



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

Tuesday, 10th January, 2017

at 7.00 pm

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

Councillors sitting:

**Cllr Sharon Patrick, Cllr James Peters and
Cllr Ian Rathbone (Substitute)**

TIM SHIELDS
Chief Executive

Contact:
Jessica Feeney, Governance Services Officer
020 8356 1266
governance@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Tuesday, 10th January, 2017

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Minutes of the Previous Meeting		(Pages 1 - 12)
5 Licensing Sub-Committee Hearing Procedure		(Pages 13 - 14)
6 Application for a Premises Licence - Doree Bakery, 17 Chatsworth Road, E5 0LH		(Pages 15 - 42)
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 Yinka Owa, Director of Legal, on 020 8356 6234 or email Yinka.Owa@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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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY, 8TH NOVEMBER, 2016

- Councillors Present:** Cllr Richard Lufkin in the Chair
Cllr Christopher Kennedy, and Cllr Sharon Patrick
- Officers in Attendance:** Mike Smith (Principal Licensing Officer), Robert Walker (Legal Services), David Tuit, (Licensing Team Leader) and Rabiya Khatun (Governance Services Officer) .
- Also in Attendance:** Ms Vicki Pengilley – Applicant
Mr Graham Hopkins - Applicant representative
Mr Pengilley –Manager

1 Election of Chair

- 1.1 Cllr Lufkin was duly elected the chair.

1 Apologies for Absence

- 2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

- 4.1 The minutes of the meeting held on 28 June 2016 were approved as correct record of the meeting.

5 Licensing Sub-Committee Hearing Procedure

- 5.1 The Chair outlined the hearing procedure.

6 Variation Premises Licence : The Red Lion, 41 Hoxton Street, N1 6NH

- 6.1 The additional information was circulated at the meeting.
- 6.2 Mike Smith, Principal Licensing Officer, outlined the application for a variation premises licence within the Shoreditch Special Policy Area (SPA). Mr Smith reported that the Police had withdrawn its representations following an agreement with the applicant to conditions and a representation remained from Licensing Enforcement.

- 6.3 Graham Hopkins, the applicant's agent stated that there had been an error in the report and that the application included recorded music on Fridays and Saturdays.
- 6.4 Graham Hopkins, the applicant's agent made the following points in support of the application including the exceptional circumstances of the application: the Police had withdrawn its representation and were satisfied that the measures in place would not contribute to the crime and disorder and public nuisance in the area; no representations had been received from residents; there had been a demand from patrons to extend the hours for licensable activities on Fridays and Saturdays until midnight; if the licence was granted the applicant would submit an application to vary the licence to extend the opening hours by a further 30 minutes to allow for a drinking up period; patrons would remain at the pub instead of moving to another licensed premises which would potentially reduce the number of people in the area and consequently the negative cumulative impact experienced in the area; and a door supervisor would be employed from 22.00 hours to especially manage dispersal from the premises and area.
- 6.5 David Tuitt, Licensing Team Leader made representations to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. Mr Tuitt stated that the premises is located in the Shoreditch SPA and that this area had been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. Therefore, the Council's policy LP13 would apply and the applicant had not demonstrated any exceptional circumstances.
- 6.6 In response to questions from Members seeking further clarification on the application, Mr Hopkins confirmed that the maximum capacity at the premises is 190 people; the variation application did not receive any objections from residents or businesses; the roof terrace at the premises closed 15 minutes prior to the closing hours however, the closing hours could vary during quieter periods; no noise complaints had been received from local residents in relation to the use of the terrace area; he undertook to submit a variation application on behalf of the applicant to extend the opening hours by 30 minutes throughout the week to allow for a drinking up period; and the premises would not add to the negative cumulative impact experienced in the area as an assigned door supervisor would encourage patrons to disperse from the area by closing times.
- 6.7 Addressing the exceptional circumstances of the application, Mr Hopkins stated that granting the licence would not set a precedent as the local pub would operate as part of the evening economy until midnight and their clientele were mostly mature people; and the applicant had owned the pub for over 12 years and had no plans to sell the business or expand into the late night economy.
- 6.8 Mr Tuitt said that the granting of an additional hour would not necessarily encourage patrons to leave the area and go home.
- 6.9 Cllr Kennedy expressed concern at the variation application to be submitted following the meeting in particular, the proposed closing hour of 00.30 hours Fridays and Saturdays which would exceed the hours of midnight permitted within the Council's Policy LP12. Mr Hopkins argued that there were many licensed premises within the vicinity of this premises that had opening times

beyond midnight and stressed that the licensable activities would cease at midnight Fridays and Saturdays in line with the Council's Policy LP12.

- 6.10 In response to questions from Cllr Kennedy, Mr Tuitt advised that there were many licensed premises within the vicinity of this premises which had opening hours past midnight. In relation to the Council's Policy LP12, Mr Tuitt stated that premises licences were not normally granted beyond midnight and there had been no legal challenges and interpretation of this policy and whether it applied to licensable hours or opening hours.
- 6.11 In response to questions from Mr Walker, Legal Adviser, Mr Hopkins agreed to replace the wording in proposed condition 3 relating to Challenge 25 and agreed that the applicant would cease supplying alcohol 23.45 hours Fridays and Saturdays under the current licence until the new variation licence had been granted.
- 6.12 Mr Hopkins did not sum up.
- 6.13 Mr Tuitt reiterated that the premises is located in a residential area within the Shoreditch SPA and the area suffered from negative cumulative impact.

