



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

Thursday, 13th October, 2016

at 7.00 pm

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

Councillors sitting:

**Cllr Margaret Gordon, Cllr James Peters
(Substitute) and Cllr Emma Plouviez (Substitute)**

TIM SHIELDS
Chief Executive

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

The press and public are welcome to attend this meeting

AGENDA

Thursday, 13th October, 2016

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Minutes of the Previous Meeting		(Pages 1 - 20)
5 Licensing Sub-Committee Hearing Procedure		(Pages 21 - 24)
6 Premises Licence: Mangal Ocakbasi Restaurant, 10 Arcola Street E8 2DJ	Shacklewell	(Pages 25 - 48)
7 Review of Premises Licence: Gunners Off Licence, 33 Blackstock Road N4 2JF	Brownswood	(Pages 49 - 72)
8 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

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

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

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

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

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

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

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

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

Timings

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

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

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

Facilities

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

Contacts

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

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

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

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

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

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

ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

- The Director of Legal;
- 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 C

TUESDAY, 22ND MARCH, 2016

Councillors Present: Cllr Emma Plouviez in the Chair

Cllr Brian Bell, Cllr Margaret Gordon

Officers in Attendance: Darren Reilly (Licensing Enforcement Manager),
Butta Singh (Senior Licensing Lawyer), Catherine
Slade (Planning Authority Representative), Mike
Smith (Principal Licensing Officer), Natalie
Williams (Governance Services Officer)

Also in Attendance: Brian Sharkey – Licensing Police

Oslo

Julie Tippins – Head of Compliance

Walaiti Rathore – Solicitor

Red Gallery

Yarda Krampol – Director

Andrew Woods – Solicitor

1 Election of Chair

1.1 Councillor Plouviez 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 **RESOLVED:** that the minutes of the meeting held on 8th December 2015 be approved as a true and accurate record.

5 Licensing Sub – Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub Committee hearing procedure on page 7 of the agenda for all parties present.

6 Variation of Premises Licence: Oslo, 1-3 Amhurst Road, E8 1LL

- 6.1 Mike Smith, Principal Licensing Officer, introduced the report in respect of an application for a variation of a premises licence as set out on page 9 of the agenda. In summary, Mike Smith advised that the application sought to extend the hours of licensable activity on Thursday, Friday and Saturday. In addition, it sought to remove condition 15 which reads “The limiting devices must be set to ensure inaudibility in all nearby residential premises and a certificate of compliance must be submitted to the Pollution Team”.
- 6.2 Mr Walaiti Rathore, the applicant’s solicitor made submissions. Speaking in favour of the application, he contended that there was no legal or evidential basis for the Sub Committee to refuse the application. He stated that the applicant had worked with the robust conditions that had been imposed and had demonstrated being a responsible operator. In support of this, he highlighted that there had not been any premises specific incidents reported. It was also noted that there were no representations from residents or neighbouring businesses.
- 6.3 In reference to outstanding planning issues, Mr Rathore requested that the Licensing Sub Committee draw no inference or be bound by outstanding planning issues. He informed Members that these were being addressed and a planning application had been recently submitted to vary the current planning conditions.
- 6.4 In reference to condition 15 of the operating schedule, Mr Rathore stated that this was an anomaly from the previous hearing. Following discussions between the Sub Committee, applicant and Mr Rathore, it was agreed that this condition would be deleted and condition 28 re-worded.
- 6.5 Brian Sharkey, police officer made submissions and objected to the application on the grounds of: the prevention of crime and disorder, public safety, and the prevention of public nuisance. It was reported that Hackney Central had become an increasingly busy area with a new night time economy. It was noted that whilst there were no real issues with the current operators, there were concerns about the negative cumulative impact extended hours of licensable activity would have on the surrounding area. The premises was reported to have a capacity of 350 on the first floor.
- 6.6 Catherine Slade, planning representative made submissions, objecting to the application on the grounds of public nuisance. It was reported that the premises is located immediately adjacent to two floors of residential accommodation on Amhurst Road. The Sub Committee was informed that planning permission was granted in 2013 for a change of use from a restaurant and bar to a restaurant and bar with live music, dancing and entertainment. It was noted that the proposed opening hours exceed the hours authorised under the current planning permission. Condition 5 which relates to the testing of the effectiveness of soundproofing was reported to have not been met.
- 6.7 Darren Reilly, Licensing representative made submissions, objecting to the application on the grounds of the prevention of public nuisance. Referring to LP12 (Licensing Hours), it was highlighted that the premises was situated in a residential area immediately next door to two floors of residential

accommodation. Concerns were raised about the location of the premises which was considered to be a destination area. Darren Reilly also expressed disappointment that the applicant and/or solicitor had failed to contact the Licensing Authority to discuss the application following objections raised.

- 6.8 In reference to the planning issues, Mr Walaiti Rathore, the applicant's solicitor informed the Sub Committee that a planning application had been submitted on 18th March 2016 to regularise all outstanding planning issues. In reference to condition 5, it was reported that live music is not played beyond 23.00 hours on any night of the week. The applicant's solicitor further stated that a URS noise assessment report was completed soon after the opening of the premises and two copies were sent to Pollution Control and a copy sent to Planning seven to ten days prior to this hearing.
- 6.9 Catherine Slade, planning representative stated that she had not seen the URS noise assessment report or the application to vary the planning hours and could not confirm receipt. Once received, the process will commence to discharge change of hours.
- 6.10 In response to points of clarity from the Sub Committee, the Licensing Authority and Police stated that they would not be in favour of a terminal hour beyond that which is currently authorised. It was also confirmed that there are no other premises within the immediate vicinity with a late night alcohol licence. There were however unlicensed fast food takeaway outlets within close proximity.
- 6.11 In response to a point of clarity, the applicant's solicitor confirmed that no discussions had taken place with the Licensing Authority ahead of the hearing. There had however been discussions with the Police, who he viewed as the primary authority on crime and disorder.
- 6.12 Discussion of the application ensued during which the applicant stated that the increase in hours was in direct response to demand. The applicant wanted the flexibility to be able to further stimulate growth within the confines of an extended licence. The applicant confirmed that the premises routinely closes earlier than permitted by the current licence during the week and on quieter, less busy days.
- 6.13 In response to the concerns expressed by the Police, the applicant's solicitor stated that the applicant had been a responsible operator. The lack of premises specific issues were believed to be testament to this. The premises was reported as having a capacity of 375 on the first floor with a total capacity of 584. The applicant and solicitor believed that the extended hours would further assist with the orderly dispersal of patrons which would be gradual and managed throughout the night.
- 6.14 In response to a question from the Sub Committee, the applicant and solicitor confirmed that live music is played between 1830-2300 hours after which a DJ plays recorded music. It was stated that all non-standard hours would be managed by the use of Temporary Event Notices (TEN's).
- 6.15 The Chair invited all parties present for closing submissions.

- 6.16 The applicant's solicitor requested that the Sub Committee approve the application as he believed there to be a lack of premises specific evidence on which the application could be refused. He mentioned that the operators were responsible and had established a good working relationship with residents and the Police.
- 6.17 The responsible authorities maintained their objections to the application. Darren Reilly, Licensing representative relayed his disappointment that no attempt had been made to engage with the Licensing Authority with regard to concerns expressed about public nuisance.
- 6.18 **RESOLVED** that:

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, with the following amendment:

- Condition 28 be amended so the words 'in existence at the time of the licensing application' be deleted.
- Condition 15 be deleted

Reasons for the decision

The application has been approved, with the above amendment, as the Licensing Sub-Committee felt that there was an insufficient basis to refuse the application for longer hours, although the concerns of both the Police and Licensing Enforcement were noted with regard to the negative impact that the longer hours could have on the licensing objectives within the area. However, the Sub Committee felt that this could be adequately monitored by the Responsible Authorities going forward.

Therefore, on balance the Sub-committee believed that the longer hours should be granted.

Public Informative

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

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

At the conclusion of this item, the Chair, Councillor Emma Plouviez left the meeting.

Councillor Brian Bell in the Chair.

7 Premises Licence: Savure, 20 Paul Street, EC2A 4JH

This item was withdrawn as it was approved under delegated authority.

8 Variation of a Time Limited Premises Licence; Red Gallery, 1-3 Rivington Street, EC2A 3DT

8.1 Mike Smith, Principal Licensing Officer, introduced the report in respect of an application for a variation of a premises licence as set out on page 77 of the agenda. In summary, Mike Smith advised that the application sought to extend the licenced area to include the ground floor.

