



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

Tuesday, 26th September, 2017

at 7.00 pm

Council Chamber, Hackney Town Hall, Mare
Street, London E8 1EA

Councillors sitting:

**Cllr Sade Etti (substitute), Cllr Christopher
Kennedy (substitute), Cllr James Peters**

TIM SHIELDS
Chief Executive

Contact:
Gareth Sykes, Governance Services Officer
0208 356 1567
gareth.sykes@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Tuesday, 26th September, 2017

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Minutes of the Previous Meeting		(Pages 1 - 6)
5 Licensing Sub-Committee Hearing Procedure		(Pages 7 - 8)
6 Application to vary the premises licence - Ryan's Bar, 181 Stoke Newington Church Street, N16		(Pages 9 - 54)
7 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

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

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

Making decisions on the items being heard:

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

Only those Responsible Authorities and Other Persons who have made a relevant representation in writing at the consultation stage **can register to speak at a subsequent hearing**. Applicants, Other Persons and Responsible Authorities will all be given a fair

opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The Sub-Committee may still make a decision on any matter even if any party fails to attend the hearing. However, in these circumstances, it will only be that party's written representation that may be taken into account.

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

All Applicants, Other Persons and Responsible Authorities involved will be informed in writing of the date and time that their application will be considered by the Licensing Sub-Committee. Please contact the Licensing Service on 020 8356 4970 or email licensing@hackney.gov.uk to

confirm whether you wish to attend and/or register to speak at the Sub-Committee hearing or if you wish for someone else to speak on your behalf. If you are unable to attend, the application may be heard in your absence.

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

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

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

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

Timings

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

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's

website but please note that this might be as little as a few hours before the hearing if the applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

Facilities

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

Contacts

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

Governance Services
2nd Floor Room 118
Hackney Town Hall
London, E8 1EA

Telephone: 020 8356 1266
E-mail: governance@hackney.gov.uk

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

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

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

ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email suki.binjal@hackney.gov.uk



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Relevant Extracts from Hackney's Statement of Licensing Policy

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

LP1 Planning

Licence applications should normally be from premises where:

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

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

LP2 Provisional Statements

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

The application form for provisional statements is to include:

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

LP3 The Application Form and Operating Schedule (minimum requirements)

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

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

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

Note:

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

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

LP4 Crime and Disorder

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

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

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

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

LP5 Public Nuisance

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

For example, the application should where necessary:

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

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

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

avoid the obstruction of any public highway

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

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

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

NOTE:

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

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

LP6 The Protection of Children from Harm

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

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

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

- (b) Alcohol is not to be served to under 18s, except in the limited circumstances allowed for by the Licensing Act 2003. For example children aged between 16 and 18 are only permitted to consume beer, wine or cider on licensed premises if accompanied by an individual aged 18 or over and if eating a table meal (this excludes bar snacks). (This excludes venues holding a club premises certificate where over 18s only are allowed alcohol.)
- (c) Where relevant representations have been made, the Council will not normally permit children to be admitted where:
 - (i) Entertainment of an adult or sexual nature is commonly provided
 - (ii) There have been convictions for serving alcohol to under 18s
 - (iii) Certain gambling activities take place (see Council guidance note)
 - (iv) There have been convictions of harbouring drug dealings or the premises has a known association with drug dealers

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

- (d) Where limiting access to children is considered necessary, the Council will consider the following options:
 - (i) A limit on the hours when children may be present
 - (ii) An age limitation (for under 18s)
 - (iii) A limitation or exclusion when certain activities are taking place
 - (iv) A requirement for children to be accompanied by an adult
 - (v) Access may be limited to certain parts of the premises
- (e) No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee
- (f) Events provided primarily for children will not be permitted to sell alcohol on or from the premises
- (g) Where internet access is provided measures may be put in place to ensure children are suitably supervised in those areas.

LP7 Access to Cinemas, Theatres, Auditoriums and similar premises

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

LP8 Public Safety

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

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

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

LP9 Premises Safety

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

LP10 Personal Licences

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

LP11 Temporary Event Notices

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

temporary events linked to the organiser and/or the premises

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

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

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

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

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

LP12 Licensing Hours

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

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

undue disturbance to local residents.

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

LP13 Special Policy Area – Shoreditch

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

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

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

LP14 Special Policy Area – Dalston

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

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

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

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

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

[✓ = yes * = no]

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

LP15 Cumulative Impact – General

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

LP16 The Olympic and Paralympic Games 2012

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

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

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

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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

TUESDAY, 27TH JUNE, 2017

- Councillors Present:** Cllr James Peters in the Chair
Cllr Richard Lufkin (Substitute)
Cllr Emma Plouviez (Substitute)
- Apologies:** Councillor Sharon Patrick
- Officers in Attendance:** Mike Smith (Principal Licensing Officer)
Justin Farley (Licensing Lawyer)
Gareth Sykes (Governance Services Officer)
- Also in Attendance:** The Dialogue
Ezgi Yildirim (representing the applicant)
Sevince Erdogan (the applicant)
Plus two members of Ms Erdogan's family
- Black Opium
Mark Worthington, Agent
Jermaine Hagan, applicant
- 194 Shoreditch High Street
Gianni Romagno, applicant

1 Election of Chair

1.1 Councillor James Peters was duly elected to chair the meeting.

2 Apologies for Absence

2.1 There were apologies for absence from Councillor Sharon Patrick.

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 Committee agreed the minutes of the previous Licensing Sub Committee meeting held on 16 February 2017.