The decision

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

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

the application has been approved in accordance with the Council's licensing statement and the conditions in paragraphs 3.1 and 8.1 of the report, with the following amendments:

- Conditions 17, 18 and 19 in paragraph 3.1 of the report be deleted;
- Condition 3 in paragraph 8.1 of the report be deleted and replaced with - "Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence shall include a driving licence or passport";
- Condition 4 in paragraph 8.1 of the report be deleted and replaced with - "There shall be at least one (1) SIA registered door supervisor employed at the premises from 22.00 hours until close on Fridays and Saturdays. Additional SIA registered door supervisors shall be employed on a risk assessment basis with identity badges displayed at all times. All door supervisors will enter their full details in a register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number and the time they commence and conclude working. If the door supervisor was supplied by an agency, the name, business address and contact details of that agency shall also be recorded";

Reasons for the decision

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

The Sub-Committee took into consideration the following factors when granting this application, which is based in the Shoreditch SPA:

- That the application did not seek licensable activities beyond midnight on Friday and Saturday nights;
- That the Police had withdrawn its representation following agreeing conditions with the applicant;
- That no other persons had made representations against the application; and
- The additional conditions agreed by the applicant to promote the licensing objectives.

The Sub-Committee felt these factors, when taken together and having had regard to the representations from the applicant and the Licensing Authority, merited the application being considered as exceptional and believed that grant of the application would not add to the issues of cumulative impact experienced in the area.

Public informative

The Sub-Committee noted that the application as applied for and granted would require licensable activities to cease at the same time each day of the week that the premises must close, and that there would therefore be no drinking-up/winding-down period. The applicant advised that they would submit another application to vary the licence to extend the opening hours throughout the week to allow for a drinking-up/winding down period.

It should be noted for the public record that the Licensing Authority should draw no inference or be bound by this decision with regard to the determination of any future licence application which may be made.

It should also be noted for the public record that, unless and until the premises is permitted later opening hours, the applicant advised that they would ensure that they would wind-down licensable activities and have a drinking-up period to ensure that all patrons leave the premises before the closing time as applied for and granted.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices.

Duration of the meeting: 7.00-7.55pm

Signed

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Cllr Lufkin, Chair of the Sub-Committee

Contact:
Governance Services Officer:

Tel 020 8356 8407

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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY, 22ND NOVEMBER, 2016

Councillors Present: Cllr James Peters in the Chair

Cllr Sharon Patrick and Cllr Emma Plouviez
(Substitute)

Officers in Attendance: Emma Perry (Governance Services Officer), Mike Smith (Principal Licensing Officer), David Tuitt (Team Leader – Licensing (Policy and Operations)) and Robert Walker (Governance Services Officer)

Also in Attendance: Pizza Pilgrims
Piers Warne, Solicitor
Tom Elliott, Applicant
Paola Masperi, Other Person
Kamal Krishnaratna, Other Person
Jimmy Couppis, Other Person

1 Election of Chair

1.1 Councillor Peters was duly elected to chair the meeting.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 The minutes of the meeting held on 21 July 2016 were agreed as a correct record.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the hearing procedure, as set out on page 11 of the agenda.

6 Premises Licence: Pizza Pilgrims, 136-137 Shoreditch High Street, London E1 6JE

6.1 Mike Smith, Principal Licensing Officer, introduced the report. Mike Smith advised that the hours for the supply of alcohol on Sundays had now been reduced to 10:00 – 22:00, to allow a drinking up time. He also referred to the latest version of the plan, which superseded versions detailed on pages 48 and

- 49 of the agenda. A further submission from an Other Person had also been submitted, in addition to Appendix C1.
- 6.2 In response to a question from the Chair regarding condition 22, the Applicant explained that currently no one could drink outside the premises. There would only be an outside seating area if the applicant was granted a pavement licence, which would be subject to a separate application.
- 6.3 Piers Warne, Solicitor, outlined the application on behalf of the Applicant. Mr Warne stated that Pizza Pilgrims was an award winning pizza restaurant. The application would provide an exceptional premises with planning permission for A3 use, providing around 15-20 local jobs. Following a discussion with the Police, the non-standard hours for New Years Eve had been removed and a drinking up time included. Mr Warne stated that it was not a vertical drinking establishment and they were willing to reduce the hours for the supply of alcohol, Monday – Saturday, if necessary. He added that alcohol would be ancillary to food.
- 6.4 Mr Warne confirmed that there would be no regulated entertainment at the venue and there would be a pizza oven only, with no fryers or grills generating any noxious smells. There would be an approximate capacity of 60 patrons at the venue, which had been determined from a fire assessment.
- 6.5 Mr Warne made reference to LP13 – Special Policy Area – Shoreditch, which stated that where a relevant representation was made to any application within the SPA, the application would be refused unless there were exceptional circumstances. Mr Warne stated that exceptional could be viewed as ‘not typical’ and he stated that the application was for a small restaurant, which would not add to the cumulative impact in the area. Mr Warne highlighted the fact that there were no representations from the Police or Environmental Health, who would normally raise any concerns regarding crime and order and cumulative impact.
- 6.6 Mr Warne advised that the Applicant owned a number of other premises, all located within areas of cumulative impact and some with residential units located above, which had not caused any issues. Mr Warne advised that the Applicant always liaised with local residents and had since sat on the Soho Society Residents Association Board. He added that the hours of operation did not exceed other neighbouring licensed premises and stressed the Applicant was a good operator and would raise the standards in the area.
- 6.7 Mr Warne referred to the *Movida v Westminster City Council* court case which dealt with the issue of exceptional circumstances. He believed that a venue could be exceptional for a number of small reasons and referred to paragraph 33.8 of the guidance.
- 6.8 In response to a question regarding the proposed capacity at the premises, it was explained that a fire risk assessment had suggested a capacity of 60 patrons, which the Applicant confirmed would fit comfortably seated within the venue. The Applicant confirmed that soundproofing would be installed over two floors and that a condition could be added to have a designated waiting area for 4 people.