8.2 Mr Andrew Woods, the applicant's solicitor made submissions. Speaking in favour of the application, Mr Woods informed the Sub Committee that the basement area and part of the ground floor was currently licenced as part of an application which was approved as a time limited licence in 2013 which was further extended in 2015.

8.3 Following an interjection from the Chair, the Sub Committee was unable to gain further clarity on the specific areas which were currently licenced and that which was being sought. Subsequently with the agreement of all parties present, it was agreed to defer this item.

8.4 **RESOLVED** that: the application be deferred.

Reasons for the decision

The Sub-Committee has deferred the item given that there was a dispute as to the current licensed area and therefore the degree of extension being applied for, within the Council's adopted SPA. The Sub Committee expect the applicant and Licensing Department to have sufficient clarity and agreement when the matter is scheduled to be heard again.

9 Temporary Event Notices – Standing Item

There were no Temporary Event Notices for consideration.

Duration of the meeting: Times Not Specified

Signed

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Chair of Committee

Contact:

Governance Services Officer:

Tel 020 8356 8407

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 12TH JULY, 2016

Councillors Present: Councillor Peter Snell in the Chair
Cllr Sophie Cameron (Substitute),
Cllr Margaret Gordon and Cllr Peter Snell

Officers in Attendance: Mike Smith (Principal Licensing Officer), Butta Singh (Senior Lawyer), Robert Walker (Licensing and Planning lawyer), Peter Gray (Governance Services Officer)

Also in Attendance: Sarabande
Applicants:
Liam O'Hare
Laura Kiefer
Other Persons:
Tracy Roberts
Doron Klinghoffer
Vanessa Hall-Smith
Lizzie Middleton
Chris Middleton
Malcolm Gluck
Wally Foster:
Applicants:
Anthony Roberts
Thelma Crange
Nigel Sterling
Danny Julie
Tobib Muhammed
Other Persons:
Huseyin Remzi Tasoglu
Pasa Tangam
Nesling Say
Michelle Haynes
Anthonewo Walo

1. Election of Chair

1.1 Councillor Peter Snell was duly elected as chair

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 declarations of interest.

4. Minutes of the Previous Meeting

4.1 The minutes of the meeting held on 22nd March were agreed as a correct record.

5. Licensing Sub-Committee Hearing Procedure

5.1 The Sub-Committee noted the procedure rules.

6. Premises License: Sarabande, 22 Hertford Road

6.1 Mike Smith, Principal Licensing Officer, introduced the report. He told the Sub-Committee that all the responsible authorities had withdrawn their objections. There continued to be a need for clarity on the use of the courtyard area as a smoking area.

6.2 Liam O'Hare, the applicant, made opening submissions. He told the Sub-Committee that the Lee Alexander McQueen Foundation was a charity helping young people through education and first steps into the fine arts. He confirmed that consent and planning permission were in place before work was undertaken to restore the building. Sarabande was a cultural centre, operating on Monday to Friday with events finishing at 11pm. He explained that significant money had been spent securing a long lease and redeveloping the premises. He confirmed that raves would not be held at the venue and that there would be no DJ led events. There were to be fifty events a year, which would be ticket only, where alcohol would be ancillary. The public had been consulted on the development and the benefits of the cultural centre explained. He told the Sub-Committee that the courtyard would not now be used as a smoking area and would only be used for disable access to the premises and emergency evacuations. Further, there was to be no access from the licensable area to the courtyard. Staff would always be positioned at the back entrance during events. Liam O'Hare explained that he had 25 years' experience in event management and all staff at the venue had been appropriately trained. He confirmed that events would be risk assessed. In response to a question from the chair in relation to capacity, he confirmed a capacity figure of 230 people, including all staff and security. In response to a question from Councillor Gordon he told the Sub-Committee that dispersal from the venue to Hertford Road was to be gradual. The sound system would be certified and noise would be kept at a reasonable level. Liam O'Hare also described the works undertaken to sound proof the premises.

6.3 In response to a question from the chair Liam O'Hare confirmed that licensable activity would only take place up to a maximum of 50 "one day" day events per year. Liam O'Hare also confirmed that all measures outlined in paragraph 6.2 above (i.e. the number of events per year, capacity, no DJ led events, no raves, use of the entrance onto the courtyard etc) could be conditioned on the licence if granted.

6.3 Local residents made submissions against the application as follows:

- Vanessa Hall-Smith (Resident) expressed concerns about security, the proximity of the premises to residents, anti-social behaviour and noise at the venue with large numbers of young people circulating with access to the courtyard area. She believed that it would not be possible to control access to the development via the security gate. She told the Sub-Committee that once

in the development it would be possible for members of the public to access the Canal area. Further, she expressed reservations about how dispersal from the venue would work. Fifteen workshops would result in a significant increase in the number of people circulating within the building. Further, she was concerned that some events would be run by third parties attracting large numbers of people who had little interest in the local community. She submitted that the community had not been involved in the development of the plans. She was unable to accept that there would be no noise emanating from the venue and expressed concerns about effective dispersal. In response to a question from Councillor Gordon she told the Sub-Committee that there was a Residents Group in the area.

- Lizzie Middleton expressed concern about potential numbers of people circulating on Hertford Road and the possibility of tailgating. She said that there was public access from the basin.
- Chris Middleton expressed concerns around large numbers of people and noise at the venue, impacting most when residents had left their windows open.
- Doron Klinghoffer stated that the license should not be granted and referred the Sub-Committee to the Council's licensing objectives.
- Tracey Roberts submitted that in the case of events with over 100 people SIA should be present at the venue and that for event of under 100 staff members could provide security. She also expressed concerns about access to the courtyard.
- Malcolm Gluck expressed concerns that the venue could be used as a night club and had concerns about how it would be controlled. He had further concerns about littering on Hertford Road.

6.4 Councillor Cameron also expressed concerns about tailgating and the potential for crime.

6.5 Liam O'Hare further submitted that the organisation was a registered charity. He referred to the fact that he had 25 years' experience in event management. He offered that the maximum capacity of the events be 150 people and that SIAs would be provided for events over 50 people. After 6pm entrance would be through the main gate only. He also confirmed that he would accept a condition that required notice to be given to local residents informing them of scheduled events.

6.6 Lizzie Middleton summed up by stating that she appreciated the aims and objectives of the organisation but continued to object to the application as stated. She told the Sub-Committee that there was public access from the basin.

6.7 Doren Klinghoffer summed by stating that the number of events held at the venue each year should be kept to a minimum. He referred to the neighbourhood as special and hoped that this would be taken into consideration.

6.8 Vanessa Hall-Smith, in summing up, expressed concerns about loud music and the increased numbers of people circulating in the area.

6.9 Liam O'Hare summed up by stating that the community had been consulted. Open days had been held from which comments had been taken on board. He confirmed that events would be managed properly. Further, outreach to the community on events at the Community Centre would be ongoing. He also advised, in reply to a question from the Sub-Committee, that he would accept a condition that no more than 50% of events would be up to a full capacity of 150 people.

The decision

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

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

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

- Conditions 9, 10, 11, 12, 14, 16, 20 and 22 be deleted as they are duplicated by other conditions;
- Condition 13 be amended to delete the word "premises" and insert the word "area";
- Condition 19 be deleted and replaced with the following condition
 - "There will be no access or egress to the courtyard area (which is the area between the premises and Hertford Wharf) except for disabled persons or in the event of an emergency. During all events a member of staff shall ensure that no persons gain access or exit the courtyard, except in the circumstances outlined above".
- Condition 21 be amended to read – "The licensable area shall not be used for more than 50 one-day events per calendar year and at least 50% of the one-day events held at the premises (i.e. 25 events) shall be limited to a maximum capacity of no more than 50 people."
- At the end of condition 31 insert the words "and/or duty manager, who will be able to address any issues residents may have during an event."
- Condition 35 be amended to read – "Patrons shall only be allowed to smoke in an area at the front of the premises (on Hertford Road) and there shall be a maximum of 7 persons allowed outside to smoke in this area at any one time."

and the following additional conditions:

- The maximum capacity of premises shall be 150 people;
- There shall be no DJ led events or raves held at the premises;
- The sale, supply and/or consumption of alcohol and the use of DJs shall be ancillary to events held at the premises;
- SIA registered door supervisors shall be employed at the venue on an operational risk assessment basis subject to there being at least one SIA registered door supervisor on duty during events attended by 50 or more

people. All security staff shall be clearly identifiable at all times. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be provided. This register will be made available to police or authorised officer immediately upon request.

- The licensee shall notify a named local resident of all upcoming events. This resident will make themselves known to the licensee, who will use their best endeavours to notify all other residents of Canal Wharf and Hertford Wharf.