5 Licensing Sub-Committee Hearing Procedure

5.1 The attendees noted the procedure.

6 Application for a Premises Licence - The Dialogue, 130 Upper Clapton Road, Hackney E5 9JY

6.1 Mike Smith, Principal Licensing Officer, outlined to the Licensing Sub-Committee the application for a Premises Licence for the Dialogue, 130 Upper Clapton Road, Hackney E5 9JY. The application was for late night refreshment and for the supply of alcohol (on premises). There were no representations received from responsible authorities. The planning authority had written that the authorised use of the premises was A1 for a shop. The applicant was advised of the need to apply for planning permission to change the use of the premises. One written objection had been submitted against the application.

6.2 The Chair reminded the applicant that they must make clear that alcohol should only be consumed on the premises by persons who are seated at a table and eating a meal from the menu. The supply of alcohol would be by waiter/waitress service only. Those present noted the written submission from a local resident objecting to the application. They raised a number of concerns including the proximity of the premises to a residential area and the possibility of crime in the area due to the intoxication of people. The objector cited the alleyway as one particular problem area as it formed access to all of the businesses as well as the residential area. Concerns were also expressed about rubbish being left outside. The objector also highlighted that there were already more than three places to drink and eat in the area.

6.3 The Chair asked the applicant about the alleyway. The applicant replied that they were not aware of any crime occurring in this area.

6.4 Committee members noted that there was one toilet on the ground floor, at the rear of the premises. The fire exit, at the rear, was kept shut.

6.5 Councillor Plouviez enquired about where customers could smoke at the premises, and how many should be allowed outside at the same time without causing a nuisance. The applicant agreed to an additional condition of a maximum of five smokers outside of the premises, all of whom should be at the front of the premises, at any one time.

6.6 The committee noted that any rubbish, when stored inside, would be placed in a store room, next to the toilet, at the rear on the ground floor.

6.7 The Chair reminded the applicant that they would need to find out what the time bands for collection of waste are for the area and only put waste out during those bands. The applicant agreed to do this and they also confirmed that they were currently going through the planning application process.

6.8 The applicant confirmed that they had no connection to the previous owner. They added that the maximum capacity for the premises would be 45 patrons (including baby chairs).

7 Application to vary the premises license - Ambassador Service Station, 144-150 Stoke Newington Road, Hackney N16 7XA

7.1 The item was deferred at the request of the applicant and withdrawn from the meeting agenda.

8 Application for a Premises Licence - Black Opium Coffee shop, 362-364 Old Street, EC1V 9LT

8.1 Mike Smith, Principal Licensing Officer, outlined to the Licensing Sub-Committee the application for a Premises Licence for Black Opium coffee shop at 362-364 Old Street, EC1V 9LT. The application was for the supply of alcohol (on sales). The Environmental Health Authority had withdrawn its representation after conditions had been agreed. The Planning Authority had submitted an informative and the police had withdrawn their representation after conditions had been agreed. The committee noted that no representation had been received from the licensing authority and that there had been written submissions from three local residents objecting to the application.

8.2 Mark Worthington, representing the applicant, made a submission to the Licensing Sub-Committee in support of the application. The application was for a basement jazz bar for the provision of live music, taking place during deregulated hours (which is why the licence application contained no reference to regulated entertainment). The applicant was aware of the Council's licensing policies LP13 and LP15 the potential for a licence granted in response to the present application to exacerbate the problems of the cumulative impact of licensed premises in the Shoreditch area. Mr Worthington told the Sub-Committee that the nature of the premises means that this application should be regarded as presenting exceptional circumstances within the meaning of LP13. Currently, Black Opium coffee was a library supported by a coffee shop. The Applicant is looking to expand the business into the basement and provide live jazz music in the evenings. The total capacity for the premises was 57 people. Mr Worthington explained that the premises would not become a high volume vertical drinking establishment because of the size of the premises and the condition requiring alcoholic drinks only to be served to patrons who are seated. Mr Worthington added that it was not that kind of application, citing the lack of objections from the licensed authorities as evidence of this. Mr Worthington believed that with a robust series of proposed conditions the premises would not add to the cumulative impact on the Shoreditch Special Policy Area (SPA).

8.3 The attendees noted that no representation from the licensing authority had been received because, due to unforeseen circumstances, this application had been overlooked by the authority.

8.4 The Chair asked whether the stores area on the basement floor plan would be licensable. The applicant confirmed that it was not. Committee members noted, that though they were not shown on the premises' plans, tables were included (as required by condition 9).