- 6.9 In response to a question regarding condition 16, the Applicant stated that he was unsure why that was there and he was happy for this to be deleted. The Applicant also agreed to an amendment to condition 21, if granted, to specify that only one drink would be permitted per person whilst waiting.
- 6.10 The Applicant made reference to the company's alcohol policy, detailed on page 53 of the agenda, which could be amended accordingly if required. He added that there would be a host on the door to seat patrons, as well as managing the outside area. It was believed that the measures being taken to manage the venue would promote the licensing objectives.
- 6.11 David Tuitt, Licensing Team Leader, outlined his representation. David Tuitt referred to LP13 – Special Policy Area – Shoreditch and believed that the application could add to the cumulative impact in the area, with a correlation to crime and anti-social behaviour. He stated that the main problem areas in the SPA were between midnight and 3am. The reduction of hours had been acknowledged, however he still believed that granting the application could add to the cumulative impact.
- 6.12 Paola Masperi, Other Person, outlined her representation. Ms Masperi stated that her objection was not personal to the applicant or their business, however she strongly opposed the application. Ms Masperi also believed that granting the application would add to the negative cumulative impact in the SPA. Ms Masperi did not believe that there were any exceptional circumstances to warrant granting a premises licence and added that there were already 45 other licensed premises within a 200m radius of the application site.
- 6.13 Ms Masperi raised concerns regarding the number of people visiting the premises, which she believed could be up to 120 per hour given the quick turnaround of tables. This could lead to overcrowding on the pavement outside the premises, in an area that was already strained. She made reference to the photo detailed on page 76 of the agenda highlighting this issue and questioned how these patrons would be managed.
- 6.14 Ms Masperi believed that the application would undermine the licensing objectives and bring more people into an already saturated area, as well as adding to the existing problems surrounding anti-social behaviour and noise nuisance.
- 6.15 It was confirmed that the premises already had a licence for operating hours and that the application was to consider the supply of alcohol and late night refreshment at the premises. The Legal Officer explained that if refused, the venue could continue to operate as a pizza restaurant with the permitted hours, with no supply of alcohol.
- 6.16 Kamal Krishnaratna, Other Person, outlined his representation. Mr Krishnaratna stated that he had lived in the area for the past five years and had witnessed a number of changes during that time. Mr Krishnaratna recognised the importance of boosting the local economy, however he believed that the application undermined the licensing objectives and would add to the cumulative impact. He stated that the premises would have a high footfall resulting in an increase in the number of people congregating on the already

- tight pavement area. He also had an issue with the alcohol licence being applied for and did not feel that the proposal was exceptional.
- 6.17 In response to concerns regarding the potential increase in footfall, the Applicant advised that he expected that the average dwelling time per table would be around 45 minutes. On a good week he expected that the venue would attract between 350 - 400 people per day maximum, with an average of around 2,100 covers per week.
- 6.18 Mr Warne, Solicitor, added that the issue surrounding the public highway surrounding the premises was a Police issue to manage and there were review mechanisms in place if the venue was found to not be adhering to the licensing objectives and conditions on the licence. He did not believe that the premises would increase the number of people in the area and therefore add to the cumulative impact.
- 6.19 In response, the Other Persons referred to the other licensed premises in close proximity to the venue which caused noise nuisance to local residents. They believed that the location of the other premises were different to this area and that the business model would not work in this particular location.
- 6.20 The Chair queried what measures the Applicant proposed in order to alleviate the concerns raised by Other Persons. In response, Mr Warne stated that the Applicant was a good operator and that it was difficult to manage people once they had left the venue. The Applicant believed that his other premises in Dean Street was a relevant comparison, as it was located on the corner opposite a pub. This premises also had a host on the door and CCTV in that vicinity had improved crowd control in the area.
- 6.21 Councillor Patrick was concerned that it was a successful business and would therefore attract people into the area to visit the premises. In response, Mr Warne explained that the business was award winning and therefore people in the area may wish to visit it. It was expected that the venue would attract local people that lived and worked in the area. He did not feel that footfall alone was a sufficient enough reason to refuse the application. He added that the operator was not responsible for people once they had left the premises and referred to the conditions regarding the management of the outside area.
- 6.22 Further discussion took place surrounding condition 22, not permitting glass, drinks or open containers outside the premises, except for the designated outside seating area. It was explained that the designated outside area would only be able to be used if and when a pavement licence was submitted and granted. The Applicant stated that this was not fundamental to the application.
- 6.23 Further discussion took place surrounding the pavement area and the Other Persons indicated that this area was busy from early evening. The premises was previously a shoe shop which was easier to manage and did not cause neighbouring residents any nuisance once it closed for the day. The Other Persons added that if granted, there would be three licensed premises in very close proximity, all closing at similar times.
- 6.24 In closing remarks, the Other Persons queried whether the Applicant had considered opening a pizza restaurant that didn't sell alcohol.

6.25 Mr Warne stated that there would be limited alcohol sales at the venue and referred to the conditions in place specifying that the sale of alcohol was ancillary to food. There was no evidence of any issues surrounding the other venues operated by the Applicant, the majority of which were located in strict SPAs. Mr Warne stressed that the premises would be a restaurant and not a bar and would cause marginal disturbance to local residents.