Reasons for the decision

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

7. Premises License: Wally Foster, Homerton Road

7.1 Mike Smith, Principal Licensing Officer introduced the application. He told the Sub-Committee that the Police had withdrawn their objection following agreement of conditions and the premises closing at midnight Thursday to Sunday and licensable activities ceasing 30 minutes before. The Licensing Authority had withdrawn following acceptance of the following additional condition:

“Signs will be prominently displayed by entry and exit points reminding customers to leave quietly and respect local residents”

7.2 Anthony Roberts made opening submissions to the Sub-Committee. He had been asked to join the Community Centre four years previously at which time it had a large deficit. Efforts were made to correct matters. He told the Sub-Committee that the community centre worked with local groups and ran a pre-school, piano and music classes and dance groups. The premises up until now had been holding private events at the premises, such as wedding etc, but now wished to run licensable events. He confirmed that CCTV had been set up at the centre and health and safety arrangements put in place. All security SIA were registered. The designated smoking area was at the front of the Community Centre. The spotlights had been removed as they had disturbed local residents. He stated that management respected local residents and that there was partnership working with the surrounding venues. He told the Sub-Committee that this was the biggest Community Centre in Hackney.

7.3 In response Councillor Gordon referred to the fact that the venue had a very large capacity and emphasised that events would require close management. The company secretary acknowledged that it was a large venue. Councillor Snell asked if there were plans to reduce the numbers of private events, given the current issues around noise during these kinds of events, with an increase in the number of their own events at the premises. Anthony Roberts told the Sub-Committee that they were committed to event management and that restrictions on noise during private events was now being written into contracts. In response to Councillor Gordon’s question about his level of experience and training he confirmed in reply that he had been a media consultant and had managed ticket events, as opposed to private events. He further confirmed that he had also managed licence holders. In answer to a further

question from Councillor Gordon he confirmed that he did not envisage events to take place every weekend.

7.4 Huseyin Remzi Tasoglu, (Resident) submitted that there had been problems with noise at the Community Centre, with patrons drinking and talking loudly, disturbing residents in the area. Further, the loud music at the centre created difficulties for residents in sleeping given that the premises was not sound proofed. He expressed concerns that the proposed longer opening hours would attract a different type of person to the venue. He also expresses concern at past management of parking at the premises.

7.5 Michelle Haynes (Resident) told the Sub-Committee expressed concern about general anti-social behaviour around the venue experienced at past private events held at the premises, including urinating and noise.

7.6 Nesilda (Resident) re-iterated concerns about the problem of noise in the area of the community centre.

7.7 Nigel Sterling (Resident) referred to problems with noise around the Community Centre but stated that the problem was not as bad as previously.

7.8 Pasa Tangan (Resident) expressed concerns about proximity to the community centre and problems with noise.

7.9 In reply to a question from the Sub-Committee, local residents advised that private events were frequently held up until 3 am and caused disturbance. The last event that had caused disturbance was on 14th May 2016, and one of the residents had complained to the housing association.

7.9 Councillor Gordon asked about arrangements for dispersal from the venue. She stressed the need to communicate more closely with residents about events at the community centre.

7.10 The Chair emphasised the importance of a sound limiter at the premises, that no persons be allowed outside except 8 smokers at a time and that no drinks be taken outside the venue. The applicants agreed to these conditions.

7.11 Anthony Roberts accepted this and further submitted that the Community Centre wished to work with local residents and the Housing Association, establishing good lines of communication. He reiterated that consultation had taken place and concerns had been addressed. Partnership working would continue. He confirmed that a dispersal policy had been drafted and that this would be discussed with the Housing Association.

7.12 **The decision**

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

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance;

- The protection of children from harm;

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

- The opening hours Thursday to Sunday shall be 08:00 to midnight;
- The hours for all licensing activities Thursday to Sunday, except for late night refreshment, shall be 16:00 to 23:30;
- The hours for late night refreshment Thursday to Sunday shall be 23:00 to 23:30;
- Condition 11 be amended to read as follows – "Signs will be prominently displayed by entry and exit points reminding customers to leave the area quietly and respect local residents, and staff will be trained on this policy";
- In condition 23 after the words "authorised officer" insert the words "or local resident";

and the following additional conditions:

- The licensee is to ensure that all musical equipment that will be used when amplified music is played at the premises is played through a sound limiting device, with the sound/ music level set by a registered member of the Institute of Acoustics or similar body. The licensee is to ensure that the sound limiter is in a locked cupboard and accessible only to the Wally Foster management;
- There shall be no more than 8 persons allowed outside at any one time including smokers; and
- There shall be a maximum capacity at the premises of 275 people.

Reasons for the decision

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

Public informative

The Licensing Sub-Committee reminds the applicant of the need to engage with local residents located close to the premises to ensure that the venue is effectively managed and that residents are not disturbed by licensable and private events.

The Licensing Sub-Committee also encourages the applicant to run all private events at the premises to the same standard as licensable activities and adhere to all conditions on the premises licence.

In the event of there being any issues with public nuisance arising from licensable and/or private events at the premises, residents are encouraged to report such issues to the Council and their local councillors.

8. Premise License: Waterson Street

8.1 Dealt with under delegated authority

9. Temporary Event Notices - Standing Item

9.1 There were no temporary events notices.

Duration of the meeting: 7 – 10.45
Signed

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Chair of Committee

Contact:
Governance Services Officer:
Tel 020 8356 8407

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 26TH JULY, 2016

Councillors Present: Cllr James Peters (Substitute) in the Chair

Cllr Peter Snell

Apologies: Councillor Margaret Gordon

Officers in Attendance: Stephen Collingwood (Specialist Noise & Advice Officer), Emma Perry (Governance Services Officer) and Mike Smith (Principal Licensing Officer) and Robert Walker (Legal Officer)

Also in Attendance: Broadway BBQ
Graham Hopkins, Agent
Hasan Aybakar, Applicant
Linda Potter, Licensee

1 Election of Chair

1.1 Councillor Peters was duly elected to chair the meeting.

2 Apologies for Absence

2.1 An apology for absence was received from Councillor Gordon.

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 22 March 2016 were not approved and would be deferred to a future meeting, as there was not a member in attendance that had attended that meeting.

5 Licensing Sub-Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub-Committee hearing procedures, as detailed on page 7 and 9 of the agenda.

6 Premises Licence - Theatre/Media Conference Centre, Here East Estate, Waterden Road, QE Olympic Park, E15 2EE

6.1 The application was withdrawn and approved under delegated authority.

- 7 Review of Premises Licence: The Colourworks/ Shapes, 117 Wallis Road, E9 5LN**
- 7.1 The licence was surrendered and the application withdrawn.
- 8 Premises Licence - Shoreditch Heart, 265 Kingsland Road, E2 8AS**
- 8.1 The application was withdrawn and approved under delegated authority.
- 9 Variation of Premises Licence - Broadway BBQ, 51 Broadway Market, E8 4PH**
- 9.1 Mike Smith, Principal Licensing Officer, introduced the application for a variation of a premises licence. Mike Smith advised that neither the Police or Licensing were able to attend the hearing, however they had both submitted statements which had been circulated in advance of the meeting.
- 9.2 Mike Smith also advised that the applicants had amended their proposed hours for licensable activity and opening hours as follows:-
- | | | |
|------------------------|-------------|---------------|
| Late Night Refreshment | Mon – Thurs | 23:00 - 12:30 |
| | Fri – Sun | 23:00 - 01:00 |
| Opening hours | Mon – Thurs | 08:00 - 12:30 |
| | Fri – Sun | 08:00 - 01:00 |
- 9.3 Graham Hopkins, Agent, outlined the application on behalf of the Applicants. Mr Hopkins stated that the Applicants had been operating the premises for the past three years with no problems and the Police representation made no specific reference to any crime linked to the premises. The premises was not located within the Special Policy Area (SPA) and there had not been any breach of conditions.
- 9.4 Mr Hopkins made reference to the Brewdog Bars Ltd v Leeds City Council case which had been considered by the Leeds Magistrates' Court, where the appeal was upheld and the licence granted. He argued that, in accordance with the ruling, the Council's cumulative impact policy should not be rigidly applied and believed that representations made by the responsible authorities were an over-reaction and were unsubstantiated.
- 9.5 Mr Hopkins also referred to paragraph 6.6 of the Council's Licensing Policy which he stated encouraged a managed expansion of the diverse evening and night-time economy in Broadway Market.
- 9.6 Mr Hopkins stated that there were already a number of licenced premises in the surrounding area which opened until around 2-3am, including a takeaway fish and chip shop at the end of Broadway Market and a nearby off-licence. The Applicants believed that later operating hours encouraged an early dispersal of people at staggered times.
- 9.7 If granted, Mr Hopkins explained that the Applicants would increase the number of staff on duty from two to a minimum of three, as well as decreasing the number of chairs to encourage a quick turnaround of customers. The

