance

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

5. REPRESENTATIONS: OTHER PERSONS

1 representation received from local residents.	Representation received on the grounds Prevention of Public Nuisance.
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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), LP8 (Public Safety) and LP12 (Licensing Hours) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should replace those on the current licence:

Mandatory Conditions:

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.

Exhibition Of Films

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -

(a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

(b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question.

"film classification body" means person('s) designated under s4 of the Video Recordings Act 1984(c.39).

Door Supervision

9. 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

10. All staff who work front of house to be trained for their role and in all aspects of the Licensing Act 2003 (including regarding underage or proxy sales) on induction and to be given refresher training every 6 months by the premises licence holder or DPS. Written training records to be kept for each staff member.

11. The premises licence holder, DPS or manager shall attend a relevant confrontation management course and subsequently train the front of house staff.

12. The venue shall engage and work with the local Police Team and the Police and Council Licensing Teams.

13. A valid fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training. Current Health and Safety legislation to be adhered to, and a safe environment for customers and staff shall be maintained at all times.

14. Notices shall be displayed regarding the prohibition of the sale of alcohol and cigarettes to under age persons.

15. 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.

16. 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.

17. 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.

18. 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.

19. There shall be no drink, glass or open containers taken outside the front of the premises at any time, except for those sat in the designated seating area.

20. Premises to operate zero tolerance policy to drugs and comply with Hackney Police drugs, weapons and theft policy where appropriate.

21. All staff will be given refresher training every six 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.

22. 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.

23. The garden shall not be used after 22:00hrs

24. There shall be no live music on the ground floor.

25. The rear doors and windows are to be kept closed after 22:00hrs.

26. There shall be a maximum of 150 customers in the garden at any one time.

27. The venue shall have a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officer upon request.

28. Sound limiting devices shall be installed and maintained (device type to be approved by the Pollution team) to all music systems. The limiting devices should be set to ensure inaudibility in all residential premises, a certificate of compliance shall be submitted to the Pollution Team.

29. A detailed acoustic report to be carried out by a competent person to be submitted to Pollution Control for approval. All recommendations within the report approved by the Pollution team should be introduced into the premise before entertainment takes place.

30. Notices to be prominently displayed inside and outside Ryan's Bar requesting patrons to leave in a quiet and orderly fashion.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 10 to 14 derive from the applicant's operating schedule. Conditions 15 to 30 have been proposed by the Police and accepted by the applicant.

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
Ryan's Bar 181 Stoke Newington Church Street, N16 0UL	Hackney Service Centre Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We GERARD O'SULLIVAN

(Insert name(s) of applicant)

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

Premises licence number LBH-PRE-T-0498

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description RYAN'S BAR, 181 STOKE NEWINGTON CHURCH STREET, LONDON N16 0UL

Post town	LONDON	Postcode	N16 0UL
-----------	--------	----------	---------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£21250
---	--------

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY
┆┆	┆┆	┆┆┆┆

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) Yes No

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

- 1) TO SUBMIT A NEW PLAN TO REFLECT THE REVISED LAYOUT OF THE PREMISES FOLLOWING ALTERATIONS.
 - 2) TO AMEND / REPLACE THE CONDITIONS AT ANNEXE 2 OF THE PREMISES LICENCE.
 - 3) TO EXTEND THE PERMITTED HOURS FOR THE PROVISION OF RECORDED MUSIC, THE PROVISION OF LATE NIGHT REFRESHMENT & THE SALE OF ALCOHOL ON FRIDAY & SATURDAY TO BE FROM 10.00 TO 00.30. OPENING HOURS ON THESE NIGHTS TO BE EXTENDED TO 01.00.
- ;

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	Please give further details here (please read guidance note 4) N/A								
Mon	10.00										
		00.00									
Tue	10.00										
		00.00									
Wed	10.00					State any seasonal variations for the playing of recorded music (please read guidance note 5) NONE					
		00.00									
Thur	10.00										
		00.00									
Fri	10.00								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 6) ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 00.30 THE DAY FOLLOWING. ON NEW YEAR'S EVE FROM THE END OF PERMITTED HOURS ON NEW YEAR'S EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.		
		00.30									
Sat	10.00										
		00.30									
Sun	10.00										
		00.00									

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) N/A		
Mon	23.00	00.00			
Tue	23.00	00.00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) NONE		
Wed	23.00	00.00			
Thur	23.00	00.00			
			<u>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</u> (please read guidance note 6) ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 00.30 THE DAY FOLLOWING. ON NEW YEAR'S EVE FROM THE END OF PERMITTED HOURS ON NEW YEAR'S EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.		
Fri	23.00	00.30			
Sat	23.00	00.30			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NONE Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 00.30 THE DAY FOLLOWING. ON NEW YEAR'S EVE FROM THE END OF PERMITTED HOURS ON NEW YEAR'S EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.		
Mon	10.00				
		00.00			
Tue	10.00				
		00.00			
Wed	10.00				
		00.00			
Thur	10.00				
		00.00			
Fri	10.00				
		00.30			
Sat	10.00				
		00.30			
Sun	10.00				
		00.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NONE
Day	Start	Finish	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 6) ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 00.30 THE DAY FOLLOWING. ON NEW YEAR'S EVE FROM THE END OF PERMITTED HOURS ON NEW YEAR'S EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.
Mon	10.00		
		00.30	
Tue	10.00		
		00.30	
Wed	10.00		
		00.30	
Thur	10.00		
		00.30	
Fri	10.00		
		01.00	
Sat	10.00		
		01.00	
Sun	10.00		
		00.30	

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

TO AMEND / REPLACE THE CONDITIONS AT ANNEXE 2 OF THE PREMISES LICENCE AS BELOW:

CONDITION 10 AMEND TO READ " ALL STAFF WHO WORK FRONT OF HOUSE TO BE TRAINED FOR THEIR ROLE AND IN ALL ASPECTS OF THE LICENSING ACT 2003 (INCLUDING REGARDING UNDERAGE OR PROXY SALES) ON INDUCTION AND TO BE GIVEN REFRESHER TRAINING EVERY 6 MONTHS BY THE PREMISES LICENCE HOLDER OR DPS. WRITTEN TRAINING RECORDS TO BE KEPT FOR EACH STAFF MEMBER";

CONDITION 11 AMEND TO READ "THE PREMISES LICENCE HOLDER , DPS OR MANAGER SHALL ATTEND A RELEVANT CONFRONTATION MANAGEMENT COURSE AND SUBSEQUENTLY TRAIN THE FRONT OF HOUSE STAFF";

CONDITION 12 REPLACE BY "THE VENUE SHALL ENAGAGE AND WORK WITH THE LOCAL POLICE TEAM AND THE POLICE AND COUNCIL LICENSING TEAMS";

CONDITION 13 REPLACE BY "A VALID FIRE RISK ASSESSMENT AND EMERGENCY PLAN SHALL BE PREPARED AND REGULARLY REVIEWED. ALL STAFF SHALL RECEIVE APPROPRIATE FIRE SAFETY TRAINING;"

CONDITION 14 RETAIN;

CONDITION 15 AMEND TO READ" CHALLENGE 21 SHALL BE OPERATED AS THE

PROOF OF AGE SCHEME."