6.26 **RESOLVED that:-**

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

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

the application be refused in accordance with the Council's Licensing Policies LP4, LP5 and LP13.

The Sub-Committee having heard from the applicant, the Licensing Authority and local residents, believed that granting the application would undermine the licensing objectives, in particular the prevention of public nuisance.

The Sub-Committee had regard to the representations in respect of LP13, in particular the reasons and circumstances asserted by the applicant, which they believed to be exceptional warranting the grant of the application. However, the Sub-Committee, was not satisfied that these grounds, taken individually or collectively, were exceptional to warrant the application being granted.

The Sub-Committee also considered the concerns raised, both in writing and at the hearing, from local residents who live in close proximity to the premises, regarding the negative impact associated with licensed premises in the Shoreditch SPA. The Sub-Committee accepted the concerns raised regarding the specific location of this premises within the SPA, which they believed suffered from acute problems of cumulative impact arising from the concentration of licensed premises. As such the Sub-Committee felt that by granting the application this would inevitably result in more people drinking in the SPA and in turn increase disturbance to local residents. The Sub-Committee did not believe there were any appropriate conditions, which would prevent the licensing objectives from being undermined.

Given the reasons set-out above the Sub-Committee, having regard to LP13, believed that the application was not exceptional, as they believed that granting this application would not promote the licensing objectives, particularly the prevention of public nuisance.

7 Variation of Premises Licence: Station Place, 3a Blackstock Road, London N4 2JE

7.1 The application was withdrawn and approved under delegated authority.

8 Premises Licence: Forest Road Brewing Co., Railway Arch 355, Westgate Street, Hackney, London E8 3RL

8.1 The application was withdrawn and approved under delegated authority.

9 Temporary Event Notices - Standing Item

9.1 There were no Temporary Event Notices.

Duration of the meeting: 7:00 – 9:15pm

Signed

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Chair of Committee

Contact:

Governance Services Officer:

Tel 020 8356 8407

Agenda Item 5

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

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

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

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REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 10/01/2017	Classification DECISION	Enclosure
Application for a Premises Licence Doree Bakery, 17 Chatsworth Road, E5 0LH	Ward(s) affected Leabridge	

1. SUMMARY

Applicant(s) Hoxton Beach Ltd	In SPA Not Applicable
Date of Application 21/11/2016	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (on and off sales)	
Proposed hours of licensable activities	
Supply of Alcohol on sales:	Standard Hours: Mon 07:00-18:00 Tue 07:00-18:00 Wed 07:00-18:00 Thu 07:00-18:00 Fri 07:00-18:00 Sat 07:00-18:00 Sun 07:00-18:00
Supply of Alcohol off sales:	Standard Hours: Mon 11:00-18:00 Tue 11:00-18:00 Wed 11:00-18:00 Thu 11:00-18:00 Fri 11:00-18:00 Sat 11:00-18:00 Sun 11:00-18:00
The opening hours of the premises	
	Standard Hours: Mon 07:00-18:00 Tue 07:00-18:00 Wed 07:00-18:00 Thu 07:00-18:00 Fri 07:00-18:00 Sat 07:00-18:00 Sun 07:00-18:00

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

2. APPLICATION

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

- To authorise the supply alcohol for consumption on and off the premises

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

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	Have withdrawn representation following acceptance of proposed conditions (see para 8.1 below)
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	Have confirmed no representation on this application
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix B1)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance
Licensing Authority (Appendix B2)	Representation received on the grounds of Prevention of Public Nuisance,
Health Authority	Have withdrawn representation following acceptance of proposed conditions (see para 8.1 below)

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, 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 Responsible Authority representations

8. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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

9. A 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 shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested

10. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:

- a. all crimes reported to the venue
- b. any complaints received
- c. any incidents of disorder

- d. any faults in the CCTV system
- e. any refusal of the sale of alcohol
- f. any visit by a relevant authority or emergency service.

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

12. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.

13. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

14. There shall be no glass, drinks or open containers taken outside of the premises at any time, except in the designated outside seating area.

15. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

16. 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 records of this training shall be kept on the premises and produced to police or other authorised officer upon request.

17. 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 alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.

18. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.

19. There shall be no off sales of alcohol before 11.00am

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

21. The age verification policy operated at the premises shall be 'Challenge 25', where any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be:

- a proof of age card bearing the PASS hologram logo
- a passport
- a UK photo driving licence

22. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in

writing and displayed in a prominent place where it can be referred to at all times by staff.

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

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

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

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

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 18 above have been proposed by the Police, 19 to 21 by Public Health and 22 to 26 by Environmental Enforcement. The conditions proposed by Public Health and Environmental Enforcement have been 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 individual's 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.

Group Director, Neighbourhoods and Housing	Kim Wright
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: Doree Bakery, 17 Chatsworth Road, E5 0LH	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

↳ 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 Hoxton Beach ltd

(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			
Doree			
17 CHATSWORTH ROAD HACKNEY LONDON			
Post town	LONDON	Post code	E5 0LH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£2400.00

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 Hoxton Beach ltd
Address [REDACTED] [REDACTED] [REDACTED]
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association) Hoxton Beach ltd is the parent company of Doree, the cafe located on 17 Chatsworth road for which we are applying for a premises license to sell alcohol- Hoxton Beach is a food business that includes catering for London Fields Lido cafe, Clissold Leisure center cafe, Doree cafe (on Chatsworth road) and several street markets. Doree would be the only premise with a license to sell alcohol.
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?	07-11-2016
---	------------