8.5 The Chair raised with the applicant the informative provided by the planning authority (appendix b). It was highlighted that the current proposed hours in the licensing application were not in accordance with the planning permission. Mr Worthington replied that the Applicant intended to go through the planning process shortly.

8.6 The Committee noted that there was no application for music as it would not be played after 11pm and therefore was not licensable.

8.7 The attendees discussed the objections to the application raised by the three local residents. The applicant highlighted that one of the submissions appeared to be a duplication. The committee cited concerns that, if the application was granted, it might "*easily be abused for other purposes*". The premises was also in the immediate vicinity of many residential properties, which, according to the objectors, could present a risk to children. Mr Worthington replied that Black Opium Coffee shop was nothing like nearby Electricity Ballroom and Blues Kitchen for example. The applicant had made an offer to local residents to visit the premises but no-one came. Mr Worthington emphasised that the Applicant was trying to create a more relaxed atmosphere and to attract a different type of patron to the area.

8.8 Summing up, Mr Worthington cited the police's withdrawal of its representation and their agreement of the conditions as evidence of the Applicant's suitability to run the premises under the proposed licence. The objections from residents had been noted and the Applicant had presented a robust series of proposed conditions. Mr Worthington asked the Sub-Committee to grant the application, as it was felt that the Applicant would provide an opportunity for new kind establishment in the area.

9 Application for a Premises Licence - 194 Shoreditch High Street, Hackney, London E1 6LG

9.1 Mike Smith, Principal Licensing Officer, outlined to the Licensing Sub-Committee the application for a Premises Licence for 194 Shoreditch High Street, Hackney London E1 8LG. The application was for the supply of alcohol (on and off sales). No representations had been received from responsible authorities. The police had withdrawn their representation following acceptance of conditions they had proposed. The Sub-Committee noted that a number of written representations objecting to the application had been submitted.

9.2 The applicant, Mr Gianni Romagno, made a submission to the Licensing Sub-Committee in support of his application. Mr Romagno explained that the premises were being completely refurbished and would be used as a coffee shop. The basement would be used for storage and would include a bathroom. The ground floor would have a counter that would be used to serve coffee and various cafeteria products. Customers would be able to drink their beverages inside, sitting on stools, or take their drinks away. The premises would also display retail products such as bags of coffee beans, coffee cups and mugs and coffee liqueurs. The company behind the business, Sevengrams UK Limited, focused not only on selling a complete and exclusive range of products for coffee lovers but also to provide a high-quality certified educational programme to professional baristas and restaurant owners. The shop would host training courses run by visiting top international baristas. These baristas would often use ingredients that included small amounts of alcohol, particularly coffee liqueurs. Mr Romagno was keen not to restrict these baristas when they were giving demonstrations. Mr Romagno explained that the premises would not involve late night drinking, citing the 9.30pm and 10pm closing times.

9.3 In response to a query from the Chair, Mr Romagno replied that capacity for the premises was unlikely to exceed 50 people. Mr Romagno added that there would only be tables out the front, to attract customers into the shop. The Sub-Committee noted that the off sales of alcohol would only involve coffee liqueurs.

9.4 Councillor Lufkin raised concerns about the off sales of alcohol. His concerns specifically focused on what might happen if the business was to close. If the Sub-Committee approved the licence for the off sale of alcohol there would be nothing to prevent any future business from using the premises as an off licence for example. This in turn could have a cumulative impact on the area.

9.5 The Sub-Committee discussed written submissions from residents objecting to the application. Members noted concerns about the shop being so close to the Shoreditch special licensing policy area (or "SPA") and also some busy bars and clubs. Some residents commented that the small size of the shop made it unsuitable for licensable activities.

9.6 Following further discussion, Mr Romagno agreed to a maximum capacity of 35 for the premises.

9.7 Councillor Lufkin re-iterated his earlier concerns about the off sales of alcohol. Members agreed to an additional condition stating that there be no sale of alcohol unless the alcohol was mixed with coffee or is a sale of a coffee liqueur.

10 Application for a Premises Licence - WeWork, 115 Mare Street, E8 4RU

10.1 Approved under delegated authority. The item was withdrawn from the meeting.

11 Temporary Event Notices - Standing Item

11.1 There were no Temporary Event Notices raised at the meeting

Duration of the meeting: 19:00 – 20:45 hours

Signed

.....

Chair of Committee

Contact:

Governance Services Officer:
Tel 020 8356 8407

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Agenda Item 5

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

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

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

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REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 26/09/2017	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Ryan's Bar, 181 Stoke Newington Church Street, N16	Ward(s) affected Clissold	

1. SUMMARY

Applicant(s) Gerard O'Sullivan	In SPA No
Date of Application 1 August 2017	Period of Application Permanent
Proposed variation: Recorded Music Late Night Refreshment Supply of Alcohol (on and off sales)	
Proposed hours for licensable activity	
Recorded Music Primary	Standard Hours: Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-00:30 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-00:30
Late Night Refreshment Primary	Standard Hours: Mon 23:00-00:30 Tue 23:00-00:30 Wed 23:00-00:30 Thu 23:00-00:30 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-00:30