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
COPY PREMISES LICENCE REQUESTED. THE ORIGINAL HAS BEEN LOST. IF AN
ADDITIONAL FEE IS REQUIRED PLEASE CALL US ON 07810 826778.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.

b) The prevention of crime and disorder

REVISED ANNEXE 2 CONDITIONS TO BE ATTACHED TO THE LICENCE AS BELOW:
CONDITION 10 AMEND TO READ " ALL STAFF WHO WORK FRONT OF HOUSE TO BE TRAINED FOR THEIR ROLE AND IN ALL ASPECTS OF THE LICENSING ACT 2003 (INCLUDING REGARDING UNDERAGE OR PROXY SALES) ON INDUCTION AND TO BE GIVEN REFRESHER TRAINING EVERY 6 MONTHS BY THE PREMISES LICENCE HOLDER OR DPS. WRITTEN TRAINING RECORDS TO BE KEPT FOR EACH STAFF MEMBER";
CONDITION 11 AMEND TO READ "THE PREMISES LICENCE HOLDER , DPS OR MANAGER SHALL ATTEND A RELEVANT CONFRONTATION MANAGEMENT COURSE AND SUBSEQUENTLY TRAIN THE FRONT OF HOUSE STAFF";
CONDITION 12 REPLACE BY "THE VENUE SHALL ENAGAGE AND WORK WITH THE LOCAL POLICE TEAM AND THE POLICE AND COUNCIL LICENSING TEAMS";
CONDITION 13 REPLACE BY " A VALID FIRE RISK ASSESSMENT AND EMERGENCY PLAN SHALL BE PREPARED AND REGULARLY REVIEWED. ALL STAFF SHALL RECEIVE APPROPRIATE FIRE SAFETY TRAINING;"
CONDITION 14 RETAIN;
CONDITION 15 AMEND TO READ" CHALLENGE 21 SHALL BE OPERATED AS THE PROOF OF AGE SCHEME."
ANNEXE 3 CONDITIONS REMAIN IN FORCE.

c) Public safety

SEE BOX B

d) The prevention of public nuisance

SEE BOX B

e) The protection of children from harm

SEE BOX B

Checklist:

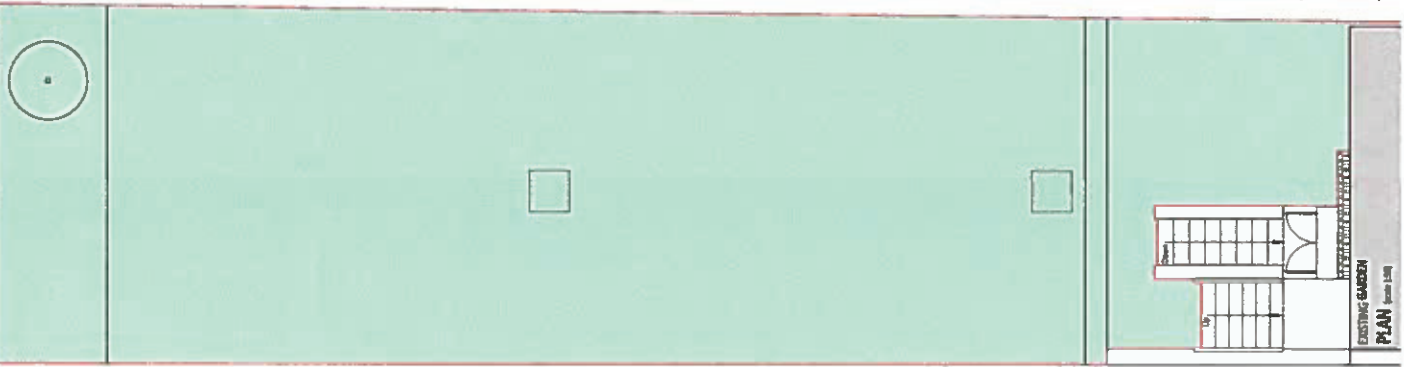
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

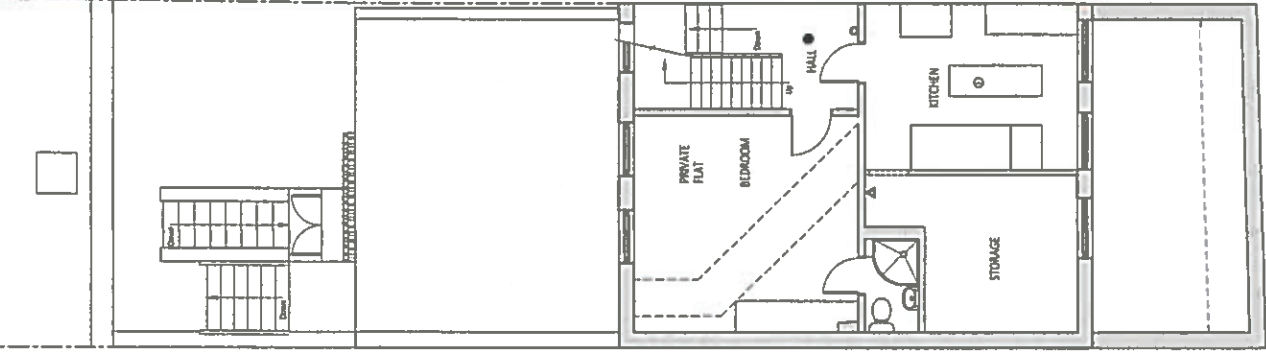
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

