



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

Tuesday, 24th July, 2018

at 7.00 pm

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

Councillors sitting:

**Cllr Sophie Conway, Cllr Sam Pallis and
Cllr Caroline Woodley**

**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, 24th July, 2018

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 - 8)
5 Licensing Sub Committee Hearing Procedure		(Pages 9 - 10)
6 Sainsbury's Supermarket, Green Lanes, N4 2EY	Clissold	(Pages 11 - 36)
7 Shep's Bar & Restaurant, Ground Floor, 392 Kingsland Road, E8 4AA	London Fields	(Pages 37 - 90)
8 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

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

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

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

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

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

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

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

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

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

Timings

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

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

As much advance notice as is practicable of the withdrawal of an item on the agenda or cancellation of a meeting of the Licensing Sub-Committee will be provided on the Council's website but please note that this might be as little as a few hours before the hearing if the

applicant chooses to leave it that late to satisfactorily address any representation or objection giving rise to the need for a hearing.

Facilities

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

Contacts

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

Governance Services
2nd Floor Room 118
Hackney Town Hall
Mare Street
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



FS 566728

Relevant Extracts from Hackney's Statement of Licensing Policy

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

LP1 Planning

Licence applications should normally be from premises where:

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

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

LP2 Provisional Statements

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

The application form for provisional statements is to include:

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

LP3 The Application Form and Operating Schedule (minimum requirements)

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

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

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

Note:

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

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

LP4 Crime and Disorder

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

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

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

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

LP5 Public Nuisance

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

For example, the application should where necessary:

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

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

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

avoid the obstruction of any public highway

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

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

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

NOTE:

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

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

LP6 The Protection of Children from Harm

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

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

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

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

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

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

LP7 Access to Cinemas, Theatres, Auditoriums and similar premises

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

LP8 Public Safety

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

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

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

LP9 Premises Safety

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

LP10 Personal Licences

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

LP11 Temporary Event Notices

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

temporary events linked to the organiser and/or the premises

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

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

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

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

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

LP12 Licensing Hours

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

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

undue disturbance to local residents.

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

LP13 Special Policy Area – Shoreditch

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

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

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

LP14 Special Policy Area – Dalston

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

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

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

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

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

[✓ = yes * = no]

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

LP15 Cumulative Impact – General

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

LP16 The Olympic and Paralympic Games 2012

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

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

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

This page is intentionally left blank



MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

TUESDAY, 12TH JUNE, 2018

- Councillors Present:** Cllr Emma Plouviez (Substitute) Chair
Cllr Sophie Conway and Cllr Sam Pallis
- Officers in Attendance:** Matt Clack, Public Health Strategist (Public Health)
Justin Farley, Lawyer (Licensing and Corporate)
Mike Smith, Principal Licensing Officer
David Tuitt, Business Regulation Team Leader (Licensing)
Gareth Sykes, Governance Services Officer
- Also in Attendance:** Famous
- Applicant
Duncan Craig, Representative
Ezgi Yildirim, Agent
Hasret Gumus, applicant
- Other persons (opposing)
Frazer Churchill
Kevin O’Sullivan
- Persian Restaurant
- Applicant
Duncan Craig, Representative
Ezgi Yildirim, Agent
Ali Reza Ganjilu, applicant

1 Election of Chair

- 1.1 Councillor Emma Plouviez was elected as the Chair of the committee.

2 Apologies for Absence

- 2.1 There was 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 attendees noted at the meeting the hearing procedure.