- Applicants also offered to only provide late night refreshment through a hatch after midnight, should such a condition be deemed appropriate by the Sub-Committee. Mr Hopkins stated that there was no seating in the premises.
- 9.8 Mr Hopkins also advised that the application had not received any objections from local residents or businesses. It was believed that the majority of its customers would be from the local area.
- 9.9 The Chair sought clarification from the Sub-Committee's Legal Officer on the *Brewdog v Leeds* case and paragraph 6.6 referred to in Mr Hopkin's opening submission. Robert Walker, Legal Officer, explained that the *Brewdog v Leeds* case was a decision in the magistrates court and was not binding on the Sub-Committee. The Legal Officer explained however, that each case must be determined on its own merits and that a licensing authority should apply its policy where relevant representations were made. He advised that the Sub-Committee should consider issues relating to cumulative impact when making its decision on this application, in accordance with LP15, given the representations that had been made by the responsible authorities on the issue.
- 9.10 Robert Walker also explained that paragraph 6.6 of the Licensing Policy was cross-referencing the Council's Core Strategy, a planning policy document. He stated that Core Strategy 15 encouraged the expansion of a diverse evening and night-time economy in Broadway Market and other areas of the borough, taking account of its impact on local residential amenity, community safety and transport in these areas. The paragraph went on to state that the Council had adopted special policy areas as one licensing tool for managing the evening and night-time economy. He advised the Sub-Committee that the Council's statement of Licensing Policy did not in itself encourage a managed expansion of the night-time economy in Broadway Market and that, regardless, the Sub-Committee should only grant applications based on their own merits, having regard to the licensing objectives.
- 9.11 In response to a question regarding the number of other licensed premises in the surrounding area, the Principal Licensing Officer advised that he had checked the licensable hours for premises between the Cat and Mutton and the Dove pubs on Broadway Market, which all had an operating hour up to 1am at the latest.
- 9.12 In the absence of the Police, the Sub-Committee took into consideration the representation from PC Amanda Griggs, as follows:-

'I am a Police Licensing Officer for the London Borough of Hackney and have been since 2007. I write this statement in relation to Broadway BBQ, 51 Broadway Market, London, E8 4PH and the application to vary its premises licence.

The venue is situated on Broadway Market, a busy street in the London Fields area. The street is filled with licensed premises selling alcohol and hot food late into the night as well as being highly residential. As a result the street suffered from a high level of ASB and associated disorder, especially during the summer months when people gather outside venues preventing cars and pedestrians from passing.

The area is repeatedly being granted dispersal authority under Section 35 of the Anti-social behaviour Crime and Policing Act 2014 giving officers powers to remove ASB from the area.

The Local Neighbourhood Policing Team regularly run operations in the area targeting ASB and alcohol related disorder, as do the Licensing Unit in conjunction with other Local Authority partners.

Broadway Market is also cited as a repeat street location for offences under the Trident Knife initiative Operation Sceptre.

Although the venue itself does not have large amount of crime directly attached to it, there were 100 crimes reported along Broadway Market since 1st April 2016. These range from thefts to GBH assaults and do not include any of the ASB dealt with on a daily basis by the NPT.

Ultimately Police believe that on this basis another late night venue in the area will keep people in the area for longer, adding to the ASB, littering, urinating etc. and ultimately negatively effecting the large number of local residents.'

- 9.13 Stephen Collingwood outlined the representation from Community Safety (Pollution Team). Stephen Collingwood stated that regular complaints regarding noise nuisance in the general area had been received by the team from local residents. However, the complaints received were not specific to the premises. He stated that he had attended Broadway Market and had witnessed the state of the street around midnight. He explained that there were residential properties along Broadway Market, as well as off it. He believed that granting any extension of the premises opening and licensable hours would cause further disruption to local residents.
- 9.14 Stephen Collingwood recognised that the Applicants had reduced the operating hours in the application, however he confirmed that the representation still stood and it was felt that 1am was too late given the context of the surrounding area and the close proximity of residential properties.
- 9.15 In the absence of Licensing Enforcement, the Sub-Committee took into consideration the representation from Darren Reilly, Licensing Enforcement Team Leader, as follows:-

'A previous application from this premises seeking to open late resulted in only the current hours being granted. This was mainly due to issues with licensed bars in Broadway Market and these issues still exist. There are lots of bars in this small but saturated street and we regularly receive complaints about things like noise, asb and blocking pavements. We have not received any complaints regarding this premises but then it does currently close before all of the bars do. We are very concerned that granting hours which allow it to open after the bars close will cause further noise, litter and asb as well as keeping intoxicated people in the Street for much longer while they purchase and likely consume food in the area. It is for this reason that we do not support an extension of hours for this premises and we recommend that as with the previous application no hours are granted beyond the closing times of local bars are granted.'

- 9.16 Discussion took place surrounding LP15 – Cumulative Impact. In response, the Applicants stated that the venue was not located within the SPA and believed that the Police would have been in attendance to present their evidence if it was felt that the premises would cause undue disturbance to neighbouring residents. The Applicants did not believe that the premises would add to the cumulative impact in the area and stated that they were only a small premises.
- 9.17 The Chair referred to the Police representation and confirmed that the Police had not withdrawn their objections following the reduction of operating hours made that afternoon. He explained that the representation contained evidence that, in the Police's view, granting the application would add to issues of cumulative impact.
- 9.18 Councillor Snell stated that the original licence had only been granted in 2014 and raised concern that there would be a gradual increase in operating hours being applied for. In response, Mr Hopkins stated that this was an existing venue, which had not caused any concerns to responsible authorities or local residents. It was felt that the additional hours being applied for would help the area and encourage a more staggered dispersal of people.
- 9.19 Discussion took place regarding LP12 – Licensing Hours, which stated that in residential areas the Council would not normally grant licences beyond 12 midnight, unless the applicant can demonstrate that operating hours beyond this would not cause undue disturbance to local residents.
- 9.20 In response, the Applicants stated that the premises was located within a mixed use area, which had not received any representations or complaints from local residents.
- 9.21 In summing up, Mr Hopkins requested that the application be granted, given the reduction of operating hours proposed.
- 9.22 **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 Policy.

Reasons for the decision

The Licensing Sub-Committee, having considered the representations from the applicant and responsible authorities, believed that granting the extension of opening hours and late night refreshment at the premises would undermine the prevention of crime and disorder and public nuisance licensing objectives.

Tuesday, 26th July, 2016

The Sub-Committee had regard to the local residential amenity, community safety and transport of the area as well as the operating hours of other known licensed premises located near to the premises. The Sub-Committee noted representations concerning negative cumulative impact and the proximity of residents on and near to Broadway Market.

The Sub-Committee considered the representations from the Police that the area suffered from a high level of anti-social behaviour and associated disorder as a result of a concentration of licensed premises selling alcohol and food late into the night. The Sub-Committee also considered the representations from the Licensing Authority and Environmental Health Authority (Pollution) relating to public nuisance complaints associated with licensed activity along Broadway Market, including noise as well as anti-social behaviour.

The Sub-Committee agreed with the responsible authorities that, given the concentration of licensed premises on Broadway Market, any extension of licensable and opening hours beyond midnight would undermine the licensing objectives through keeping more people in the area for a longer period of time and would cause crime and disorder and public nuisance.

The Sub-Committee, having heard from the applicant, did not believe that he had demonstrated that he would adequately deal with the concerns raised by the responsible authorities if the premises were to operate to a later hour.