SALE OF ALCOHOL + LATE NIGHT REFRESHMENT + MUSIC ENTERTAINMENT + ALCOHOL CONSUMPTION AREA

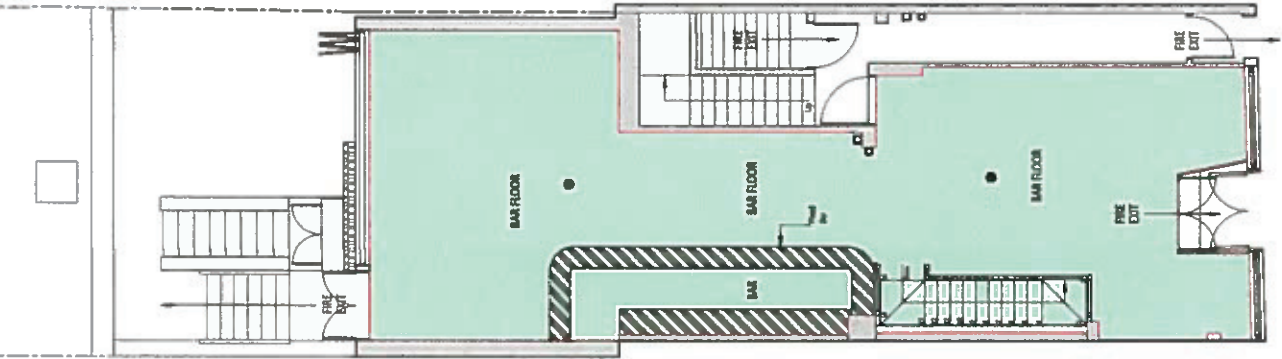
FIRE EQUIPMENT
 - Hydrant
 - Oil
 - Fire Blanket
 - Fire Extinguisher
 - Fire Alarm



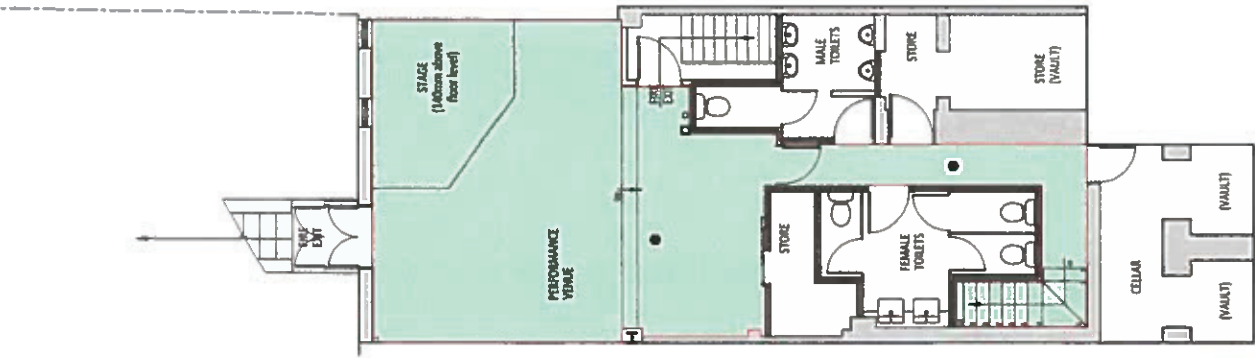
PROPOSED GROUND FLOOR PLAN (Scale 1:50)



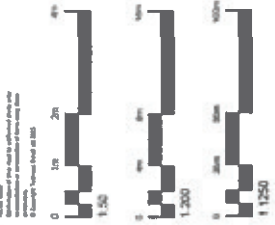
PROPOSED FIRST FLOOR PLAN (Scale 1:50)



PROPOSED BASEMENT PLAN (Scale 1:50)



PROPOSED BLOCK PLAN (Scale 1:50)

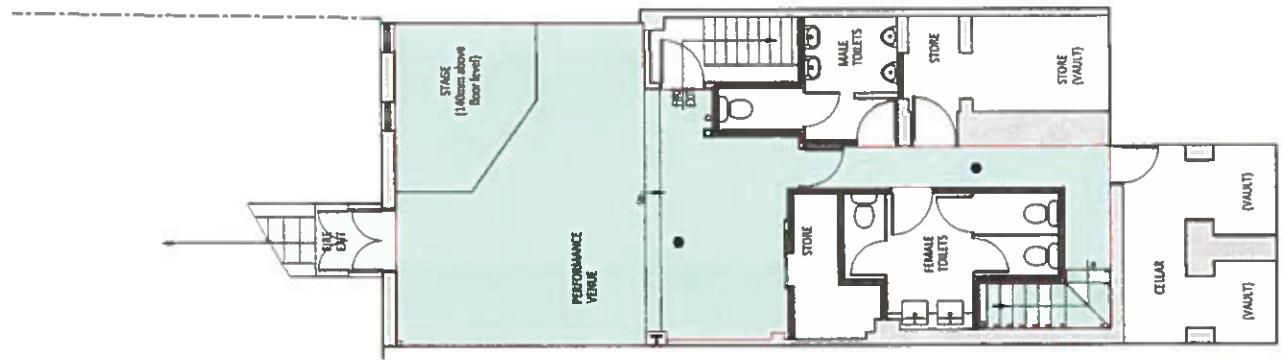
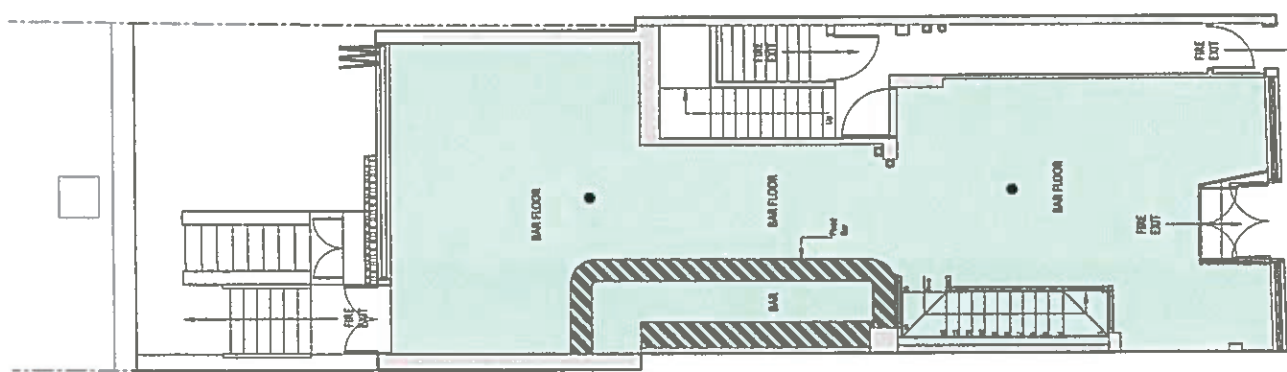
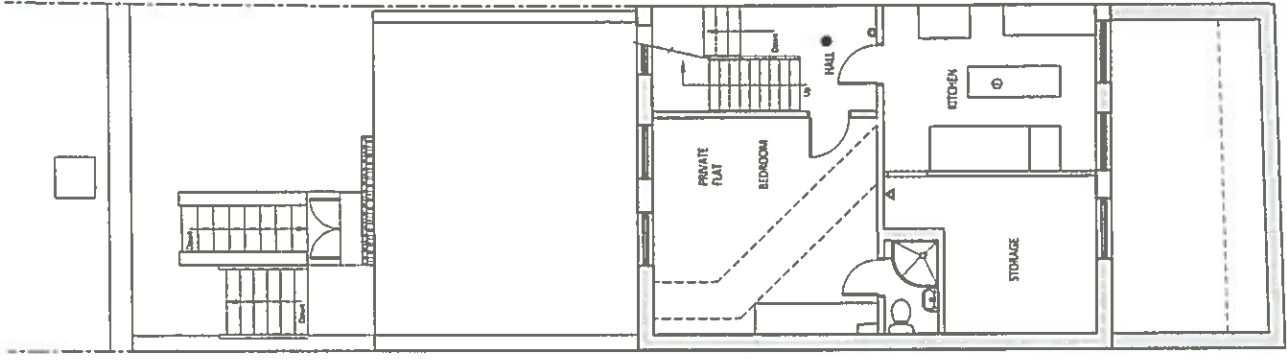
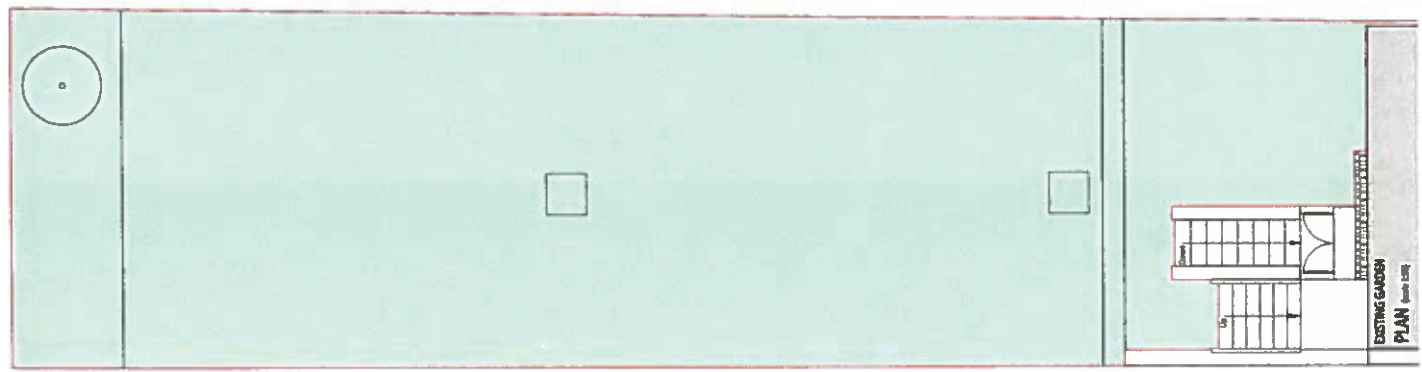