5 Application for a Premises Licence: Famous, 158 Stoke Newington Road, N16 7UY

- 5.1 The principal licensing officer introduced an application for a premises licence for Famous, 158 Stoke Newington Road, N16 7UY. The proposed licensable activities were for indoor sporting events, late night refreshments and the supply of alcohol (on premises). The Principal Licensing Officer reported that representations had been submitted by the Responsible Authorities (Licensing and Public Health) and as well as a number of objections by local residents. Local residents had signed a petition, which had been circulated as part of the additional papers for the hearing. The attendees noted that the Police had withdrawn their representation. The applicant had agreed with the Police that alcohol would cease at 22:30hrs Sunday – Thursday and at 23:30hrs on Friday and Saturday and the premises would close 30 minutes later. The applicant had also agreed with the Police a number of further conditions.
- 5.2 The applicant's representative, Mr Duncan Craig, made his submission to the committee highlighting those conditions included in the Operating Schedule including Closed Circuit Television (CCTV), staff training and the recording of incidents in an incident book. Mr Craig also highlighted his client's acceptance of the Police conditions and that the maximum number of smokers outside the premises would be five. Mr Craig also highlighted that the number of pool tables in the premises was reduced from seven to three (one upstairs, two downstairs). Mr Craig's also brought to the attention of the committee that his client had also reduced the operating hours and the Police had withdrawn their representation.
- 5.3 In a response to question from the Chair, Mr Craig replied that it was not unusual for a premises to be called one thing and in reality to be something else e.g. a snooker club with pool tables. Mr Craig took the view that pool tables were not normally considered as part of a licensing application. Committee members responded by raising their concerns about the apparent changing nature of the business of the premises. It now appeared to be very different from what was originally envisaged in the meeting papers.
- 5.4 David Tuitt, Business Regulation Team Leader – Licensing and Technical Support, made his representation at the meeting, highlighting that the premises was within the boundary of the Dalston Special Policy Area (SPA) and because of LP14, the premises must show a high standards of management, quality and track record of management and good character of the applicant. Mr Tuitt also noted that the premises changing from snooker to pool tables indicated a significant change in it's the business' operation.
- 5.5 Matt Clack, Public Health Strategist, made his representation at the meeting in opposition to the application. Mr Clack's made his representation under the prevention of crime and disorder licensing objective(s). Mr Clack, like Mr Tuitt, highlighted that the premises was in the Dalston SPA which was defined as a cumulative impact area. Mr Clack explained that the area already had sufficient premises to meet demand and additional outlets supplying alcohol would be detrimental to the local residents particularly in terms of noise and anti-social behaviour etc. Mr Clack added that statistics had shown, covering the period year to December 2017, that there had been 123 alcohol related incident within a 500m radius of where the premises was located.

- 5.6 The attendees noted that Public Health had quoted the incorrect Legal Policy in its statement. LP13 related to Shoreditch not the Dalston area.
- 5.7 Other persons made representations at the meeting raising objections to the application. A number of local residents highlighted the loud noises, smokers, anti-social behaviour emanating from the premises. The local residents also highlighted that there was already 49 licenced premises in the area and over a 100 alcohol related incidents had been reported in the area since December 2014.
- 5.8 In response to a question from the Chair, local residents replied that they were not reassured when the applicant had recently attended a local resident's meeting. Local residents were of the view that the application was no different from other outlets currently operating in the area.
- 5.9 In response to a question from the Chair about the food and drink served during the day, the applicant replied that coffee would be served in the morning. There would not be a food a service. The applicant added that a small function room downstairs would be used for birthday parties and meetings for example. The applicant confirmed that they were yet to hold any functions in that small room.
- 5.10 In summary the other persons highlighted that the description of the premises had changed over time and this had not allayed their concerns about the loud noise and smoking outside the premises. Local residents also felt it was not clear from the applicant how they would police the number of smokers outside so it remained limited to five.
- 5.11 In a response to question from the Chair, Mr Craig confirmed that the capacity for the premises was 60 in total (40 upstairs and 20 downstairs). Mr Craig's explained that his client would accept a limit on capacity as an additional condition.
- 5.12 The committee members noted that the premises was currently in the middle of the planning process.
- 5.13 Committee members queried the accuracy of the floor plan in the papers pack. Some of the applicant's responses during the hearing appeared to indicate that the floor plan had now changed. Mr Craig replied that any application was subject to change, premises frequently move about, such as changing the number of pool tables, for example. The Chair responded by querying what the premises was to be used for, as it the applicant had not clarified its purpose. Mr Craig replied that the reduction in the number of the pool tables on the premises would result in less disturbances and noise.
- 5.14 In their summary the responsible authorities re-iterated their concerns about the premises and the potential cumulative impact on the Dalston SPA.

Decision

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

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

The application be refused in accordance with Licensing Policy LP4, LP5 and LP14 within the Council's licensing statement.

Reasons for the decision

The Licensing Sub-Committee, having heard from responsible authorities (Licensing and Public Health) and other persons, and the responses given by the applicant, believed that granting the application would result in the licensing objectives being undermined.

The Sub-committee in reaching the above decision considered the:

1. impact the sale of alcohol at the premises would have on the public nuisance and crime and disorder already being experienced in the area around the premises resulting from the high concentration of licenced premises in that area;
2. impact the existing high concentration of licenced premises had on persons living in the area; and
3. measures proposed by the applicant to ensure that the sale of alcohol would not add to the same.

The applicant's representative mentioned when addressing the Licensing Sub-committee that if the application was granted, the applicant intended to reduce the number of snooker tables at the proposed snooker hall from seven to three tables. This reduction in the number of tables would increase the number of people at the premises, which was of concern to the Sub-committee. During discussions regarding the same it was proposed by the applicant's representative that imposing a capacity of 60 persons (40 on the ground floor and 20 in the basement) would be an appropriate measure to ensure the number of people at the premises did not increase if some of the snooker tables shown on the plan submitted with the application were removed.