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)</p> <p>The premises are a daytime cafe bakery (around 15 sitting places) that operates during the day (7am to 7pm) - We sell mainly breakfast, brunch and lunch - We are known as Chatsworth road bakery, and would like to complement our current offer with wine to serve with lunch especially at the weekends, or to take away for consumption at home or presents.</p> <p>We are open day time only (we close at 6 PM) Our customers are mostly families who live in the area.</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	
Mon			Please give further details here (please read guidance note 3)	Both	
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					

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	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) There wouldn't be any significant seasonal variations for the supply of alcohol		
Mon	07:00	06:00			
Tue	07:00	06:00			
Wed	07:00	06:00			
Thur	07:00	06:00	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) We wouldn't sell alcohol at other times, these are our standard current opening hours.		
Fri	07:00	06:00			
Sat	07:00	06:00			
Sun	07:00	06:00			

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

Name :	
Miss FernandezEmmanuelle	
Address	
[REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known)	
[REDACTED]	
Issuing licensing authority (if known)	
[REDACTED]	

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).

None

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) none
Day	Start	Finish	
Mon	07:00	06:00	
Tue	07:00	06:00	
Wed	07:00	06:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	07:00	06:00	

Fri	07:00	06:00	
Sat	07:00	06:00	
Sun	07:00	06:00	

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)

In order to promote the 4 licensing licensing objectives we propose to :

- Implement strong management and guidance from the Personal License Holder
- Train staff to these objectives
- Implement a set of written operational procedures that support these objectives

This would be done with particular attention to :

- Not selling alcohol to underaged / drunk / or intoxicated customers
- No drunk or disorderly behaviour on or in front of the premises
- No violent or antisocial behaviour
- Prevention of harm to children

b) The prevention of crime and disorder

As an applicant for licensed premises we know that it is necessary to prevent crime and disorder. In this view we propose to :

- Install CCTV with a recording option
- Make sure our window is equipped with a metal shutter to keep the shop front secure at all times
- Make sure our staff has been trained not to sell alcohol to drunk or intoxicated customers
- Display notices to prevent theft and other unruly behaviour
- Make sure our staff is trained to promote respectful and orderly manner of the premises, and actively prevent excessive drinking behaviour or the use of drugs on premises.

c) Public safety

In the view of promoting public safety we propose to :

- Get proper internal and external lighting
- Train staff not to sell alcohol to underaged / drunk / intoxicated customers
- Store the waste and in particular glass bottles in the back yard before 5PM (then take it to the front for collection)
- Make sure all staff have their up to date Health and Safety level 2 certificate

d) The prevention of public nuisance

The licensing activities should not create any additional public nuisance as licensable activities would cease by 6PM, time when the premises close everyday -
We would promote this objective by :
- Making sure noise is contained (have customers not standing around in a loud manner after close of the premises)
- Not accepting customers after opening hours
- Attending Residents association regular meetings
- Ensuring that staff who arrive and leave outside opening schedules & those who deliver goods conduct themselves in a manner of not causing disturbance to the neighbours
- Storing the waste and in particular glass bottles in the back yard before 5PM (then take it to the front for collection)

e) The protection of children from harm

This objective would be fulfilled by systematically refusing to sell alcohol to underaged customer - When in doubt, ID would be required by staff (passport, PASS bearing a photograph or driving license bearing a photograph).

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	Emmanuelle Fernandez
Date	1/11/2016
Capacity	Premises manager and DPS

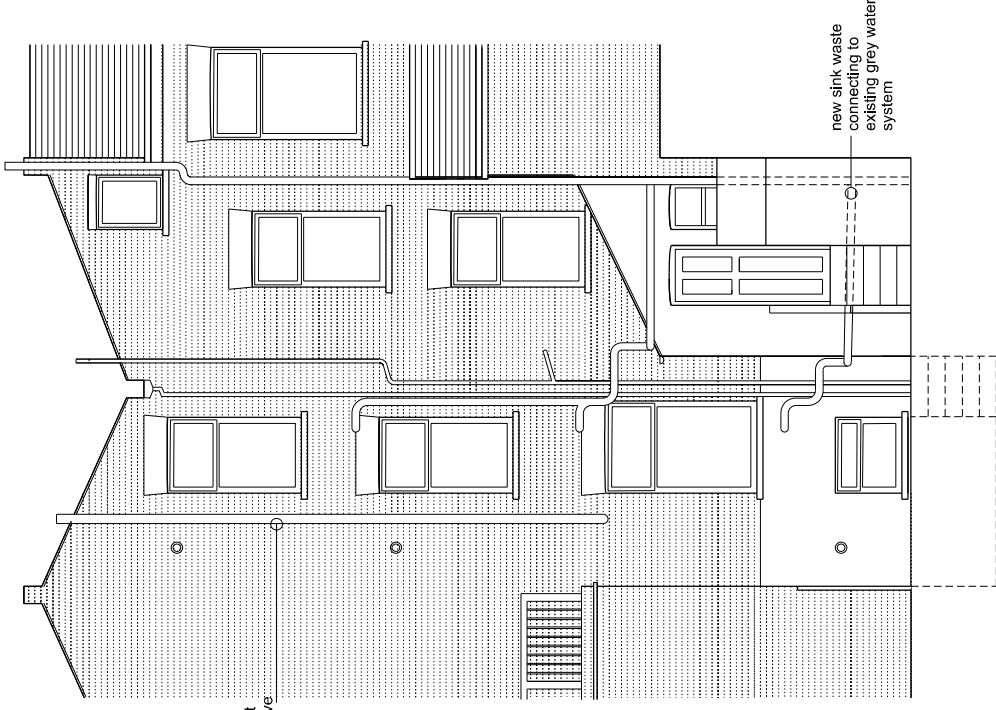
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	Patrick Matthews
Date	1/11/2016
Capacity	Hoxton Beach Director