LOCATION PLAN (Scale 1:1250)

A
 181 Church Street
 Stoke Newington
 N16 0UL
 08/07/2015
 PROPOSED PLANS (LICENSING) (A1)
 150, 200, 1250 A

- SALE OF ALCOHOL + LATE NIGHT REFRESHMENT + MUSIC ENTERTAINMENT
- ALCOHOL CONSUMPTION AREA

- FIRE EQUIPMENT**
- Fire Alarm
 - Fire Extinguisher
 - Fire Blanket
 - Fire Hose
 - Fire Alarm Control Panel
 - Fire Alarm Sounder
 - Fire Alarm Call Point
 - Fire Alarm Repeater
 - Fire Alarm Remote Control
 - Fire Alarm Test Button
 - Fire Alarm Test Switch
 - Fire Alarm Test Light
 - Fire Alarm Test Buzzer
 - Fire Alarm Test Horn
 - Fire Alarm Test Siren
 - Fire Alarm Test Bell
 - Fire Alarm Test Chime
 - Fire Alarm Test Gong
 - Fire Alarm Test Trolley
 - Fire Alarm Test Cart
 - Fire Alarm Test Box
 - Fire Alarm Test Cabinet
 - Fire Alarm Test Enclosure
 - Fire Alarm Test Housing
 - Fire Alarm Test Mounting
 - Fire Alarm Test Bracket
 - Fire Alarm Test Support
 - Fire Alarm Test Base
 - Fire Alarm Test Feet
 - Fire Alarm Test Screws
 - Fire Alarm Test Nuts
 - Fire Alarm Test Washers
 - Fire Alarm Test Spacers
 - Fire Alarm Test Gaskets
 - Fire Alarm Test O-rings
 - Fire Alarm Test Seals
 - Fire Alarm Test Liners
 - Fire Alarm Test Inserts
 - Fire Alarm Test Adhesives
 - Fire Alarm Test Glues
 - Fire Alarm Test Solvents
 - Fire Alarm Test Cleaners
 - Fire Alarm Test Lubricants
 - Fire Alarm Test Greases
 - Fire Alarm Test Oils
 - Fire Alarm Test Powders
 - Fire Alarm Test Pastes
 - Fire Alarm Test Resins
 - Fire Alarm Test Epoxies
 - Fire Alarm Test Putties
 - Fire Alarm Test Mortars
 - Fire Alarm Test Concretes
 - Fire Alarm Test Stuccos
 - Fire Alarm Test Plasters
 - Fire Alarm Test Renders
 - Fire Alarm Test Coatings
 - Fire Alarm Test Finishes
 - Fire Alarm Test Treatments
 - Fire Alarm Test Sealants
 - Fire Alarm Test Adhesives
 - Fire Alarm Test Glues
 - Fire Alarm Test Solvents
 - Fire Alarm Test Cleaners
 - Fire Alarm Test Lubricants
 - Fire Alarm Test Greases
 - Fire Alarm Test Oils
 - Fire Alarm Test Powders
 - Fire Alarm Test Pastes
 - Fire Alarm Test Resins
 - Fire Alarm Test Epoxies
 - Fire Alarm Test Putties
 - Fire Alarm Test Mortars
 - Fire Alarm Test Stuccos
 - Fire Alarm Test Plasters
 - Fire Alarm Test Renders
 - Fire Alarm Test Coatings
 - Fire Alarm Test Finishes
 - Fire Alarm Test Treatments
 - Fire Alarm Test Sealants



A
 Name of the building, number of and the nature of the units
 181 Church Street
 State of Newington
 W16 00A
 Date
 08/07/2015
 Proposed Plans
 1095/PL/101
 (LICENSING) (A1)
 1:50, 200, 1:250 A

APPENDIX B1

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	Ryan's Bar, 181 Stoke Newington Church Street, London, N16 0HH
Applicant name	Gerard Joseph O'Sullivan

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. TP/94125/DJF granted permission for a "change of use of the basement and ground floor to a wine bar ..." in September 1986. A further planning application (ref. 2006/3016) granted an extension of opening hours to between 10:00 hours and 00:30 hours on any day. Therefore, the use of the premises at 181 Stoke Newington Church Street as a bar is authorised.