Supply of Alcohol		Standard Hours:
Primary		Mon 10:00-00:30 Tue 10:00-00:30 Wed 10:00-00:30 Thu 10:00-00:30 Fri 10:00-01:00 Sat 10:00-01:00 Sun 10:00-00:30
The opening hours of the premises:		Standard Hours:
Primary		Mon 00:00-01:00 Tue 00:00-01:00 Wed 00:00-01:00 Thu 00:00-01:00 Fri 00:00-01:30 Sat 00:00-01:30 Sun 00:00-01:00
Current activities/hours:		
See current licence attached at Appendix C		
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 variation of premises licence and supporting documents B – Representations from responsible authorities C - Current Licence D - Location map	
Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority 	

2. APPLICATION

- 2.1 Gerard O’Sullivan has made an application vary the premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption on and off the premises
 - To extend hours for provision of regulated entertainment
 - To extend hours for supply late night refreshment
- 2.2 The application is attached as Appendix A.

3. CURRENT STATUS / HISTORY

- 3.1 The premises have been operating as a licensed venue prior to the introduction of the Licensing Act 2003. The licence was transferred to the current licensee in 2006. An extension of hours to those on the current licence (attached as Appendix C) was approved by Licensing Sub-Committee in February 2016.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Representation has been withdrawn following agreement conditions as set out in para 8.1
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority (Appendix B1)	Informative attached
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance
Licensing Authority (Appendix B3)	Representation received on the grounds of The Prevention of Public Nuisance and Licensing Hours,
Health Authority	Representation has been withdrawn following agreement conditions as set out in para 8.1

5. REPRESENTATIONS: OTHER PERSONS

- 5.1 None

6. GUIDANCE CONSIDERATIONS

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

7. POLICY CONSIDERATIONS

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

Children from Harm), LP8 (Public Safety) and LP12 (Licensing Hours) are relevant.

8. OFFICER OBSERVATIONS

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

Conditions derived from Responsible Authority representations

1. Number of people (smokers and non-smokers) using the designated smoking area at the front will not be more than 8 at any one time.
2. Signage to be placed outside premises advising patrons on prevention of public nuisance.
3. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Additional conditions 1 to 2 have been proposed by Environmental Protection and condition 3 by Public Health. All have been accepted by the applicant.

10. LEGAL COMMENTS

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 11.1 There are implications to;
- **Article 6** – Right to a fair hearing
 - **Article 14** – Not to discriminate
 - Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an 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):	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

Description of document	Location
Ryan's Bar 181 Stoke Newington Church Street, N16 0UL	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We

MR GERARD JOSEPH O'SULLIVAN

(Insert name(s) of applicant)

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

Premises licence number LBH-PRE-T-0498
--

Part 1 – Premises Details

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

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£31,300 BAND B

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

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

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

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

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

Please describe briefly the nature of the proposed variation (Please see guidance note TO INCREASE THE PERMITTED HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES, THE PLAYING OF RECORDED MUSIC & THE PROVISION OF LATE NIGHT REFRESHMENT BY 30 MINUTES DAILY ALL WEEK.

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

--

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Tue					
			<u>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 7)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Tue					
Wed					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon	10.00				
		00.30			
Tue	10.00				
		00.30	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u> NONE		
Wed	10.00				
		00.30			
Thur	10.00				
		00.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 01.00 THE DAY FOLLOWING. ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.		
Fri	10.00				
		01.00			
Sat	10.00				
		01.00			
Sun	10.00				
		00.30			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	X
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23.00		Please give further details here (please read guidance note 5)		
		00.30			
Tue	23.00				
		00.30			
Wed	23.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 6) NONE		
		00.30			
Thur	23.00				
		00.30			
Fri	23.00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
		01.00			
Sat	23.00		ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 01.00 THE DAY FOLLOWING.		
		01.00			
Sun	23.00		ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.		
		00.30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	X
Mon	10.00		State any seasonal variations for the supply of alcohol (please read guidance note 6) NONE		
		00.30			
Tue	10.00				
		00.30			
Wed	10.00				
		00.30			
Thur	10.00			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 01.00 THE DAY FOLLOWING. ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.	
		00.30			
Fri	10.00				
		01.00			
Sat	10.00				
		01.00			
Sun	10.00				
		00.30			

K

<p>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 10). NONE</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) NONE
Day	Start	Finish	<p>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 7)</p> <p>ON ST GEORGE'S DAY, ST PATRICK'S DAY, GOOD FRIDAY, CHRISTMAS EVE TO 01.00 THE DAY FOLLOWING. ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY.</p>
Mon	10.00		
		01.00	
Tue	10.00		
		01.00	
Wed	10.00		
		01.00	
Thur	10.00		
		01.00	
Fri	10.00		
		01.30	
Sat	10.00		
		01.30	
Sun	10.00		
		01.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
NO CONDITIONS TO BE REMOVED.

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

b) The prevention of crime and disorder

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

c) Public safety

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

d) The prevention of public nuisance

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

e) The protection of children from harm

ALL EXISTING CONDITIONS TO REMAIN IN FORCE.