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

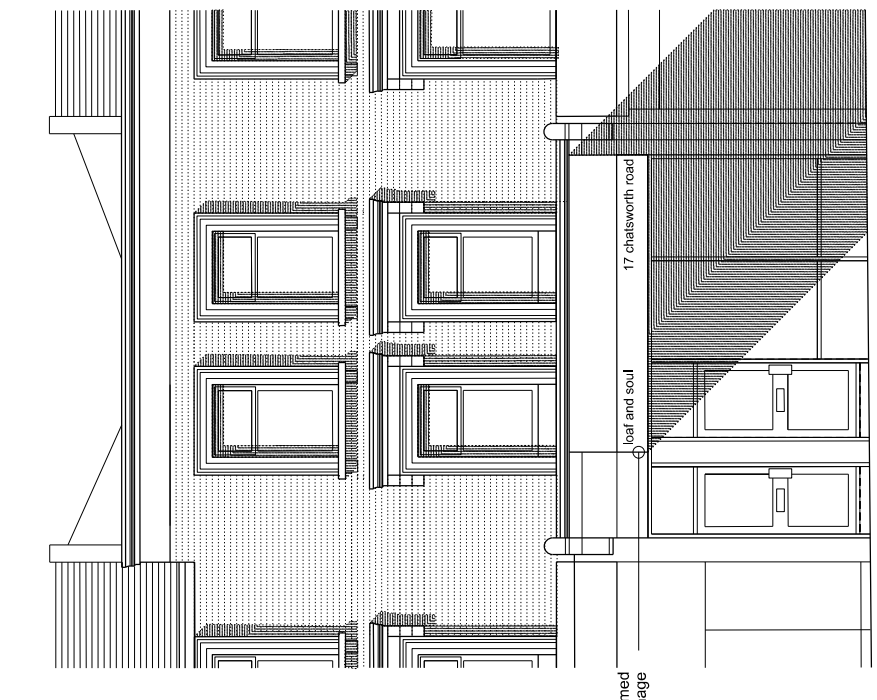
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies,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



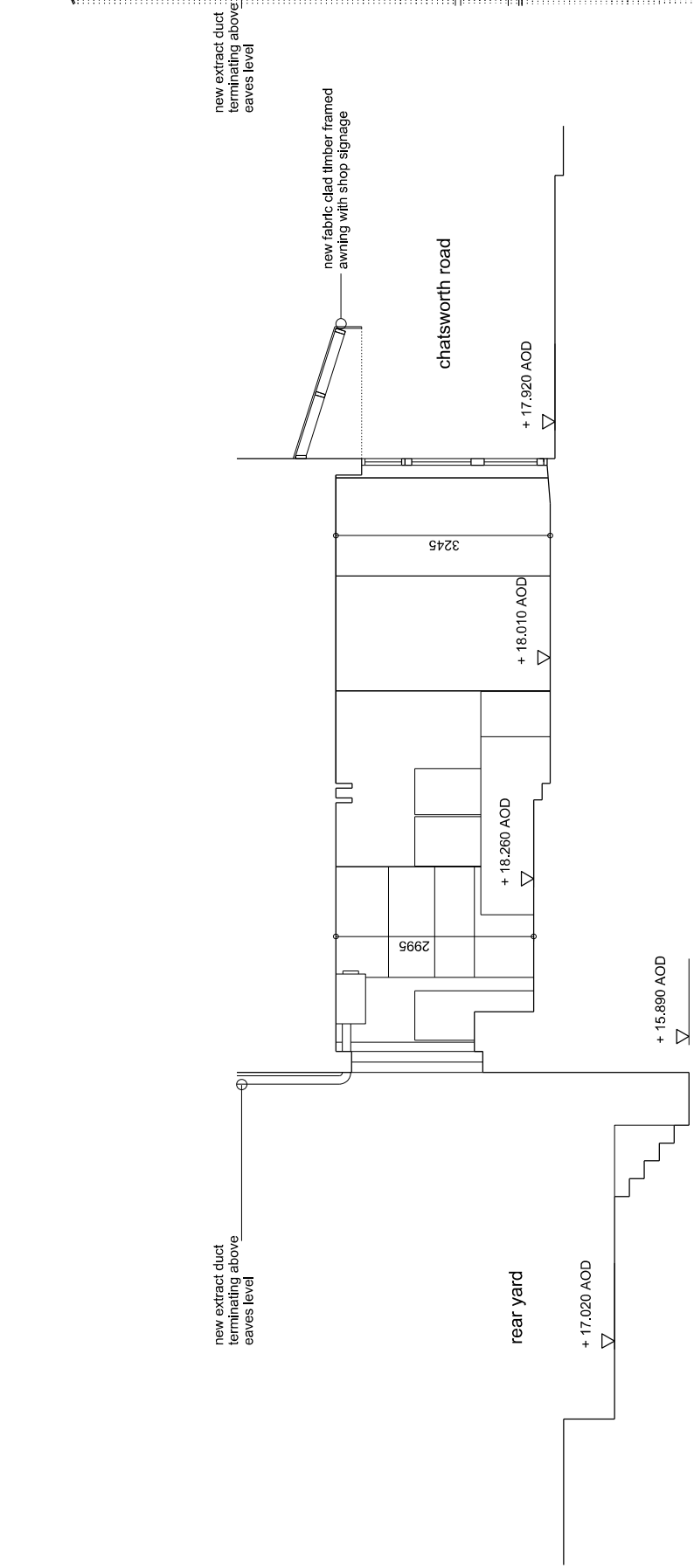
notes

no roof plan included in application pack as no changes here and deemed irrelevant