The applicant's representative also made representations that the type of licensed premises was relevant to the problems of nuisance and disorder resulting from a number of licensed premises concentrated in one area and the existing licence for the off sale of alcohol from the premises.

The Licensing Sub-committee heard from residents that there were already problems with public nuisance and crime and disorder resulting from the existing licensed premises in the area and that the existing licence was for the sale of alcohol off the premises which was very different to the activity being applied for as there was no consumption of alcohol at the premises under the existing licence.

On balance, the Licensing Sub-committee were not satisfied that the measures proposed would be adequate to ensure that crime and disorder/public nuisance would not result from people drinking at another premises in an area with a high concentration of people drinking already.

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 Application to vary the premises license: Persian Restaurant, 148 Shoreditch High Street, E1 6JE

- 6.1 The principal licensing officer introduced an application to vary the premises licence for the Persian Restaurant, 148 Shoreditch High Street, E1 6JE. The application was for the supply of alcohol (On Premises). The responsible authorities (Licensing and Public Health) had made representation and the Police had also submitted a written representation in their absence from the meeting.
- 6.2 Mr Duncan Craig, representing the applicant, began by explaining that the variation to the premises licence was to extend the sale of alcohol on the premises until 02:00hrs Sunday to Thursday and until 04:00hrs on Friday to Saturday. Mr Craig highlighted an amendment to condition 10; alcohol would now be ancillary to a table meal. Mr Craig also highlighted a further additional condition: Security Industry Authority (SIA) door staff were to be present at the premises from 23:00 hours. Mr Craig added that this premises was different from the public houses in the area and there had not been any objections to how the premises was currently operated. Ownership of the premises had been transferred over from the Grandfather in 2006. Mr Craig added that his client had a good track record.
- 6.3 David Tuitt, Business Regulation Team Leader – Licensing and Technical Support, made his representation at the meeting, highlighting that the premises was in the Shoreditch SPA therefore LP13 applied. Therefore exceptional circumstances had to be given as to why the application should be granted. The committee noted that the area had been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. Licensing noted the amendment to condition 10 and the additional SIA door staff condition, however, the applicant had not provided any further reasons that would classify as exceptional circumstances.
- 6.4 Matt Clack, Public Health Strategist, made his representations at the meeting. Like licensing he highlighted where the premise was located, in a cumulative impact area, and how it was felt that there was already sufficient premises in the area to meet demand. Any additional outlets supplying alcohol would be detrimental to local residents. There was already a high number of incidences of crime and violence including those alcohol-related. Mr Clack concluded that there were no exceptional circumstances relating to this application and therefore Public Health recommended that it should not be granted.
- 6.5 In a response to questions from the Chair, the applicant replied that several of the customers in the restaurant came from a nearby hotel and tended to stay between 30 to 40 minutes on the premises.
- 6.6 Committee members were concerned that the proposed variation, if granted, could result in people drinking alcohol on the premises for longer. Patrons may not stop or take a break whilst they ate food at the premises.

- 6.7 Mr Craig explained that only a handful of premises in the area now have alcohol ancillary to a table meal and he emphasised that this premises was a restaurant not a takeaway. The premises had a capacity of 32 and all food was served on porcelain plates. With this application the restaurant was now seeking to expand to sell alcohol.
- 6.8 Summing up, Mr Craig reminded Committee members of the style of operation on the premises. He added that it was a small restaurant and also highlighted the amendment to condition 10 and also the inclusion of an additional condition relating to the placement of SIA door staff after 23:00hours on the premises.

Decision

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

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

The application be refused in accordance with Licensing Policy LP4, LP5 and LP13 within the Council's licensing statement.

Reasons for the decision

The Licensing Sub-Committee, having heard from responsible authorities (Licensing and Public Health) and other persons, and the responses given by the applicant, believed that the granting of the variation application would result in the licensing objectives being undermined.

The Sub-committee in reaching the above decision considered the:

1. impact the sale of alcohol at the premises late at night would have on the public nuisance and crime and disorder already being experienced in the area around the premises resulting from the high concentration of licenced premises in that area;
2. impact the existing high concentration of licenced premises had on persons living in the area; and
3. measures proposed by the applicant to ensure that the sale of alcohol would not add to the same.

The Police expanded on their initial representation before the hearing that they believed that allowing alcohol to be sold at the premises from 23:00 to the early hours of the morning would result in people consuming further alcohol in addition to the alcohol previously consumed at other premises.

The Licensing Sub-committee were concerned that the proposed variation would result in people continuing to consume alcohol for longer rather than stopping or taking a break from the same whilst they ate food at the premises.