Checklist:


Please tick to indicate agreement

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	27/07/2017
Capacity	AUTHORISED LICENSING CONSULTANTS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

<div style="background-color: black; width: 100%; height: 80px;"></div>			
Post town	<div style="background-color: black; width: 100%; height: 15px;"></div>	Post code	<div style="background-color: black; width: 100%; height: 15px;"></div>

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

APPENDIX B1

Planning Authority Representation: Application under the Licensing Act 2003

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Merryn McGregor
Officer telephone number	020 8356 8076
Officer's email address	merryn.mcgregor@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Ryan's Bar 181 Stoke Newington Church Street London N16 0UL
Applicant name	Mr Gerard Joseph O'Sullivan

COMMENTS

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

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

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

The application proposes to vary the existing license by:

- Providing for consumption of alcohol on and off the premises,
- Increasing the hours of supply of alcohol, and playing of recorded music to 10:00am – 00:30am, Monday - Thursday, 10:00am – 01:00am, Friday – Saturday, and 10:00am – 00:30am Sunday.
- Increasing the hours of late refreshment to 23:00pm – 00:30 am Monday - Thursday, 23:00pm – 01:00am Friday – Saturday, 23:00pm – 00:30am Sunday.
- The hours of operation are proposed to be 10:00am – 01:00am Monday – Thursday, 10:00am – 01:30 Friday – Saturday, and 10:00am – 01:00am Sunday.
- Non-standard timings are applied for on St Georges Day, St Patricks Day, Good Friday, and Christmas Eve to 1:00am the following day. On New Year's Eve to the start of permitted hours on the following day.

Planning ref. TP/94125/DJF granted a "change of use of the basement and ground floor to a wine bar ..." in September 1986.

Planning ref. 2006/3016 granted an extension of opening hours to between 10:00 hours and 00:30 hours on any day.

Planning refs. 2015/2471 and 2015/2475 approved the proposed replacement rear fenestration at ground floor level and alterations of roof to rear projection; internal alterations including relocation of bar, toilets and stairs and removal of partition walls. No planning conditions were imposed regarding hours of operation.

The use of the premises at 181 Stoke Newington Church Street as a bar is authorised. The proposed hours of operation are in excess of the approved hours for the premises. The applicant is advised that a planning application will be required to regularise the hours of operation of the premises. It is the planning permission which determines the permitted hours of operation, and not the approved licensing hours.

Please provide the following information (if applicable)


Area (that permission applies to)	Ground floor
Permitted use	Class A4
Permitted hours	Planning ref. 2006/3016 permitted 10:00 hours and 00:30 hours on any day.
Specific/restrictive conditions	N/A
Recent applications	N/A
Decisions	N/A
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

No representation with informative.

The proposed hours of operation are in excess of the approved hours for the premises. It is the planning permission which determines the permitted hours of operation, and not the approved licensing hours. Therefore the applicant is advised that a planning application will be required to regularise the hours of operation of the premises.

These comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

Signed	
Name	Graham Callam
Date	29/08/2017

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

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

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Ryan's Bar 181 Stoke Newington Church Street London N16 0UL
NAME OF PREMISES USER	Gerard O'SULLIVAN

COMMENTS

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

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

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

Police make the following objections in relation to the application to vary the Premises Licence at RYAN'S BAR, 181 STOKE NEWINGTON CHURCH STREET, LONDON, N16 0UL for the following reason(s):

This premises licence was varied in the early months of 2016, during which hours were extended and new conditions adopted.

Police feel that the hours proposed in this application are too late. It may just be 30 minutes each day but the concerns police have are around the dispersal. Although the premises itself is on a High Street, every street, without exception, that leads away from this premises is residential. The later the closing time, the more the customers have had to drink and the louder they are as they leave. And increases the potential for ASB and drunken behaviour on the streets. The police feel that the hours already in place are late enough and should not be extended.

Police look forward to hearing from the applicant to discuss.

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

Application submitted.

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

Signed

PC 691GD RYAN (By E-mail)

Name (printed)

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

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

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Ryan's Bar 181 Stoke Newington Church Street London N16 0UL
NAME OF APPLICANT	Gerard Joseph O'Sullivan

COMMENTS

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

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

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

The premises is located in a mixed retail parade with residential premises above and opposite. LP12 of the Licensing Policy states 'In residential areas the Council will not normally grant licenses beyond midnight. 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'.

It is noted that the existing hours on Friday, Saturdays and non-standard days are already beyond midnight and that the proposal would take the hours even further. This could potentially have a negative impact on the prevention of public nuisance objective.

The current hours were fairly recently approved by the Licensing Sub-Committee on 18 February 2016. I have attached a copy of the minutes to this representation.

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

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

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

N/A.