10 Temporary Event Notices - Standing Item

10.1 There were no Temporary Event Notices to consider.

Duration of the meeting: 19:00 – 20:10

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/uksi/2005/44/contents/made>

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**Licensing Sub-Committee hearings, under the Licensing Act 2003 – Type C
[Re; Review of a Premises Licence or Club Premises Certificate]**

<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 for calling a Review.</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 making a representation in relation to the Review called.</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 and highlight their reasons for making a representation in relation to the Review called.</p>	<p>5 minutes each</p>
<p>Step 6 - Premises Licence/Club Certificate Holder</p>	<p>The Premises Licence/Club Certificate Holder will respond to the issues raised.</p>	<p>5 minutes</p>
<p>Step 7 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee Members an opportunity to seek clarification on any points raised and ask questions, if necessary.</p>	<p>15 minutes</p>
<p>Step 8 Closing remarks</p>	<p>The Chair will ask all parties 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 9 - 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 10 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 11 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

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

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REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 13/10/2016	Classification DECISION	Enclosure
Application for a Premises Licence Mangal Ocakbasi Restaurant 10 Arcola Street E8 2DJ	Ward(s) affected Shacklewell	

1. SUMMARY

Applicant(s) Ercan Cuce	In SPA No
Date of Application 31/07/2016	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (On the premises)	
Proposed hours of licensable activities	
Supply of Alcohol	Standard Hours: Mon 12:00-00:00 Tue 12:00-00:00 Wed 12:00-00:00 Thu 12:00-00:00 Fri 12:00-01:00 Sat 12:00-01:00 Sun 12:00-00:00
Premises:	Non- standard Hours: Alcohol will cease at 0100hrs on the day preceding a bank holiday.
The opening hours of the premises	
Premises	Standard Hours: Mon 08:00-01:00 Tue 08:00-01:00 Wed 08:00-01:00 Thu 08:00-01:00 Fri 08:00-03:00 Sat 08:00-03:00 Sun 08:00-01:00
Capacity: Not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety), LP12 (Licensing Hours)

List of Appendices	A – Application for a premises licence and supporting documents B – Representations from other persons C – Location map
Relevant Representations	<ul style="list-style-type: none"> • Other Persons

2. APPLICATION

- 2.1 **Ercan Cuce** has made an application for a premises licence under the Licensing Act 2003:
- To supply alcohol for consumption on the premises.
- 2.2 The application is attached as Appendix A. The proposed hours have been amended to those described in para. 1 above following agreement with Police.

3. CURRENT STATUS / HISTORY

- 3.1 The premises has an existing licence, granted on 11 January 2006, for late night refreshment from 23:00 to 01:00am Sunday to Thursday and from 23:00 to 03:00am Friday and Saturday. The premises licensee is Mr Huseyin Akcadag.
- 3.2 The premises also previously had a premises licence for supply of alcohol from Monday to Sunday 12:00 to 01:00am, but with opening hours that coincided with hours for late night refreshment. The licence lapsed on 23 August 2011 due to the dissolution of the company that held the licence.
- 3.3 No TENs have been submitted in respect of this premises in this calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

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

Licensing Authority (Appendix B2)	Representation has been withdrawn following agreement between police and applicant. 1
Health Authority	Have confirmed no representation on this application

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from and on behalf of local residents. (Appendix B)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm. The Other Person has advised he will withdraw objection if the applicant agrees to a proposed condition (see para.9 below).

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) and LP12 (Licensing Hours) are relevant.

8. OFFICER OBSERVATIONS

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

Mandatory Conditions

Supply of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the

purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

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

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

(a) a holographic mark or

(b) an ultraviolet feature

6. The responsible person must ensure that:

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

• beer or cider: 1/2 pint;

• gin, rum, vodka or whisky: 25ml or 35ml; and

• still wine in a glass: 125ml; and

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

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

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 7.2 For the purposes of the condition set out in paragraph 7.1 above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -
- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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. 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.

12. 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.

13. There shall be no glass, drinks or open containers taken outside of the premises at any time.

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

15. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.

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. After 2100hrs there shall be a maximum of 5 smokers outside the venue at any one time. This shall be monitored by staff.

20. Alcohol shall not be sold in the hatched area marked on the plan after 23:00hrs. This area shall be vacated by customers and closed at 23:30hrs each day. There shall be a copy of the plan showing the hatched area kept with the full premises licence on the premises at all times.

21. There shall be maximum of 35 customers in the restaurant after 23:30hrs.

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. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

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. A final check should be made at close of business.

26. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip

27. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons. This should remain unobstructed at all times and should clearly identify:-

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection • the type of waste including the European Waste Code

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 21 have been proposed by the Police and 22 to 27 by Environmental Enforcement. The applicant has agreed to all conditions proposed by responsible authorities. The following condition proposed by an "Other Person" objector is the only outstanding matter:

- The licensee shall engage the services of a reputable independent consultant to assess and provide a report on the suitability of the kitchen exhaust system, implementing changes where necessary so it does not cause nuisance from excessive smoke, odour or fumes to nearby

premises. The report is to include the development and implementation of a cleaning and maintenance regime.

10. LEGAL COMMENTS

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

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

10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

12. MEMBERS DECISION MAKING

A. Option 1

That the application be refused

B. Option 2

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

13. CONCLUSION

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

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	Suba Sriramana 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: Mangal Ocakbasi Restaurant 10 Arcola Street E8 2DJ	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 Mr ERCAN CUCE
Mr

(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 MANGAL OCAKBASI RESTAURANT 10 ARCOLA STREET HACKNEY LONDON			
Post town	LONDON	Post code	E8 2DJ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£12000

Part 2 - Applicant Details

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

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

	i.	as a limited company	..	please complete section (B)
	ii.	as a partnership	..	please complete section (B)
	iii.	as an unincorporated association or	..	please complete section (B)
	iv.	other (for example a statutory corporation)	..	please complete section (B)
c)		a recognised club	..	please complete section (B)
d)		a charity	..	please complete section (B)
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 ERCAN		First names CUCE	
I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Current postal address if different from premises address		ARCOLA STREET HACKNEY UK-England	
Post Town	LONDON	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 <input type="checkbox"/> 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
Address
UK-England
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?	29-08-2016
---	------------

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

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

Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	NO
--	----

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"/>	..
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)	<input checked="" type="checkbox"/>

Complete boxes K, L and M (optional)

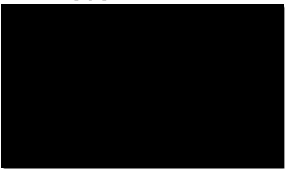



A

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 <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	00:00	01:00			
	12:00				
Tue	00:00	01:00			
	12:00	00:00			
Wed	00:00	01:00			
	12:00	00:00			
Thur	00:00	01:00			
	12:00	00:00			
Fri	00:00	01:00			
	12:00	00:00			
Sat	00:00	03:00			
	12:00	00:00			
Sun	00:00	03:00			
		00:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

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

Name :	Mr CUCEERCAN
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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)
Day	Start	Finish	
Mon	00:00	01:00	
	08:00	00:00	
Tue	00:00	01:00	
	08:00	00:00	
Wed	00:00	01:00	
	08:00	00:00	
Thur	00:00	01:00	
	08:00	00:00	
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)			

Fri	00:00	01:00	
	08:00	00:00	
Sat	00:00	03:00	
	08:00	00:00	
Sun	00:00	03:00	
		00:00	

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)

The premises has operated as a restaurant for a number of years. The premises has the benefit of a premises licence authorising the provision of late night refreshment to the same hours. Until recently the premises operated under a premises licence for the sale of alcohol. The company holding that licence was dissolved. There is no change to the overall operation as a restaurant. Instead of people bringing their own alcohol the premises seeks to provide alcohol for sale to be consumed with meals consumed at the premises.
See proposed conditions

b) The prevention of crime and disorder

see a above

c) Public safety

see a above

d) The prevention of public nuisance

see a above

e) The protection of children from harm

see a above

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	ROBERT SUTHERLAND
Date	31/7/2016
Capacity	AUTHORISED AGENT FOR THE APPLICANT