During discussions regarding the same it was proposed by the applicant's representative that requiring SIA door staff to be present at the premises from 23:00 would be an appropriate measure.

Such measure the Licensing Sub-committee did not believe was an exceptional circumstance that would address the impact that granting the additional hours for the sale of alcohol late at night would have on the licensing objectives.

Tuesday, 12th June, 2018

On balance, the Licensing Sub-committee were not satisfied that the measures proposed would be adequate to ensure that crime and disorder/public nuisance would not result from people drinking into the early hours of the morning at the premises in an area with a high concentration of people drinking already.

Public informative

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

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

7 Temporary Event Notices - Standing Item

7.1 There were no Temporary Event Notices discussed at the meeting.

Duration of the meeting: 19:00 – 20:48 Hours

Signed

.....

Chair of Committee, Councillor Emma Plouviez

Contact:

Governance Services Officer:

Tel 020 8356 8407

This page is intentionally left blank

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>

This page is intentionally left blank



REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 19/07/2018	Classification DECISION	Enclosure
Application for a Premises Licence Sainsbury's Supermarket, Green Lanes, N4 2EY	Ward(s) affected Clissold	

1. SUMMARY

Applicant(s) Sainsbury's Supermarkets Ltd	In SPA Not Applicable
Date of Application 29/05/2018	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (Off Premises)	
Proposed hours of licensable activities	
Supply of Alcohol	Standard Hours:
INDOOR:	Mon 07:00-23:00
	Tue 07:00-23:00
	Wed 07:00-23:00
	Thu 07:00-23:00
	Fri 07:00-23:00
	Sat 07:00-23:00
	Sun 07:00-23:00
The opening hours of the premises	
INDOOR	Standard Hours:
	Mon 00:00-23:59
	Tue 00:00-23:59
	Wed 00:00-23:59
	Thu 00:00-23:59
	Fri 00:00-23:59
	Sat 00:00-23:59
	Sun 00:00-23:59
Capacity: Not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)

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

2. APPLICATION

2.1 **Sainsbury's Supermarkets Ltd** has made an application for a premises licence under the Licensing Act 2003:

- To authorise the supply alcohol for consumption off the premises

2.2 The application is attached as Appendix A. The applicant has proposed conditions to be attached to the licence (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

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

5. REPRESENTATIONS: OTHER PERSONS

From	Details
1 representation received from and on behalf of local residents. (Appendix C)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety.

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) and LP8 (Public Safety) are relevant.

8. OFFICER OBSERVATIONS

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

Supply of Alcohol (Off)

1. No supply of alcohol may be made under the premises licence:
- (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol. 3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

Minimum Drinks Pricing

4. 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

4.2 For the purposes of the condition set out in paragraph 4.1 above -

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions derived from operating schedule

5. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.

6. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

7. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

8. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

9. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

10. The system will display, on any recording, the correct time and date of the recording.

11. The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

12. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

13. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Conditions derived from Responsible Authority representations

14. No beer, lager or cider with an ABV of 6.5% or above shall be sold at the premises, save that this prohibition shall not apply to 'premium' products such as craft or speciality beer, lager or cider.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 5 to 13 above are derived from the applicant's operating schedule. Condition 14 has been proposed by the Police.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate

- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

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

13. CONCLUSION

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

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
Office File: Sainsbury's Supermarket, Green Lanes, N4 2EY	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA01

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Mr Sainsbury's Supermarkets Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Sainsbury's GREEN LANES HACKNEY LONDON			
Post town	LONDON	Postcode	N4 2EY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£33001

Part 2 - Applicant details

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

Please tick

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *		
	i. as a limited company/limited liability partnership	<input checked="" type="checkbox"/>	please complete section (B)

	ii.	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii.	as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv.	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)		a recognised club	<input type="checkbox"/>	please complete section (B)
d)		a charity	<input type="checkbox"/>	please complete section (B)
e)		the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)		a health service body	<input type="checkbox"/>	please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)		the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Title Mr			
Surname		First names	
I am 18 years old or over ..			
Date of birth			
Nationality			
Current residential address if different from premises address		UK-England	
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Title Mr			
Surname		First names	
I am 18 years old or over		..	Please tick yes
Date of birth			
Nationality			

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

(B) OTHER APPLICANTS

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

Name Sainsbury's Supermarkets Ltd
Address 33 HOLBORN LONDON EC1N 2HT UK-England
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) company
Telephone number (if any) 0 [REDACTED]
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	06	2018