Name: David Tuitt (Licensing Officer)

Date: 29/08/17

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE B

THURSDAY, 18TH FEBRUARY, 2016

Councillors Present: Cllr James Peters in the Chair

Cllr Richard Lufkin (Substitute) and
Cllr Sharon Patrick

Officers in Attendance: Barry Coughlan (Senior Planning Officer), Justin Farley (Licensing Lawyer), Emma Perry (Governance Services Officer) and David Tuitt (Senior Licensing Officer)

Also in Attendance: Ryan's Bar
Graham Hopkins, Agent
Gerard O'Sullivan, Applicant

1 Election of Chair

1.1 Councillor Peters was duly elected to chair the meeting.

2 Apologies for Absence

2.2 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Licensing Sub-Committee Hearing Procedure

4.1 The Chair outlined the hearing procedure on page 1 of the agenda.

5 Variation to Premises Licence - Ryan's Bar, 181 Stoke Newington Church Street, N16 0UL

5.1 David Tuitt, Licensing Team Leader, introduced the report for a variation to a premises licence. David Tuitt explained that the Police and Licensing Authority had since withdrawn their representations following an agreement to conditions being added to the operating schedule. Representations remained from the Planning Authority and Other Person, however the Other Person was unable to attend the meeting. David Tuitt added that the amended layout plan was detailed on page 30 of the agenda.

5.2 Graham Hopkins, Agent, outlined the application on behalf of the applicant. The Agent explained that Gerard O'Sullivan, Applicant, had owned the business for the past 22 years and was also a local resident. The Applicant wished to vary the layout of the premises, replace conditions on the current licence and to extend the hours for recorded music, late night refreshment and sale of alcohol

- on Friday and Saturday to 00:30. He advised that the variation had come about following requests from customers to stay open later. There would be no amendment to the garden area which would continue to close at 10pm and the capacity of the venue would also remain the same.
- 5.3 The Agent reported that the Applicant had never had any issues with the police or other responsible authorities in the 22 years of owning the business and had agreed to the proposed conditions from the police and Licensing Authority. The police had requested a noise report and noise limiter to be installed at the venue. It was requested that the noise report be undertaken and a noise limiter installed after all of the refurbishment works at the premises had been completed. The Applicant would be applying to vary the conditions in order to comply with the planning permission.
- 5.4 The Applicant had previously spoken to the Other Persons. The Agent told the Sub-Committee that the Other Persons had since moved abroad and were therefore unable to attend the meeting. He had also written to them explaining the variation to the licence and added that his direct neighbours had not objected to the application.
- 5.5 In response to a question regarding the necessary noise works, the Applicant confirmed that he had a qualified environmental health officer on hand to carry out all of the required noise works once all of the refurbishment works at the premises had been completed. The Sub-Committee therefore requested that amendments be made to some of the conditions to specify that no regulated entertainment could take place at the venue until all recommendations within the report approved by the Pollution team were introduced into the premises.
- 5.6 Discussion took place surrounding the revisions to the layout of the premises and it was proposed that the bar area would be moved from the front of the venue to the middle to prevent overcrowding by the door. The toilets would be moved from the upstairs area to downstairs. The Applicant confirmed that there would be no difference in the overall capacity of the venue as a result of the proposed variations.
- 5.7 In response to a question regarding the internal alterations to the premises, the Senior Planning Officer advised that internal alterations did not normally require planning permission, however building regulations would still apply. The Applicant added that due to the age of the property and the fact that there were already two steps into the premises, there was limited scope to provide disabled access at the venue.
- 5.8 Barry Coughlan, Senior Planning Officer, outlined the representation from the Planning Authority. Barry Coughlan advised that the use of the premises at 181 Stoke Newington Church as a bar was authorised. He explained that the proposed extension of opening hours would exceed those permitted under planning permission ref. 2006/3016 for Friday and Saturday, which could result in a public nuisance and was contrary to policy LP1.
- 5.9 The Sub-Committee took into consideration the representations from Other Persons, as detailed on pages 36-38 of the agenda. The Applicant explained that this was the first he had heard about the issues of noise nuisance and

stated that he had previously offered to meet with the Other Persons to discuss the proposals and resolve any issues.

- 5.10 Councillor Lufkin made reference to LP12 – Licensing Hours, and asked the Applicant to justify operating hours beyond midnight. In response, the Agent said that he believed that little weight could be placed on the representation from Other Persons, given that it was just one household and they had, he said, since moved abroad. He added that the Applicant had been a good operator for the past 22 years and had never received any complaints during that time and the Pollution team had not objected to the application.
- 5.11 Discussion took place regarding the outside area at the front and it was explained that two wooden benches were located at the front of the premises and that there was already a condition in place for no alcohol to be permitted outside the front of the premises.
- 5.12 **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 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:

- Condition 19 – remove the words 'except for those sat in the designated seating area.'
- Condition 25 be amended to read – 'The doors and windows are to be kept closed after 22:00hrs, except for entry, exit and re-entry to the premises'.
- The following words to be added to the beginning of Condition 28 – 'There shall be no regulated entertainment at the premises unless and until'.
- The second sentence of Condition 29 be amended to read – 'There shall be no regulated entertainment at the premises unless and until all recommendations within the report approved by the Pollution team are introduced into the premises'.