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

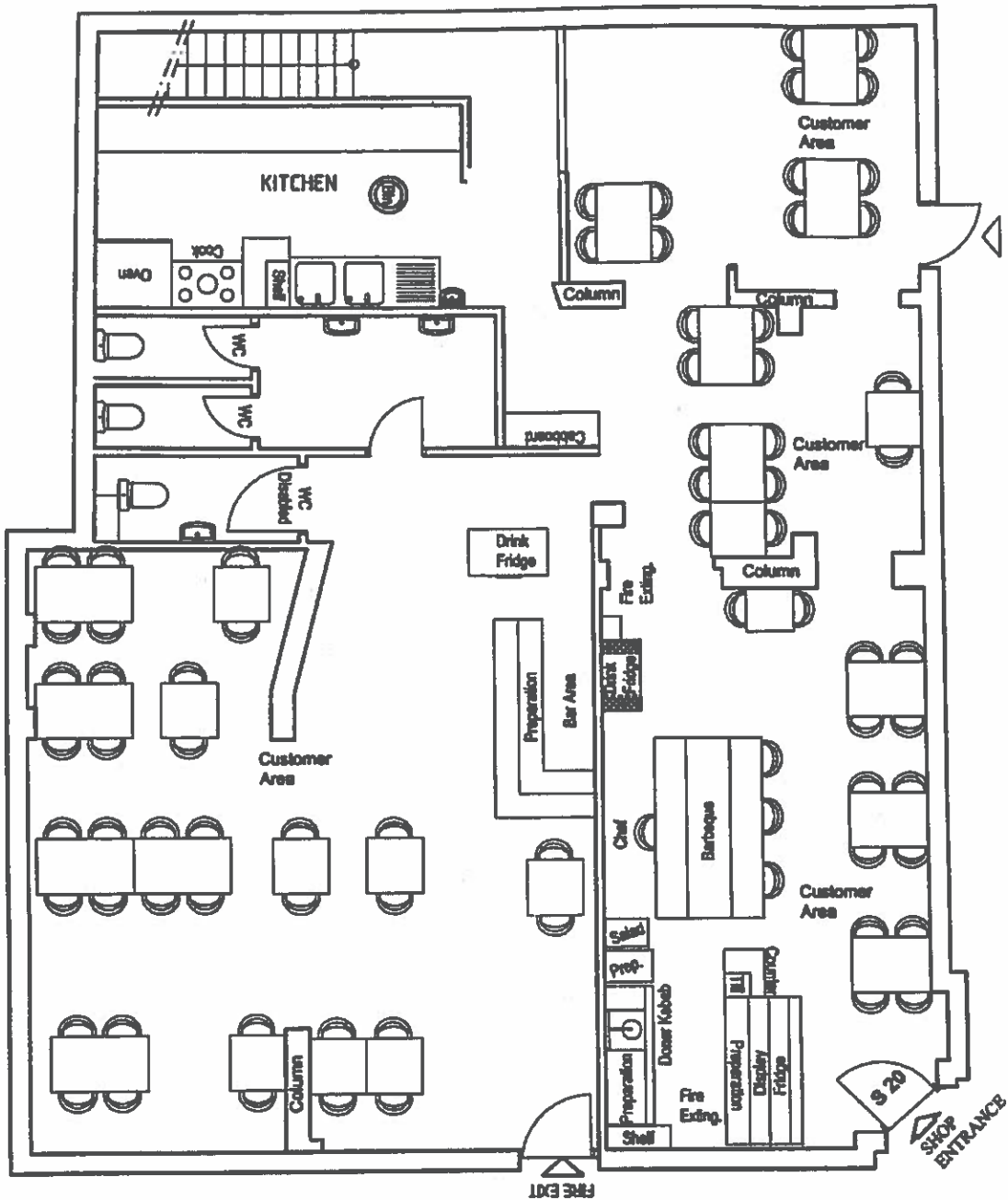
Signature	
------------------	--

Date	31/7/2016
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
[REDACTED]			
UK-England			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

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



Loose furniture is shown for diagrammatic purposes, alcohol may be sold for consumption in the customer areas shown on the plan

MANGAL OCAKBASI
GROUND FLOOR PLAN
SCALE: 1/100



From: [REDACTED]
Sent: 28 August 2016 19:33
To: Licensing
Subject: 10 Arcola Street, London E8 2DJ

Dear Licensing,

This premises is one of the most polluting in the area. Primarily a grill restaurant there is a copious amount of smoke produced from meat dripping onto charcoal producing a mixture of vaporised animal fats and smoke which is poorly dispersed below roof level and this haze of irritating smoke causes nuisance and harm. Sales of alcohol would encourage further custom adding to the problem.

Alcohol sales at these early hours leads to disturbances to residents from customers who have drunk too much and behave recklessly in this residential area.

The operation of this restaurant in the early hours of the morning also causes nuisance including from collections, deliveries and waste management.

Regards,

[REDACTED]

Closing Date: 28/08/2016

10 Arcola Street
London E8 2DJ
Shacklewell
Mr Ercan
Application for a premises licence to allow supply of alcohol for
on sales from 12:00 to 01:00am Sun to Thurs and from 12:00 to 03:00am Fri and Sat.



This email has been checked for viruses by Avast antivirus software.
www.avast.com

APPENDIX C

Shacklewell
Primary School



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10 Arcola Street

Scale 1/1250

at A4

Page 4



Date 9/9/2016



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REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 13/10/2016	Classification DECISION	Enclosure
Application for Review of Premises Licence: Gunners Off Licence 33 Blackstock Road N4 2JF	Ward(s) affected Brownswood	

1. SUMMARY

Applicant Trading Standards	In SPA: No
Date of Application 21 July 2016	
The Grounds for Review: Alleged use of licensed premises for the sale or storage of smuggled tobacco and alcohol.	
Current Premises Licence Details: Premises Licence permitting: 1) Sale by retail of alcohol See Appendix B for detail.	
Current Capacity	Unknown
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)
List of Appendices	Appendix A– Application requesting the review of the premises licence Appendix B – Current Licence Appendix C – Representations from responsible authorities Appendix D - Location map
Relevant Representations	<ul style="list-style-type: none"> • Health Authority

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 Trading Standards, as a Responsible Authority under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as **Gunners Off Licence, 33 Blackstock Road, N4** on

the grounds of prevention of crime and disorder.

3. CURRENT POSITION/ HISTORY

3.1 The premises licence was granted at the Licensing Sub-Committee hearing on 25 October 2010. The current licence permits the following activity:

- 1) Sale by retail of alcohol

A copy of the current licence is attached as Appendix.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation received on this application.
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Not Applicable
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	No representation received
Police	No representation received
Licensing Authority	Have confirmed no representation received on this application.
Health Authority	Representation received on the basis of prevention of crime and disorder.

5. REPRESENTATIONS: INTERESTED PARTIES

From	Details
Representation received from and on behalf of local residents.	No representation received

6. REPRESENTATIONS: LICENSEE

6.1 None

7. POLICY CONSIDERATIONS

7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.

7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.

7.3 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) and LP8 (Public Safety) are relevant.

8. GUIDANCE CONSIDERATIONS

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

9. OFFICER OBSERVATIONS

9.1 Trading Standards are seeking to suspend the licence for 6 weeks and to include following conditions in their licence.

1. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell illegal alcohol or tobacco.
2. The licensee must attend an accredited training course on underage sales and meeting the licensing objectives – organized by Hackney Trading Standards. Failure to attend the training may lead to further sanctions e.g. revocation of licence.
3. The licensee must display in a prominent position a Council poster/window sticker saying “We do not buy or sell illegal tobacco here”.

10. REASONS FOR OFFICER OBSERVATIONS

10.1 Not Applicable

11. LEGAL IMPLICATIONS

11.1 A legal representative will be in attendance to advise Members.

12. LEGAL COMMENTS

12.1 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

12.2 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.

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

13.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

14. MEMBERS DECISION MAKING

14.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

14.2 The steps are:

- A. Option 1
Take no action**
- B. Option 2
Modify the conditions of the premises licence.**
- C. Option 3
Exclude a licensable activity from the scope of the premises licence.**
- D. Option 4
Remove the designated premises supervisor.**
- E. Option 5
Suspend the premises licence for a period not exceeding three months.**
- F. Option 6
Revoke the licence.**

15. CONCLUSION

15.1 That Members decide on the application for review of the premises licence.

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING	Kim Wright
Lead Officer (holder of original copy):	Suba Sriramana Licensing Officer Licensing Service 2 Hillman Street E8 1FB Telephone: 020 8356 4915

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: Gunners Off Licence 33 Blackstock Road N4 2JF	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

Hackney
LA40

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I **Audrey Dembinski**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Gunners Off Licence
33 Blackstock Road

Post town London

Post code (if known) N4 2JF

Name of premises licence holder or club holding club premises certificate (if known)

Mr Servet Yildiz

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

LBH-PRE-T-1144

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Audrey Dembinski Hackney Trading Standards The Annex 2 Hillman Street London E8 1FB
Telephone number (if any) 020 8356 4937
E-mail address (optional) audrey.dembinski@hackney.gov.uk

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

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

Please tick one or more boxes ✓

-
-
-
-

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

Licensing Objective - The prevention of Crime and Disorder.
Reviewed guidance issued in March 2015 under section 182 of the Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (Part 11.27)

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

Mr Servet Yildiz, is the Licensee and Designated Premises Supervisor of Gunners Off Licence of 33 Blackstock Road, N.4 and has held this position for approximately six years.

There have been several incidents throughout the years where both illicit tobacco and alcohol have been seized :

On 17th March 2016, 280 Foreign Marlborough Gold cigarettes (240 of which were hidden behind a RIZLA box in the tobacco cabinet and 40 of which were found underneath the shelving unit. Also, a total of 139 packets of snuff were also seized. Oral snuff is currently subject to a bn on sale in most European countries including the UK. These were all removed by HMRC.