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

DD MM YYYY

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

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

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

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

	Provision of regulated entertainment (please read guidance note 2)	Please tick any that apply
a)	plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B)	..
c)	indoor sporting events (optional, fill in box C)	..
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	..
e)	live music (optional, fill in box E)	..
f)	recorded music (if ticking yes, fill in box F)	..
g)	performances of dance (optional, fill in box G)	..
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	..
	<u>Provision of late night refreshment</u> (if ticking yes, fill in box L)	..
	<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	<input checked="" type="checkbox"/>
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07:00	23:00			
	-----	-----			
Tue	07:00	23:00			
	-----	-----			
Wed	07:00	23:00			
	-----	-----			
Thur	07:00	23:00			
	-----	-----			
Fri	07:00	23:00			
	-----	-----			
Sat	07:00	23:00			
	-----	-----			
Sun	07:00	23:00			
	-----	-----			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mrs Joanne Surguy	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 The premises sells alcohol and other age restricted products.

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5) The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.</p>
Day	Start	Finish	
Mon	00:00	23:59	<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 6)</p>
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

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

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

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE

WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Winckworth Sherwood LLP
Date	29/5/2018
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	29/5/2018
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Winckworth Sherwood LLP
THIRD FLOOR MINERVA HOUSE
MONTAGUE CLOSE

UK-England

Post town	LONDON	Postcode	SE1 9BB
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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.

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	Sainsbury's Green Lanes London N4 2EY
Applicant name	Sainsbury's Supermarkets Ltd

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 a premises license for a supermarket. The following licensable activities are proposed:

Supply of alcohol: 07:00 – 23:00 Monday – Sunday; and
Hours of operation: 00:00 – 23:59 Monday – Sunday.

Planning application 2012/0676 granted the renovation and extension of existing buildings, erection of new buildings between 4 and 11 storeys in height and associated landscaping, car parking and multi-use games area to create 765 new or renovated dwellings (use class C3), 477sqm retail floorspace (use class A1), 97sqm restaurant and cafe floorspace (use class A3), 230sqm assembly and leisure floorspace (use class D2) and 205sqm community centre floorspace (use class D1).

Planning permission 2013/1128 granted the following:

Full details for access, appearance, landscaping, layout and scale of DZ1,2 and 3 and associated works (phases 1 and 2) comprising renovation and extension of existing buildings on site, erection of new buildings between 5 and 12 storeys in height to create 273 new dwellings(96 x 1 bedrooms, 134 x 2 bedrooms, 41 x 3 bedrooms and 2 x 4 bedrooms)and 101 renovated dwellings (use class C3) and 629sqm retail/café/restaurant floorspace (use class A1/A3) together with associated energy centre, landscaping and car parking.

Full details for access for DZ4, 5 and 6 (phases 3 and 4). Matters of appearance, landscaping, layout and scale of DZ4,5 and 6 are reserved (comprising 21040 sqm of floorspace and up 391 new and

renovated dwellings (use class C3), 500sqm mixed use floorspace (use class A1/A3/D2) and 240sqm community centre floorspace (use class D1).

Condition 4 states that *'The commercial space hereby permitted may only be opened between 09:00 hours and 22:00 hours unless otherwise agreed in writing with the Local Planning Authority.'*

The usage of the premises is permitted. It is noted that the hours of operation are in excess of that which is approved. The applicant is advised to lodge a planning application to regularise the hours of operation. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
Permitted use	A1 (retail)
Permitted hours	N/A
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 representations with informative.

The usage of the premises is permitted. It is noted that the hours of operation are in excess of that which is approved. The applicant is advised to lodge a planning application to regularise the hours of operation. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action.

The applicant is advised that 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	John Tsang
Date	26/06/2018

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

B2

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	Sainsbury's Green Lanes London N4 2EY
NAME OF PREMISES USER	Sainsbury's Supermarkets Limited

COMMENTS

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

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

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

Police make the following representations in relation to the application for a Premises Licence at SAINSBURY'S, GREEN LANES, LONDON, N4 2EY for the following reason(s):

Police have received this application with a very general address. Green Lanes is several miles long and passes through different areas in Hackney. The plan that is attached to the application has Clissold Quarter printed on it, which is a new development located on Green Lanes at the junction with Brownswood Road and Manor Road. We await confirmation of this.

Presuming this is the location of the premises, police are concerned about the proposal of the store being open 24 hours. This is a very densely populated residential area, in fact there are flats above and surrounding this premises. Police feel that 0800hrs would be a more appropriate time to begin sales of alcohol as have been excepted by other large retailers in the area and as LBH policy states the latest hour for opening in a residential area would be midnight. LP12(b) of the current licensing policy states 'In residential areas the Council will not normally grant licenses beyond midnight' LP12(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'. Police are concerned that should this premises stay open for 24 hours, the surrounding residents will be caused disturbance by customers calling during the early hours of the morning. Cars/taxis engines stopping and starting and doors slamming etc.