Reasons for the decision

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

Public informative

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

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

6 Premises Licence - My Neighbours the Dumplings, 165 Lower Clapton Road, E5 8EQ

6.1 The application was WITHDRAWN from the agenda and approved under delegated authority.

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices to be considered.

Duration of the meeting: 7:00 – 7:40pm

Signed

.....

Chair of Committee

Contact:

Natalie Williams, Governance Services Officer

020 8356 8407

governance@hackney.gov.uk

APPENDIX C



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-0498

Part 1 – Premises details

Ryan's Bar
181 Stoke Newington Church Street
Hackney
London
N16 0UL
020 7275 7807

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Plays
Films
Live Music
Recorded Music
Performance of Dance
Other Entertainment Similar to Live or Rec Music or Dance Performance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Plays

Standard Hours:

Mon 19:00-23:00
Tue 19:00-23:00
Wed 19:00-23:00
Thu 19:00-23:00
Fri 19:00-23:00
Sat 19:00-23:00
Sun 19:00-23:00

Films**Standard Hours:**

Mon 19:00-23:00
Tue 19:00-23:00
Wed 19:00-23:00
Thu 19:00-23:00
Fri 19:00-23:00
Sat 19:00-23:00
Sun 19:00-23:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

Live Music**Standard Hours:**

Mon 19:00-23:00
Tue 19:00-23:00
Wed 19:00-23:00
Thu 19:00-23:00
Fri 19:00-23:00
Sat 19:00-23:00
Sun 19:00-23:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

Recorded Music**Standard Hours:**

Mon 10:00-00:00
Tue 10:00-00:00
Wed 10:00-00:00
Thu 10:00-00:00
Fri 10:00-00:30
Sat 10:00-00:30
Sun 10:00-00:00

Non-Standard Hours:

On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

**Performance of
Dance**

Standard Hours:

Mon 19:00-23:00
Tue 19:00-23:00
Wed 19:00-23:00
Thu 19:00-23:00
Fri 19:00-23:00
Sat 19:00-23:00
Sun 19:00-23:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

**Other
Entertainment
Similar to Live or
Rec Music or
Dance
Performance**

Standard Hours:

Mon 19:00-23:00
Tue 19:00-23:00
Wed 19:00-23:00
Thu 19:00-23:00
Fri 19:00-23:00
Sat 19:00-23:00
Sun 19:00-23:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

**Late Night
Refreshment**

Standard Hours:

Mon 23:00-00:00
Tue 23:00-00:00
Wed 23:00-00:00
Thu 23:00-00:00
Fri 23:00-00:30
Sat 23:00-00:30
Sun 23:00-00:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

Supply of Alcohol Standard Hours:

Mon 10:00-00:00
Tue 10:00-00:00
Wed 10:00-00:00
Thu 10:00-00:00
Fri 10:00-00:30
Sat 10:00-00:30
Sun 10:00-00:00

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

The opening hours of the premises

Standard Hours:

Mon 10:00-00:30
Tue 10:00-00:30
Wed 10:00-00:30
Thu 10:00-00:30
Fri 10:00-01:00
Sat 10:00-01:00
Sun 10:00-00:30

Non-Standard Hours:

On St George's day, St Patrick's Day, Good Friday,
Christmas Eve to 00:30 the day following
On New Year's Eve from the end of permitted hours on New
Years Eve to the start of permitted hours on the following day

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

On and Off Premises

Part 2 –

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

Mr Gerard Joseph O'Sullivan
257 East Road
London
N2 8AY

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

Tomas Patrick Nash

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: 24 November 2005

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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

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

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

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

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

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

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

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature
6. The responsible person must ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 7.2 For the purposes of the condition set out in paragraph 7.1 above
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Exhibition Of Films

8. Admission of children (under 18) to the exhibition of any film must be restricted in accordance with: -
- (a) Recommendations made by the film classification body where the film classification body is specified in the licence, or

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

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

Door Supervision

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

Annex 2 – Conditions consistent with the Operating Schedule

10. All staff who work front of house to be trained for their role and in all aspects of the Licensing Act 2003 (including regarding underage or proxy sales) on induction and to be given refresher training every 6 months by the premises licence holder or DPS. Written training records to be kept for each staff member.
11. The premises licence holder, DPS or manager shall attend a relevant confrontation management course and subsequently train the front of house staff.
12. The venue shall engage and work with the local Police Team and the Police and Council Licensing Teams.
13. A valid fire risk assessment and emergency plan shall be prepared and regularly reviewed. All staff shall receive appropriate fire safety training. Current Health and Safety legislation to be adhered to, and a safe environment for customers and staff shall be maintained at all times.
14. Notices shall be displayed regarding the prohibition of the sale of alcohol and cigarettes to under age persons.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

16. Any staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage upon request.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
 - a. All crimes reported:
 - b. Any complaints received.
 - c. Any ejections
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
19. There shall be no drink, glass or open containers taken outside the front of the premises at any time.
20. Premises to operate zero tolerance policy to drugs and comply with Hackney Police drugs, weapons and theft policy where appropriate.
21. All staff will be given refresher training every six months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written or electronic records shall be kept and produced to police or an authorised officer upon request.
22. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.
23. The garden shall not be used after 22:00hrs
24. There shall be no live music on the ground floor.
25. The doors and windows are to be kept closed after 22:00hrs, except for entry, exit and re-entry to the premises.
26. There shall be a maximum of 150 customers in the garden at any one time.