The licensing applicant is applying to vary the current premises licence by

changing the layout of the premises, amending/replacing some of the licensing conditions and extending the opening hours on Friday and Saturday to 01:00 hours. The proposed extension of opening hours would exceed those permitted under planning permission ref. 2006/3016 for Friday and Saturday which 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 and Ground Floor
Permitted use	Class A4 (wine bar)
Permitted hours	Between 10:00 hours and 00:30 hours on any day.
Specific/restrictive conditions	TP/94125/DJF - Condition 3 (the garden area shall not be used by patrons using the wine bar) 2006/3016 - Condition 1 (opening hours)
Recent applications	2006/3016 - extension of opening hours
Decisions	2006/3016 - granted
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

The use of the ground floor and basement premises at 181 Stoke Newington Church Street as a wine bar is authorised. However, the proposed variation to extend the opening hours to 01:00 hours on Friday and Saturday would exceed those permitted under Condition 1 of planning permission ref. 2006/3016. The licensing applicant would need to bring the opening hours in line with those permitted. Alternatively, they would need to apply for planning permission to further extend the opening hours.

Signed	
Name	
Date	

APPENDIX B2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing
ADDRESS OF AUTHORITY	Licensing Service Legal, HR and Regulatory Services Directorate 2 Hillman St London E8 1FB
CONTACT NAME	Derek Fergus
TELEPHONE NUMBER	020 8356 3496
E-MAIL ADDRESS	derek.fergus@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Ryans Bar 181 Stoke Newington Church Street N16 0UL
NAME OF APPLICANT/PREMISES USER	Gerard O'Sullivan

COMMENTS

I make the following relevant representations in relation to the above application.

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

Representations (which include comments and/or objections) in relation to:

The premises is located in a residential area and Licensing have concerns about the risk of public nuisance.

Further discussion is required to assess whether possible changes to the application and/or conditions being agreed could allay concerns and to ensure that the Licensing objectives are not undermined.

The above representations are supported by the following evidence and information.

The Licensing Policy and Licensing Objectives

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

Applicant should contact licensing to discuss

Name: Derek Fergus - Principal Licensing Enforcement Officer

Date: 28/12/15

Mike Smith

From: [REDACTED]
Sent: 06 January 2016 10:51
To: Licensing
Cc: [REDACTED]
Subject: Representation against application to vary the existing premises licence at Ryan's Bar, 181 Stoke Newington Church Street, London, N160UL

Dear Sir/Madam,

I am writing on behalf of my husband and myself to make a representation against an application to vary the existing premises licence at Ryan's Bar, 181 Stoke Newington Church Street, London, N160UL. I attach a photograph of the licence variation advertisement which states that representations may be made until today, 6 January 2015.

Representation

We wish to object to the extension of the permitted hours for the supply of alcohol, recorded music and late night refreshment to 00:30 on Fridays and Saturdays.

We are an interested party for the purposes of section 35(6)(a) of the Licensing Act 2003 as we live in and own a dwelling at [REDACTED] Stoke Newington Church Street, approximately [REDACTED] metres from Ryan's Bar. Due to the proximity of the premises we are directly affected by the noise emanating from it on Friday and Saturday nights. In accordance with section 35(5)(a) of the Licensing Act 2003 this representation concerns the likely effect of the grant of the application on the promotion of one of the licensing objectives, namely, the prevention of public nuisance.

Grounds of the representation

Granting the application to vary the existing licence to allow the supply of alcohol, music and late night refreshment from 00:00 to 00:30 on Fridays and Saturdays would not promote the prevention of public nuisance. Indeed, we believe it would increase public nuisance for the reasons set out below.

Substance of the representation

- As residents at [REDACTED] Stoke Newington Church Street we have been directly affected by the late night noise from Ryan's Bar since we moved to the area in June 2011. On Friday and Saturday nights, from inside our property, we are often able to hear the music played within the venue and, in particular, we are always able to hear the noise from people gathering outside the premises on Stoke Newington Church Street to smoke, or to enter or leave the premises. Indeed, the current level of noise from Ryan's Bar on Friday and Saturday nights interferes with our right to sleep.
- There do not currently appear to us to be any signs outside the premises encouraging customers to be mindful of local residents when entering or leaving the premises or when gathering outside it, or if such notices are in place, from our experience, they do not appear to be enforced. It is not clear to us from the application to vary the licence that such provisions would be made or enforced by staff following any licence variation.
- The extension of hours for the supply of alcohol, music and late night refreshment to 00:30 on Fridays and Saturdays would mean that our right to sleep would be affected until 00:30 and beyond, as customers would take time to leave the premises following last orders and would make noise outside the premises on Stoke Newington Church Street, while leaving.

- Stoke Newington Church Street is, in addition to being home to various retail premises and cafes, a residential area. We believe that the proposed extended hours would fail to prevent public nuisance for other residents in the vicinity of Ryan's Bar.

We would be happy to provide the council with current evidence in the form of sound recordings to confirm these representations. However, the premises is currently closed for refurbishments (please see procedural considerations below).

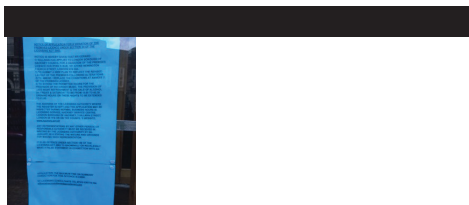
Procedural considerations

Further, we would like to object to the application to vary the licence on the following procedural grounds.

- Ryan's Bar advertised the application to vary its licence during the holiday season when many local residents were away and were therefore less likely to see the notice.
- Further, and as noted above, the advertisement was issued during a period of closure for the premises. Again this may reduce exposure to the notice. It also prevented local residents from collecting any evidence of the current noise levels caused with respect to its current licence, which therefore impedes the completion of a proper application process whereby all relevant evidence can be considered.