Police would also like to add the following condition;
'No beer, lager or cider with an ABV of 6.5% or above shall be sold at the premises, save that this prohibition shall not apply to 'premium' products such as craft or speciality beer, lager or cider'.

Police look forward to hearing from the applicant soon.

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)

APPENDIX C

Ashton Liburd

From: [REDACTED]
Sent: 21 June 2018 20:31
To: Licensing
Subject: Sainsbury's, Green Lanes, Hackney, N4 2EY REF: AGS/26508/1970/RPB
Attachments: Application for a Premises Licence - Sainsbury's, Green Lanes, Hackney, N4 2EY AGS 26508 1970 RPB.pdf

Dear Sir or Madam

I attach below my representation with respect to the application for a premises licence by Sainsbury's, Green Lanes, Hackney, N4 2EY Reference AGS/26508/1970/RPB.

As this is my first time providing a representation I hope I have followed the required protocols, but should you have any questions please don't hesitate to contact me.

Yours faithfully,

[REDACTED]

[REDACTED]
[REDACTED]

21 June 2018

[REDACTED]

Dear Sir or Madam,

Sainsbury's, Green Lanes, Hackney, N4 2EY AGS/26508/1970/RPB

I am writing to register my objection to the application for a premises license by Sainsbury's Supermarkets Ltd ("Sainsburys") for Green Lanes, Hackney, N4 2EY. The basis for this opposition is that granting a license for these premises will not be conducive to the prevention of crime & disorder, and presents potential risk to public safety.

Sainsburys has applied for a license within Hackney's Estate regeneration Programme, and enabling the premises to sell alcohol could be detrimental to its aims and objectives. Upon completion, the Programme aims to deliver 1,236 new build affordable homes, comprising 717 homes for social rent and 519 homes for shared ownership¹. Of the affordable homes, approximately 50% are classed as family sized homes. An aim of the regeneration programme is that the increased density and number of family sized homes on the regenerated estates will, amongst other things, generate additional demand for education & leisure facilities and use of the public realm.

The application proposes that alcohol will be sold for consumption off the premises between 7:00am and 11.00pm, seven days a week. Such application seems in contradiction with the plans by the council to regenerate the estate, particularly one that has a purpose centered around family, education & leisure, and instead could in fact have a detrimental impact to the prevention of crime & disorder in the area.

Located next to Clissold Park and with a recreational area on Murrain Rd, the granting of a license for the consumption of alcohol off the premises could have an impact on antisocial behaviour in this area. Between May 2017 and April 2018, Police.uk reports anti-social behaviour as the highest reported crime type in Brownswood, making up 32.5% of all reported crimes². I would urge the Licensing authority to consider research from the Institute of Alcohol studies which identified the impact of alcohol with Crime (Police authorities acknowledge that alcohol does have a significant role in criminal activity) as well as Hackney Council's Alcohol strategy³, which recognises the link between crime and disorder problems associated with street drinking, as outlined in its key guiding principle to "improve drinking environments".