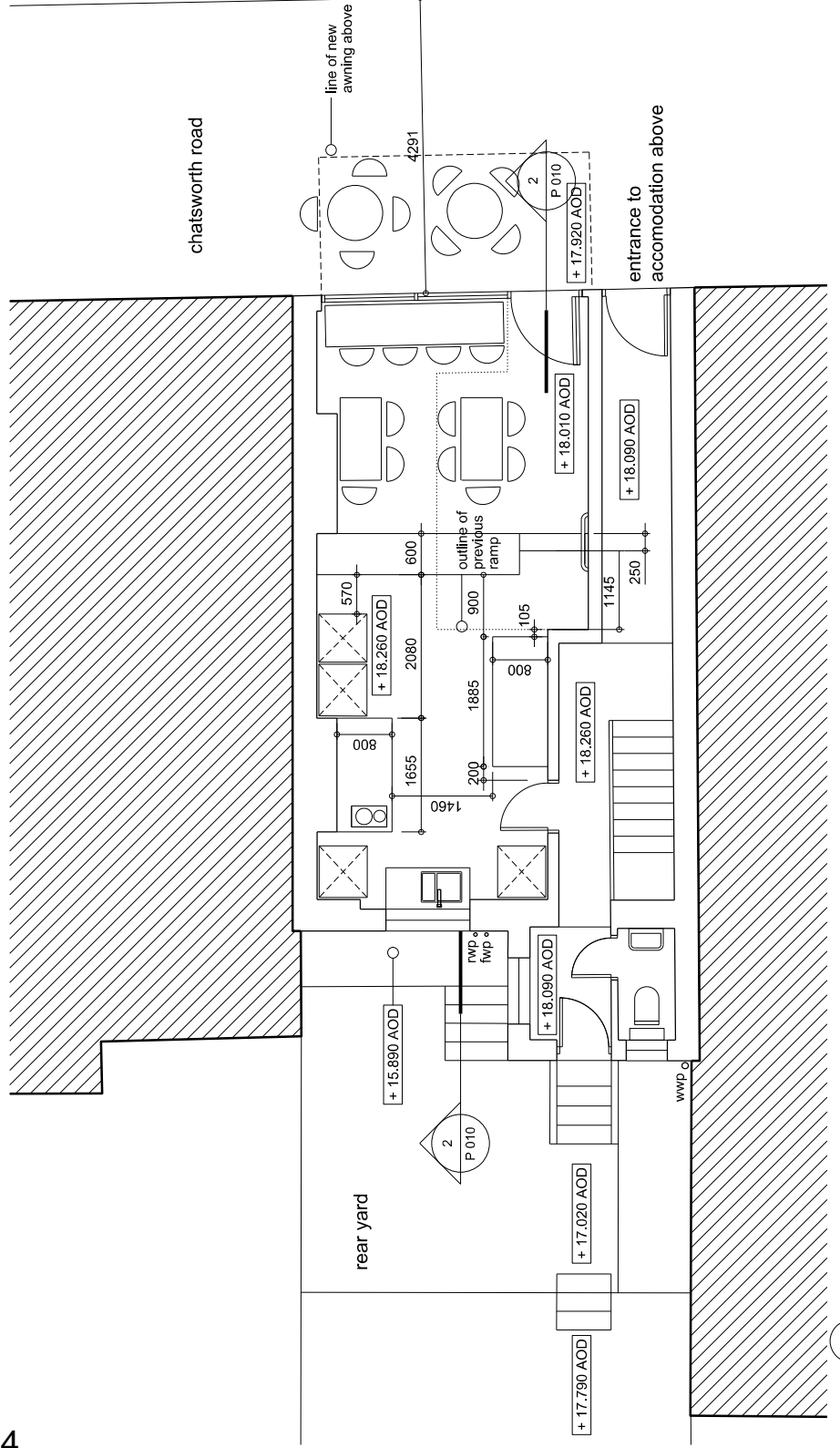
3 rear elevation as proposed



4 street elevation as proposed



2 site section and interior elevation as proposed



1 plan as proposed

project	A NEW ARTISAN BAKERY AT 17 CHATSWORTH ROAD HACKNEY	
status	PLANNING	
applicant	MS EMMANUELLE FERNANDEZ	
drawing title	PLAN SECTION AND ELEVATION AS PROPOSED	
scale at A1	scale at A3	date
1:50	1:100	07.13
drawing no:	rev	
		P 010

APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 691GD Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Doree 17 Chatsworth Road London E5 0LH
NAME OF PREMISES USER	Hoxton Beach Ltd

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

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

Police make the following representations in relation to the application for a Premises Licence at DOREE, 17 CHATSWORTH ROAD, LONDON, E5 0LH for the following reason(s):

This venue is located on a busy road surrounded by other shops, cafes and licensed premises with residential streets running off of it on either side.

Police would like further information as follows:

- What is the capacity of the premises?
- Is all alcohol served by waiter/waitress service to the tables and served to accompany food (except for off sales)?
- Why are off sales needed? Are there other foods and beverages also offered for sale?

The timings listed on the application required some clarification. Section J states that each day the premises propose to sell alcohol and operate from 07:00hrs until 06:00hrs. Is it the case that the venue wishes to be open for 23 hours per day or that the premises will be closing at 6:00pm as per the description at the beginning of the application?