We remain at your disposal to respond to any questions you may have with regard to this representation.

Yours faithfully,



Mike Smith

Subject: FW: Variation of premises licence: Ryan's Bar, 181 Stoke Newington Church Street

From: [REDACTED]
Sent: 29 January 2016 11:43

To: Mike Smith

Subject: Re: Variation of premises licence: Ryan's Bar, 181 Stoke Newington Church Street

Dear Mr Smith,

Thank you for the information.

Unfortunately these proposed Conditions do not, as currently drafted, resolve the principal problem for us, which is the noise coming from customers sitting or standing outside the front of Ryan's Bar on Church Street late at night and the noise generated when customers leave when the bar closes at night. It is the noise from the front of the premises which principally affects our sleep, as our property faces onto Church Street just a few doors down from Ryan's Bar. Extending the opening hours until 1am on Friday and Saturday will only make this problem worse for us.

Proposed Condition 5 does not currently address the issue of the noise outside the front of the premises from smokers, people chatting (often very loudly late at night) and those leaving upon closing. Further, applying proposed Conditions 9 and 11 to the seating area outside the front of Ryan's Bar as well as the garden would go some way to resolving the problem, provided the Conditions were consistently and properly enforced.

Please could you confirm whether the above paragraphs can also be taken into account (as part of my representation) in determining the application?

Kind regards,

[REDACTED]

APPENDIX D



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Ryan's Bar

Scale 1/1250

at A4



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Date 9/2/2016

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REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 18/02/2016	Classification DECISION	Enclosure
Application for a Premises Licence My Neighbours the Dumplings, 165 Lower Clapton Road, E5 8EQ	Ward(s) affected Hackney Downs	

1. SUMMARY

Applicant(s) My Neighbours the Dumplings Limited	In SPA Not Applicable
Date of Application 03/01/2016	Period of Application Permanent
Proposed licensable activity Late Night Refreshment Supply of Alcohol (On Premises)	
Proposed hours of licensable activities	
Late Night Refreshment INDOOR: Indoors	Standard Hours: Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-23:30 Fri 23:00-23:30 Sat 23:00-23:30
Supply of Alcohol INDOOR:	Standard Hours: Mon 12:00-23:30 Tue 12:00-23:30 Wed 12:00-23:30 Thu 12:00-23:30 Sat 12:00-23:30 Sun 12:00-20:00
The opening hours of the premises	
INDOOR	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-00:00 Sat 12:00-00:00 Sun 12:00-20:30

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 –Location map
Relevant Representations	<ul style="list-style-type: none"> • Planning Authority • Licensing Authority

2. APPLICATION

2.1 **My Neighbours the Dumplings Limited** has made an application for a premises licence under the Licensing Act 2003:

- To supply alcohol for consumption on the premises
- Late night refreshment

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)	Representation received on the grounds of the prevention of public nuisance
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 (Appendix B1)	Representation received on the grounds of the prevention of public nuisance & LP1 (Planning)
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	Representation withdrawn following acceptance of proposed conditions.
Licensing Authority (Appendix B2)	Representation received on the grounds of, Prevention of Public Nuisance
Health Authority	No representation received

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 LP1 (Planning), LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), 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.

Conditions derived from operating schedule

8. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

9. Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. There shall be no drink, glass or open containers taken outside the premises at any time, except for those seated in the designated seating area outside the front of the premises.

17. The outside space shall not be used after 2200hrs except for those smoking.

18. On the ground floor, intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of intoxicating liquor by such persons in ancillary to taking such meals. The supply of alcohol will be by waiter/waitress service only.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 8 to 18 above are derived from the applicant's operating schedule and following agreement with 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: My Neighbours the Dumplings, 165 Lower Clapton Road, E5 8EQ	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 My neighbours the dumplings Limited
(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 My neighbours the dumplings			
165 LOWER CLAPTON ROAD HACKNEY LONDON			
Post town	LONDON	Post code	E5 8EQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	££13,750

Part 2 - Applicant Details

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

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	

	i.	as a limited company	<input checked="" type="checkbox"/>	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)
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)

Title Mr			
Surname		First names	
I am 18 years old or over .. Please tick yes			
Current postal address if different from premises address		UK-England	
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Title Mr			
Surname		First names	
I am 18 years old or over .. Please tick yes			
Current postal address if different from premises address		UK-England	
Post Town		Postcode	
Daytime contact telephone number			

E-mail address (optional)	
-------------------------------------	--

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name My neighbours the dumplings Limited
Address 163 LOWER CLAPTON ROAD HACKNEY LONDON E5 8EX UK-England
Registered number (where applicable) 08901643
Description of applicant (for example, partnership, company, unincorporated association) Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?	01-02-2016
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If you wish the licence to be valid only for a limited period, when do you want it to end?

<p>Please give a general description of the premises (please read guidance note 1) The Premises currently holds an A3 usage and is used as a restaurant.</p> <p>The premise is set over two floors, the ground floor and the basement; The restaurant and kitchen is on the ground floor as you enter the premises.</p>

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)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B) <input type="checkbox"/> <input type="checkbox"/>	..
c)	indoor sporting events (optional, fill in box C)	..
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	..
e)	live music (optional, fill in box E) <input type="checkbox"/>	..
f)	recorded music (if ticking yes, fill in box F)	..
g)	performances of dance (optional, 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 L)



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



Complete boxes K, L and M (optional)

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					




I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	23:30			
Tue	23:00	23:30			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed	23:00	23:30			
Thur	23:00	23:30			
			<u>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</u> (please read guidance note 5)		
Fri	23:00	23:30			
Sat	23:00	23:30			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	12:00	23:30						
Tue	12:00	23:30						
Wed	12:00	23:30						
Thur	12:00	23:30				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12:00	23:30						
Sat	12:00	23:30						
Sun	12:00	20:00						

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

Name :	
Miss WhartonRebecca	
Address	
FLAT A	
	
UK-England	
Postcode	
Personal licence number (if known)	
	
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).

L

Hours premises are open to the public Standard timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	00:00	<u>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</u> (please read guidance note 5)
Tue	12:00	00:00	
Wed	12:00	00:00	
Thur	12:00	00:00	

Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	20:30	

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

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

See conditions suggested in operating schedule.

b) The prevention of crime and disorder

CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.

Food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Except for the designated external seating area at the front of the premises, alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles.

An incident book shall be used to record all instances of public disorder; these records will be made available to authorised officers on request.

c) Public safety

Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.