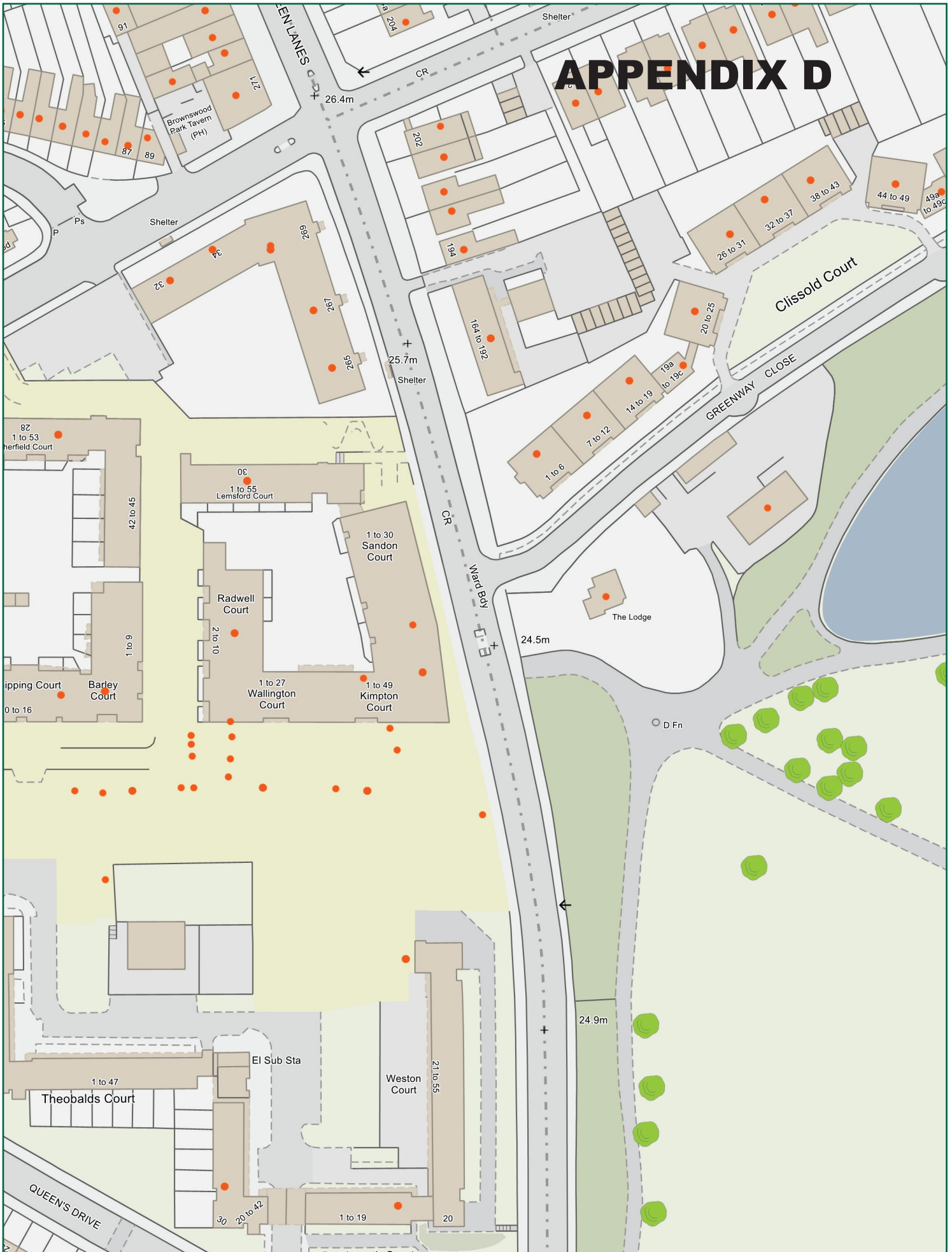
Furthermore, little provision has been made to loading at the development, which could present a risk to public safety. With inadequate provision for loading, deliveries could cause a bottleneck with cars overtaking around the area of the premises, risking the safety of individuals using the pedestrian crossing, users of the recreational area or cyclists on Green lanes (which has no cycle lane).

I would urge the Licensing Authority to consider these above factors when assessing this application.

[REDACTED]

[REDACTED]

APPENDIX D



Scale: 1:1250 at A4



Ref:

10 July 2018

Page 35

Product: Unspecified

email:

please specify copyright statement

This page is intentionally left blank



REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 24/07/2018	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Shep's Bar & Restaurant, Ground Floor, 392 Kingsland Road, E8 4AA	Ward(s) affected London Fields	

1. SUMMARY

Applicant(s) Brick Wall Ltd	In SPA: Dalston
Date of Application 7 June 2018	Period of Application Permanent
Proposed variation: Recorded Music Late Night Refreshment Supply of Alcohol (On Premises)	
Proposed hours for licensable activity	
Recorded Music Indoors	Standard Hours: Thu 23:00-00:45 Fri 23:00-01:45 Sat 23:00-01:45
Late Night Refreshment Indoors	Standard Hours: Thu 23:00-00:45 Fri 23:00-01:45 Sat 23:00-01:45
Supply of Alcohol On sales	Standard Hours: Mon 10:00-23:00 Tue 10:00-23:00 Wed 10:00-23:00 Thu 10:00-00:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-23:00

The opening hours of the premises:	
	Standard Hours:
	Mon 10:00-23:30
	Tue 10:00-23:30
	Wed 10:00-23:30
	Thu 10:00-01:00
	Fri 10:00-02:00
	Sat 10:00-02:00
	Sun 10:00-23:30
Current activities/hours: See current licence attached as 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) and LP14 (Special Policy Area - Dalston)
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"> • Environmental Health Authority (Environmental Enforcement) • Planning Authority • Police • Licensing Authority • Health Authority

2. APPLICATION

2.1 Brick Wall Ltd has made an application vary their premises licence under the Licensing Act 2003:

- To extend hours for supply of alcohol for consumption on the premises
- To include hours for provision of regulated entertainment
- To include hours for late night refreshment

2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. CURRENT STATUS / HISTORY

3.1 The current premises licence (attached as Appendix C) was granted on 19th July 2016 and transferred to the current licensee in July 2017.