The police have attached a set of conditions to ensure the promotion of the licensing objectives. Police look forward to hearing from the applicant to discuss how this application can progress.

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

Application submitted

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

Conditions for Doree,
17 Chatsworth Road, London,
E5 0LH

1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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. **(To be discussed)**
2. A 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 shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested. **(To be discussed)**
3. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
4. There shall be "CCTV in Operation" signs prominently displayed. **(To be discussed)**
5. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
6. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
7. There shall be no glass, drinks or open containers taken outside of the premises at any time, except in the designated outside seating area.
8. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

9. 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 records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
10. 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 alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
11. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.

ADDITIONAL CONDITIONS MAY BE ADDED AFTER DISCUSSIONS WITH THE APPLICANT.

APPENDIX B2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 2 Hillman St London E8 1FB
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Doree 17 Chatsworth Road London E5 0LH
NAME OF APPLICANT	Hoxton Beach Ltd

COMMENTS

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

- the prevention of crime and disorder **x**
- public safety
- the prevention of public nuisance **x**
- the protection of children from harm

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

The premises is located in mixed commercial parade with what appears to be residential premises above. I am concerned that the proposed hours could lead to anti-social behaviour and public nuisance which would undermine the promotion of the licensing objectives.

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

The Licensing Act 2003, Statement of Licensing Policy 2016 and S182 Guidance issued by the Home Office.

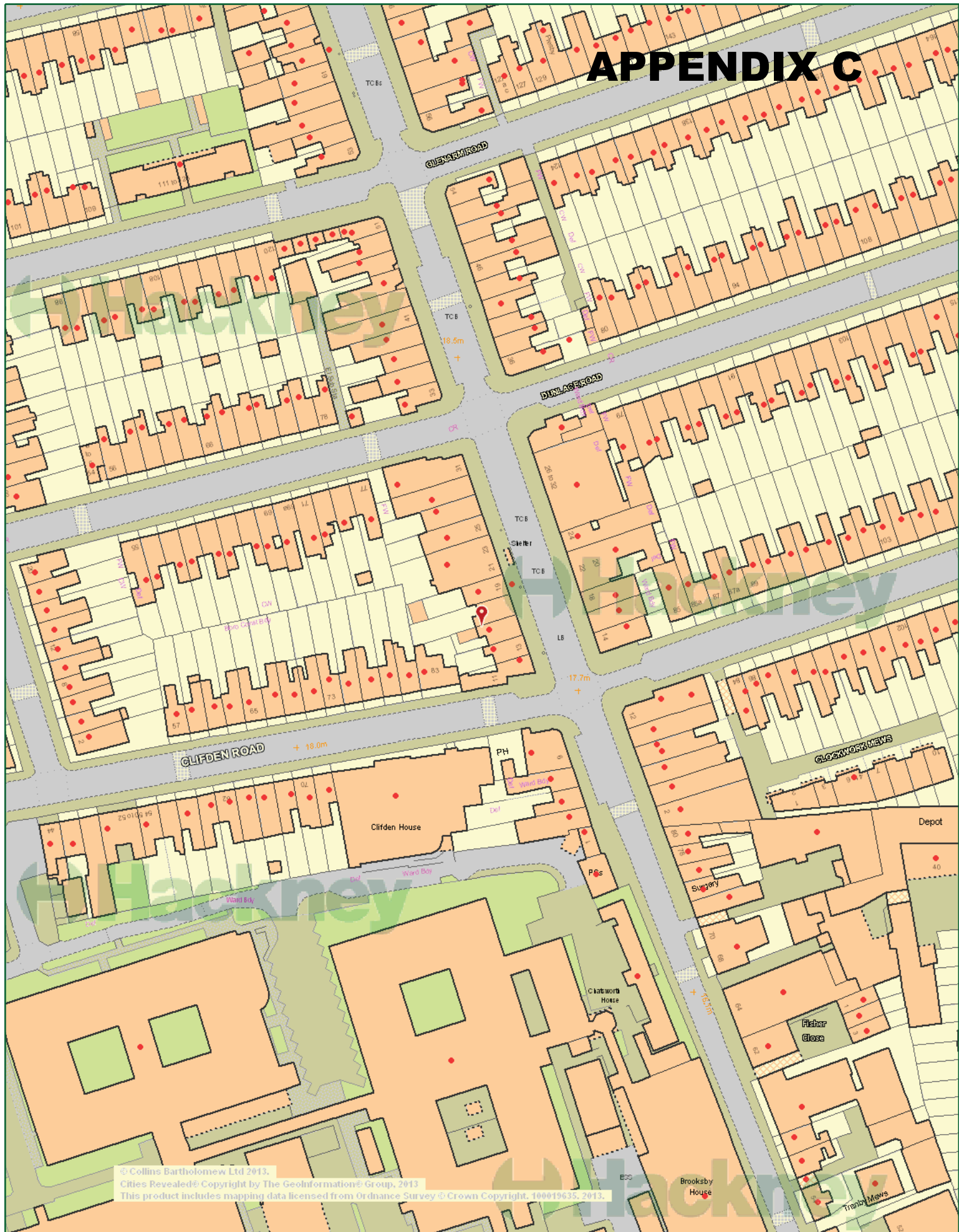
Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Additional conditions or revisions to the application may be appropriate for the promotion of the licensing objectives.

Name: David Tuitt (Licensing Officer)

Date: 16/11/16

APPENDIX C



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Doree

Scale 1/1250

at A4



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