All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.

Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.

Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.

d) The prevention of public nuisance

Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

e) The protection of children from harm

The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme

The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.

The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.

The licensee shall put arrangements in place to ensure that before serving alcohol to young

persons, staff ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

The licensee and staff should note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards

Checklist:

Please tick to indicate agreement

- 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	Rebecca Wharton
Date	21/12/2015
Capacity	Applicant - Company Director

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	21/12/2015
Capacity	

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

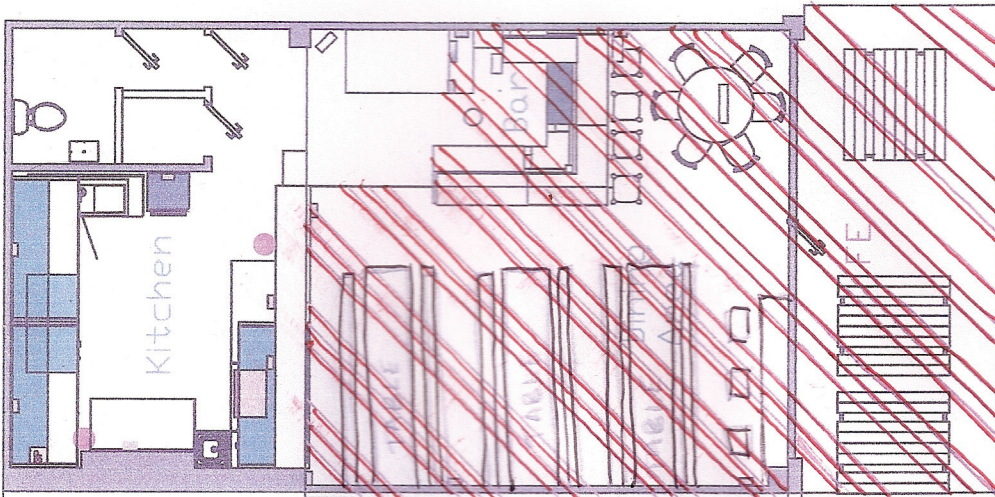
Applicant address

UK-England

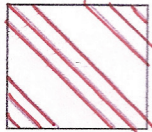
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of



FE Fire exit



Alcohol service

43 Covers in Dining Area

12 Covers in Outside Area

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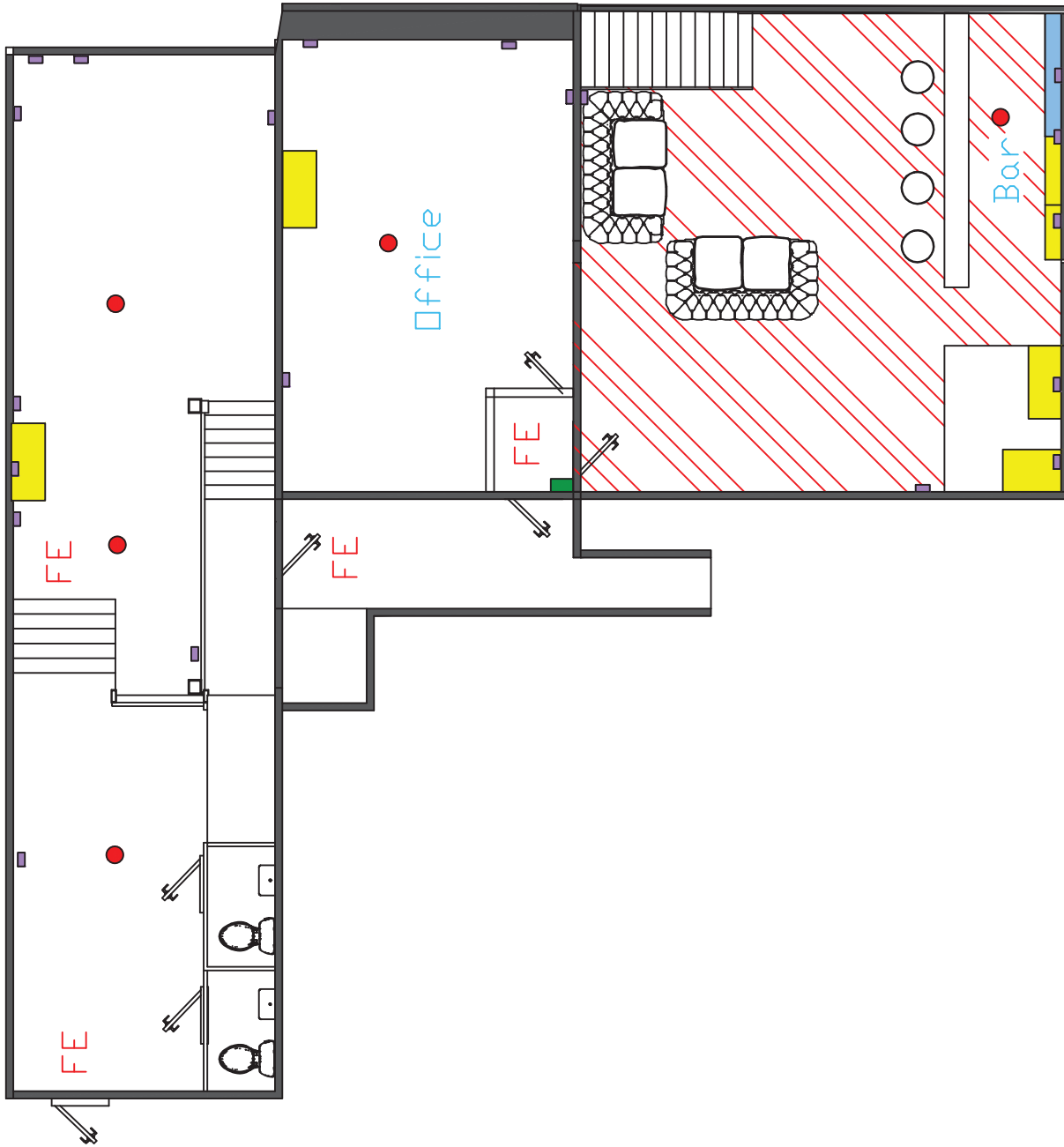
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client	project	project no.	drawing	drawn by	scale	date	drawing no.
			Basement Floor plan		A4 Not to Scale		01

APPENDIX B1

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	My neighbours the dumplings Ltd. 165 Lower Clapton Road London, E5 8EQ
Applicant name	My neighbours the dumplings Ltd.