Mr Servet Yildiz, the Designated Premises Supervisor attended a tape recorded interview conducted under the requirements of the Police and Criminal Evidence Act 1984 (PACE). In the PACE interview, Mr Yildiz claimed that the tobacco was bought for his father.

29th September 2014 - HMRC seized illicit spirits, wines and cigarettes.

27th February 2012 - Large quantities of tobacco and alcohol which were non duty paid and had incorrect labelling were seized by Trading Standards, where a simple caution was administered.

28th September 2010 HMRC seized 134 litres of spirits, 52 litres of wine, 660 cigarettes and 1.5kg of hand rolling tobacco - all non duty paid.

Recommendations:

I would recommend a suspension of the licence for 6 weeks. This will act as a future deterrent and also give the Disignated Premises Supervisor time to review procedures, train staff and update stock and also to add the following conditions added to the licence:

- 1) The licensee will immediatley report to Trading Standards any instance of a caller to the shop attempting to sell illegal alcohol OR TOBACCO;
- 2) The licensee must attend an accredited training course on underage sales and meeting the licensing objectives - organised by Hackney Trading Standards. Failure to attend the training may lead to further sanctions eg revocation of licence;
- 3) The licensee must display in a prominent position a Council poster/window sticker saying "We do not buy or sell illegal tobacco here."

11.27 of the guidance states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particulary seriously. This includes 'the use of licensed premises for the sale of smuggled tobacco and alcohol.' 11.28 of this guidance states that 'it is envisaged that licensing authorities would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

tick ✓ yes

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

Please

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

tick ✓ yes

Please

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



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

Part 3 – Signatures (please read guidance note 4)

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

Signature Andrey Dombariski

Date 21st July 2016

Capacity Principal Commercial Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Andrey Dombariski
Hackney Trading Standards,
The Annex,
2 Hillman Street,

Post town London Post Code E8 1DY

Telephone number (if any) 020 8356 4937

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) andrey.dombariski@hackney.gov.uk

Notes for Guidance

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



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-1144

Part 1 – Premises details

Gunners Off Licence
33 Blackstock Road
Hackney
London
N4 2JF
020 7704 9936

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol Standard Hours:

Premises: Mon 08:00-00:00
 Tue 08:00-00:00
 Wed 08:00-00:00
 Thu 08:00-00:00
 Fri 08:00-01:00
 Sat 08:00-01:00
 Sun 08:00-00:00

The opening hours of the premises

Premises Standard Hours:

Mon 07:00-00:00
Tue 07:00-00:00
Wed 07:00-00:00

Thu 07:00-00:00
Fri 07:00-02:00
Sat 07:00-02:00
Sun 07:00-02:00

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

Off Premises

Part 2 –

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

Mr Servet Yildiz
49 Napier Road
London
EN3 4QS

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

Not Applicable

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

Mr Servet Yildiz

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

Date of Grant: 4 November 2010

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
 - 3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - 3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

4.
 - 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 4.2 For the purposes of the condition set out in paragraph 4.1 above
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of

alcohol under such a licence;

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

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

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

5. The licence holder shall maintain a comprehensive colour CCTV system at the premises that ensures all areas of the licensed premises are monitored, including all entry and exit points and the street environment, and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer from the Council or police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the requirements of the Data Protection Act 1998)
6. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when it is open to the public. This staff member shall be able to show the Police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested.
7. The Designated Premises Supervisor shall ensure that all management staff are trained to use and maintain the Incident Book. The Incident Book shall be readily available for inspection by the Police or other regulatory agencies, both internal and / or external to the Council.
8. The licence holder shall maintain an Incident Book at the premises to record the following:-
all crimes reported to the venue

all ejections of patrons
any complaints received
any incidents of disorder
seizures of drugs or offensive weapons and their location.
any faults in the CCTV system
any visit by a relevant authority or emergency service
Details of all the above shall be contemporaneously recorded in the Incident Book and the entry countersigned by the Designated Premises Supervisor.

9. Premises will provide the police with a dispersal policy and comply with its contents to ensure that all patrons leave the venue and the vicinity quickly and quietly. Notices to be displayed at exits requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
10. Signs to be displayed stating that alcohol will not be sold to underage drinkers and that ID will be sought in line with Challenge 21.
11. A refusals book to be used to record details of instances where staff have refused a customer thought to be under age.

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

12. No alcoholic goods will be purchased or taken from persons calling at the premises.
13. The Licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
14. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop premises and made available to officers from the council, police or HMRC on request;
15. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic drinks have been purchased;
16. An ultra violet light will be available at the premises for the purpose of checking the UK Duty stamp on spirits as soon as practical after they have been purchased;
17. If any spirits bought by the business have UK Duty stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Hackney Trading Standards.

Annex 4 – Plans

PLAN/LBH-PRE-T-1144/290710

**RESPONSIBLE AUTHORITY REPRESENTATION:
APPLICATION UNDER THE LICENSING ACT 2003**

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	City and Hackney Public Health directorate
ADDRESS OF AUTHORITY	City and Hackney Public Health 1 Hillman St London E8 1DY
CONTACT NAME	Shivangi Medhi
TELEPHONE NUMBER	020 8356 2253
E-MAIL ADDRESS	shivangi.medhi@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Gunners Off License, 33 Blackstock Rd, N4 2JF
NAME OF APPLICANT/PREMISES USER	Mr Servet Yildiz

COMMENTS

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

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

Dr Penny Bevan
Director of Public Health
Hackney Council

12th August 2016

RE: Representation to support the review of Gunners off license

As Director of Public Health (a responsible authority under the Licensing Act 2004) I wish to make a representation in support of the review brought forward by Trading Standards.

The City and Hackney Public Health function recognises the role that licensed premises play in contributing to the local economy, but the dense availability of alcohol has a significant impact on the health and wellbeing of many of the borough's residents. It is therefore vitally important that premises allowed to sell alcohol are well managed and responsible with the sale of alcohol.

Tackling alcohol misuse is key to achieving the aspirations of Hackney's Health and Wellbeing Strategy. We want to establish an environment that recognises the role of alcohol in our society, whilst minimising the significant health damage caused by alcohol misuse. Licensing is an important component in the wider efforts to reduce this harm. Tobacco Control is another key facet of Hackney's Health and Wellbeing strategy, and tackling the availability of illegal tobacco in the borough is key to achieving tobacco control objectives and reducing the health impacts of tobacco.

This representation is made under the **prevention of crime and disorder** licensing objective.

The availability of illicit alcohol and tobacco in premises such as these make it easier for residents to access these products at reduced prices. If residents can access cheap tobacco, it makes it harder for smokers to quit and also makes it easier for non-smokers to start and ex-smokers to relapse. Making cheap tobacco available makes it easier for children to start smoking and enables them to become hooked at a young age. Furthermore, it allows criminal activity to take place in the borough.

The sale of illegal tobacco and alcohol suggest mismanagement at this premise, and the fact that seizures have been made at the premises on several occasions over several years shows continued mismanagement after multiple warnings. The sale of alcohol and tobacco need to be controlled in order to reduce their potential damage to residents, and if venues are failing to make responsible sales, the potential for harm is great.



Based on the information provided above I would like to support Trading Standards in their review of this premise, and to see actions taken to prevent future sale of illegal alcohol and tobacco on the premises.

Yours sincerely

A black rectangular box containing the handwritten signature 'Penny Bevan' in white ink.

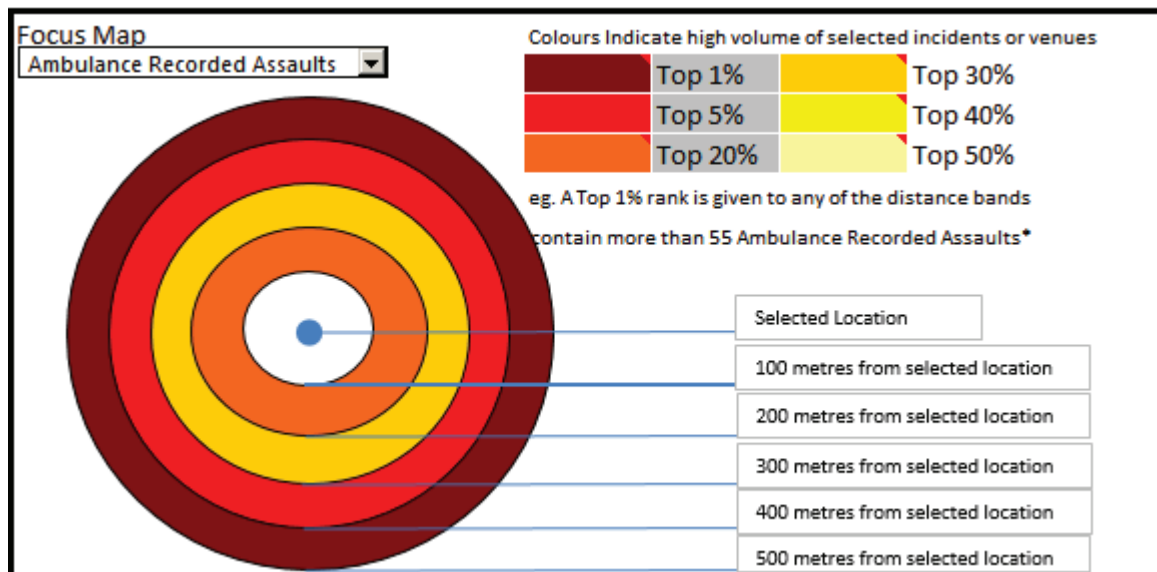
Dr Penny Bevan
Director of Public Health
London Borough of Hackney and City of London Corporation