27. The venue shall have a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officer upon request.
28. There shall be no regulated entertainment at the premises unless and until sound limiting devices shall be installed and maintained (device type to be approved by the Pollution team) to all music systems. The limiting devices should be set to ensure inaudibility in all residential premises, a certificate of compliance shall be submitted to the Pollution Team.
29. A detailed acoustic report to be carried out by a competent person to be submitted to Pollution Control for approval. There shall be no regulated entertainment at the premises unless and until all recommendations within the report approved by the Pollution team are introduced into the premises.
30. Notices to be prominently displayed inside and outside Ryan's Bar requesting patrons to leave in a quiet and orderly fashion.

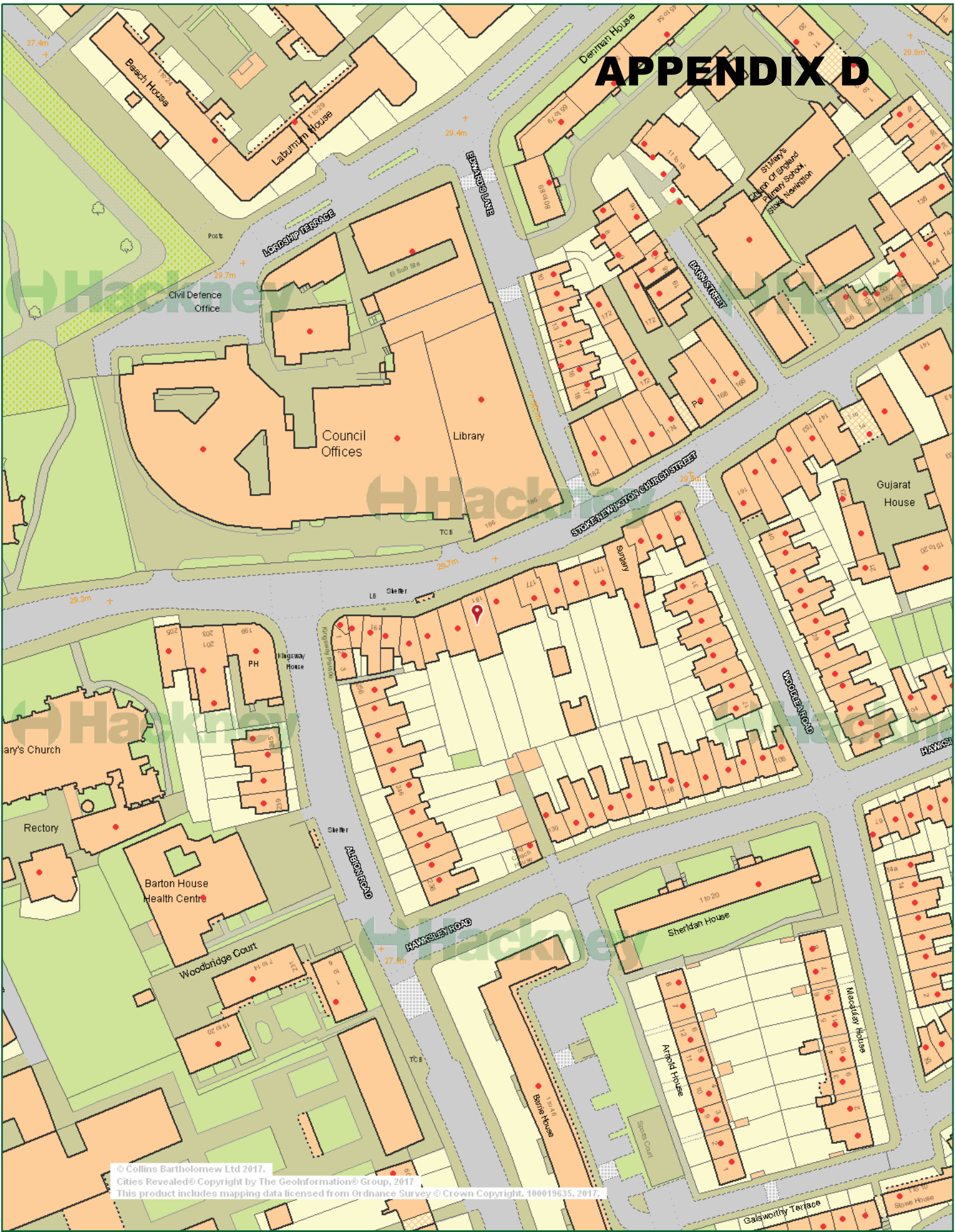
Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans

PLAN/LBH-PRE-T-0498/110806

APPENDIX D



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at A4



Date 15/9/2017

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