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. 2013/2067 granted permission for a "Change of use from retail (Class A1) use to restaurant (Class A3) use and erection of external flue on side elevation". Therefore, the use of the ground floor of 165 Lower Clapton Road as a restaurant is authorised.

Condition 3 of 2013/2067 limits the opening hours to between 12:00 hours and 23:00 hours Mon to Sat and 12:00 hours to 20:00 hours on Sun and Bank

Holidays. The opening hours proposed in the premises licence application (12:00 hours to 00:00 hours Mon to Sat and 12:00 hours to 20:30 hours on Sun) exceed the permitted opening hours which could result in a public nuisance and is contrary to policy LP1.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
Permitted use	Class A3 (restaurant)
Permitted hours	12:00 hours to 23:00 hours Mon to Sat and 12:00 hours to 20:00 hours on Sun
Specific/restrictive conditions	2013/2067 - Condition 3 (opening hours)
Recent applications	2013/2067 - Change of use from retail (Class A1) use to restaurant (Class A3) use and erection of external flue on side elevation. 2013/3329 - Submission of details pursuant to permission 2013/2067 dated 19/08/13 for the discharge of conditions 4 (flue details) and 7 (refuse storage).
Decisions	2013/2067 - Granted 2013/3329 - Granted
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

The use of the ground floor premises at 165 Lower Clapton Road as a restaurant is authorised. However, the opening hours proposed in the premises licence application exceed those permitted under planning permission ref. 2013/2067 Condition 3. The licensing applicant would need to bring the opening hours in line with those permitted. Alternatively, they would need to apply for planning permission to extend the opening hours.

Signed	
Name	
Date	

APPENDIX B2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing
ADDRESS OF AUTHORITY	Licensing Service Legal, HR and Regulatory Services Directorate 2 Hillman St London E8 1FB
CONTACT NAME	Nagalingam Rajeswaran
TELEPHONE NUMBER	020 8356 4767
E-MAIL ADDRESS	Nagalingam.rajeswaran@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	My Neighbours the dumplings 165 Lower Clapton Road London E5 8EQ
NAME OF APPLICANT/PREMISES USER	My Neighbours the dumplings Ltd

COMMENTS

I make the following relevant representations in relation to the above application.

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

Representations (which include comments and/or objections) in relation to:

The premises is located in a residential area and licensing have concerns about the potential for public nuisance should the licence be granted.

Applicant should contact licensing to discuss whether changes to the application and/or conditions being added may allay concerns and lead to agreement.

The above representations are supported by the following evidence and information.

The licensing Policy and Licensing Objectives

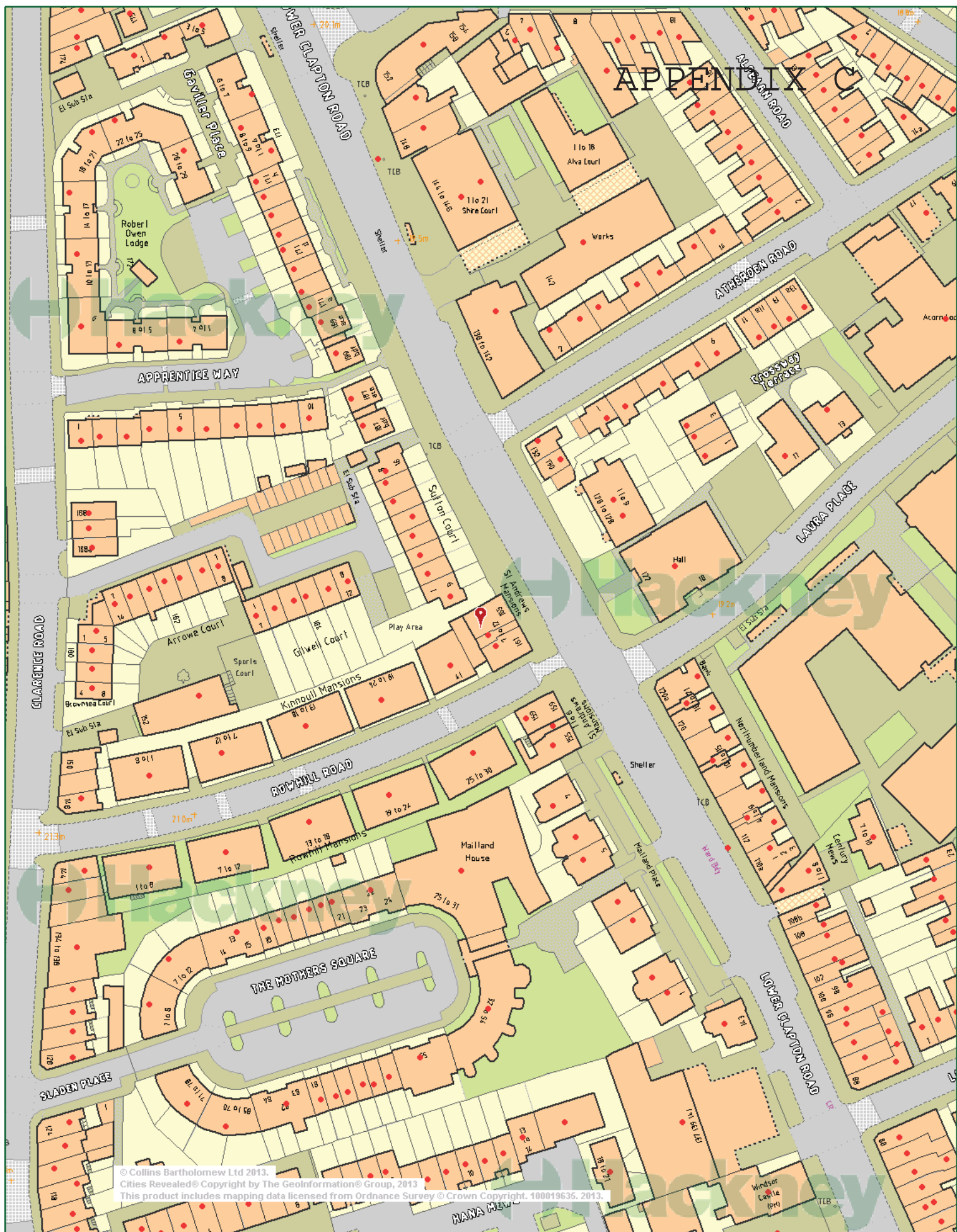
Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Applicant should contact licensing to discuss

Name: Nagalingam Rajeswaran (Senior Licensing Enforcement Officer)

Date: 11/01/2016

APPENDIX C



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165 Lower Clapton Road

Scale 1/1250

at A4



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