Appendix A – Bullseye Data on alcohol related incidents

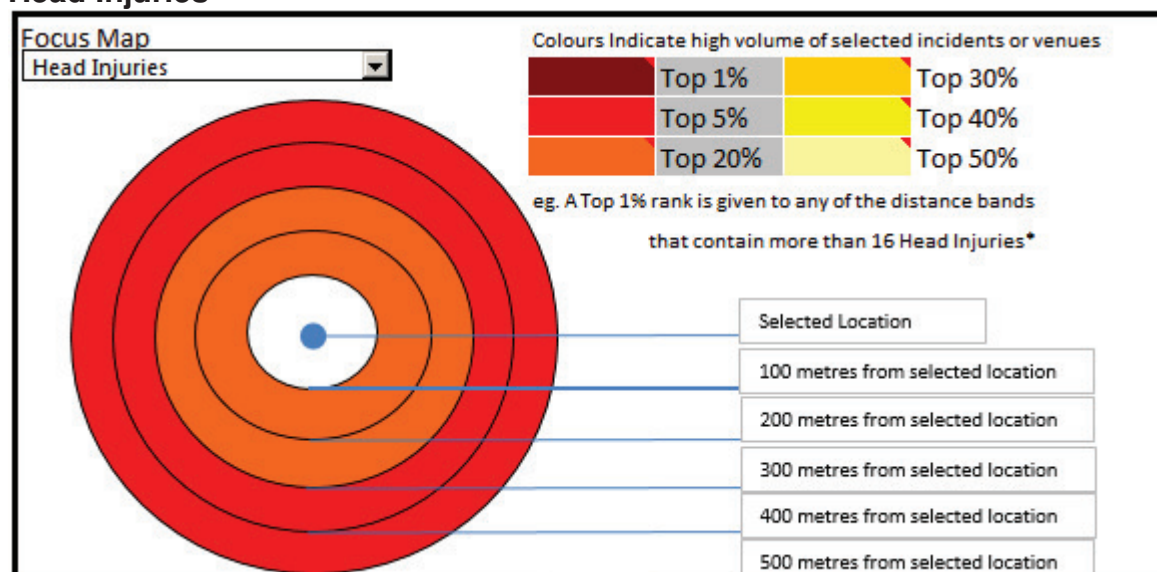
The Bullseye Dashboard was developed by the Safestats team for the purposes of scanning for and revealing crime and disorder trends related potentially to alcohol licensing.

The centre of the bullseye represents incidents that occur within 100 meters of the postcode location. The colour coding reveal whether the location is in the top 1-50% of incident counts for the relevant source data (e.g the number of ambulance recorded assaults in Hackney within a given timeframe).

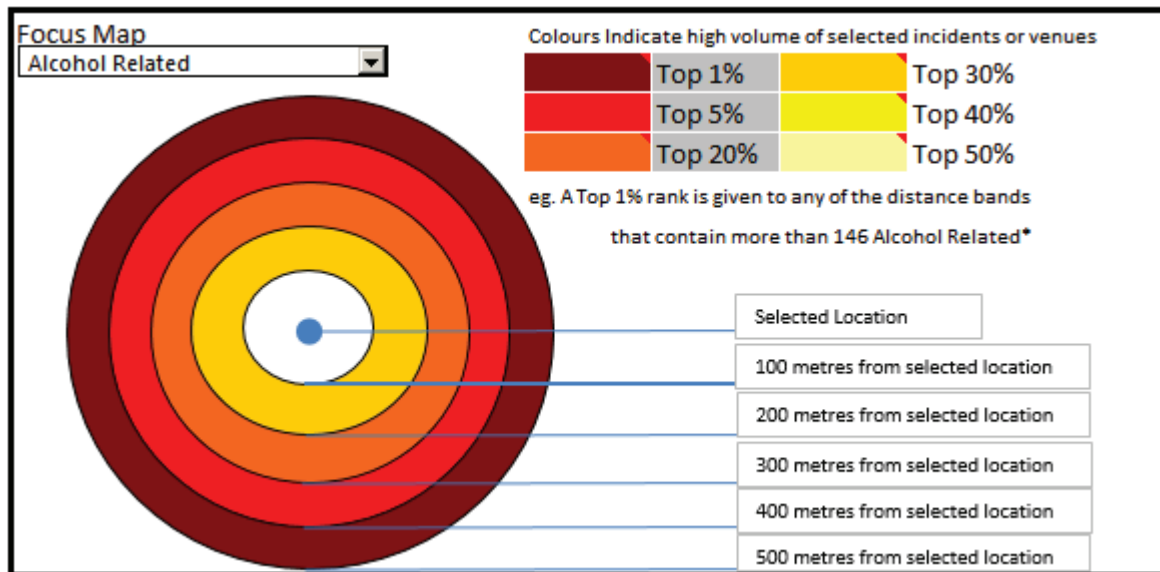
Ambulance recorded assaults



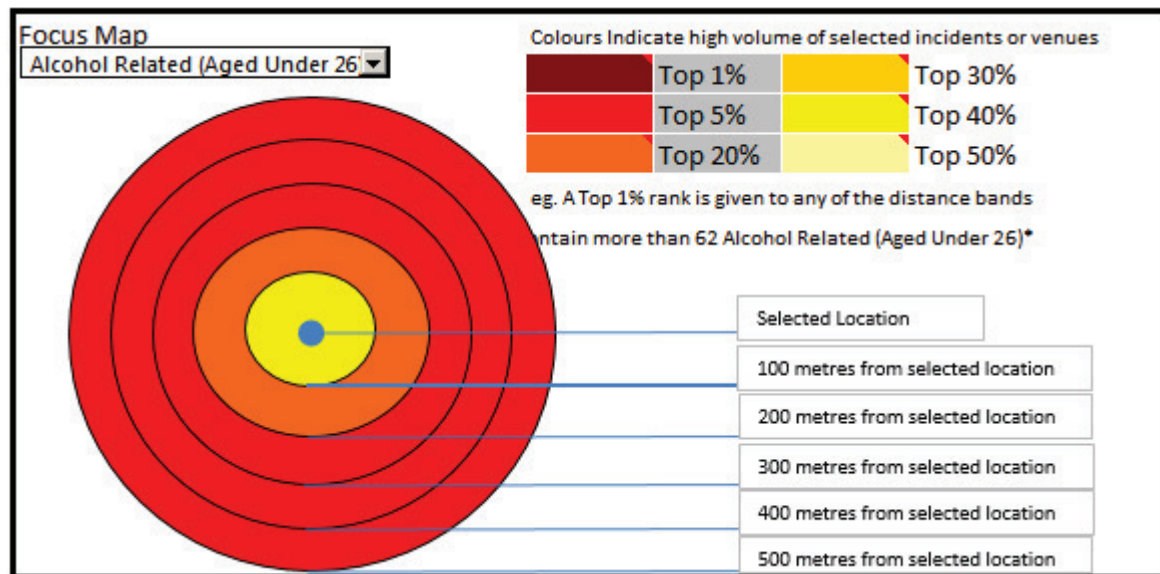
Head Injuries



Alcohol related incidents recorded by emergency services



Alcohol related incidents recorded by emergency services (under 26 year olds)



Data Quality Caveats

There are important caveats with regard to Safetstats data quality. The bullseye dashboard tool, as seen above, is a scanning tool. It reveals general trends. The data may not be an exact mirror of events.

For the analysis of premises within 500m of the application venue, a small amount of data cleaning was undertaken (sourcing postcodes for 15 venues with missing/incomplete postcodes; corrected postcode formatting). Data accuracy may be affected by inputting accuracy.

Appendix D



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33 Blackstock Road

Scale 1/1250

at A4



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Date 4/10/2016