3.2 Temporary Event Notices have been submitted in respect of the premises in the current calendar year as follows.

<u>Date of the event(s)</u>	<u>Hours</u>
31/12/2017-01/01/2018	23:00-03:00
19/01/2018-21/01/2018	23:00-02:00
24/02/2018-25/02/2018	23:00-03:00
23/03/2018-25/03/2018	23:00-03:00
13/04/2018-14/04/2018	23:00-00:00
06/07/2018-08/07/2018	23:00-03:00
15/07/2018-16/07/2018	23:00-02:00

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application.
Environmental Health Authority (Environmental Enforcement) (Appendix B1)	Representation received on the grounds of the prevention of public nuisance.
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application.
Weights and Measures (Trading Standards)	Have confirmed no representation on this application.
Planning Authority (Appendix B2)	Informative.
Area Child Protection Officer	Have confirmed no representation on this application.
Fire Authority	Have confirmed no representation on this application.
Police (Appendix B3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance and Special Policy Area.
Licensing Authority (Appendix B4)	Representation received on the grounds of Prevention of Public Nuisance and Special Policy Area.
Health Authority (Appendix B5)	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance and Special Policy Area.

5. REPRESENTATIONS: OTHER PERSONS

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 LP14 (Special Policy Area - Dalston) 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:

None

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 No additional conditions have been proposed by applicant or Responsible Authorities.

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):	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

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
Shep's Bar & Restaurant Ground Floor, 392 Kingsland Road, E8 4AA	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

↳ Hackney LA07	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 **Brick Wall Ltd**
(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 077779
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 392 Kingsland Road Hackney London E8 4AA			
Post town	London	Postcode	E8 4AA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£10000

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	██████████	Postcode	██████████
-----------	------------	----------	------------

Part 3 – Variation

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> 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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Application for an extension to our existing premises license in relation to the supply of alcohol on premises</p> <p>Proposed Variation for Supply of Alcohol Hours:</p> <p>Thurs 10:00 - 00:30 Fri 10:00 - 01:30 Sat 10:00 - 01:30</p> <p>Proposed Variation for Late Night Refreshment, both hot food and drink on premises:</p> <p>Thursday 23:00 - 00:45 Friday 23:00 - 01:45 Saturday 23:00 - 01:45</p> <p>Recorded Music</p> <p>Thursday 23:00- 00:45 Friday 23:00 - 01:45 Saturday 23:00 - 1:45</p> <p>Opening Hours of the Premises:</p> <p>Thursday - 10:00 - 01:00 Friday - 10:00 - 02:00 Saturday - 10:00 - 02:00</p>
--

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play 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					
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films 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					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			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 (please read guidance note 7)
Wed			
Thur			
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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			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)		
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					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) We play recorded music at a low, background level, volume to encourage polite conversation.		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur	23:00	00:45	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)		
Fri	23:00	01:45			
Sat	23:00	01:45			
Sun					

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 5)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)</p>		
Fri					
Sat			<p>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)</p>		
Sun					

I

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5) We would like to keep our kitchen open later into the evening, as a continuation of our normal service.		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	00:45			
Fri	23:00	01:45	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)		
Sat	23:00	01:45			
Sun					

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	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6) We would like to serve alcohol until 30 minutes prior to the premises closing on Thursday, Friday and Saturday		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	00:30			
Fri	10:00	01:30			
Sat	10:00	01:30			
Sun	10:00	23:00			
			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)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

We operate challenge 25 and are highly responsible operators.

Any child entering the building will need to be accompanied by an adult.

Our policy is that children are not permitted to be in the restaurant after 10PM.

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) 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)
Day	Start	Finish	
Mon	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	01:00	
Fri	10:00	02:00	
Sat	10:00	02:00	
Sun	10:00	23:30	

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

None known.

Please tick as appropriate

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

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

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

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)

We operate policies on the following five areas; Entry, Drugs & Dispersal, Noise, Smoking and Alcohol. Policies available on request.

We have well trained staff who take a positive attitude towards promoting the safe use of the premises for the sale of alcohol & food to the public.

We regularly hold staff meetings to discuss weekly performance and any issues which we feel need to be addressed.

b) The prevention of crime and disorder

Our staff are trained to observe customers throughout their shift and identify any potential criminal activity.

We are active members of Pub Watch and also have a strict drug enforcement policy.

We have a fully functional CCTV system in operation, which we have recently used to help neighbours 'Chick n Sours' identify a criminal who had stolen the bag of one of their customers.

A member of staff trained in the use of the CCTV software will be on site at all times during opening hours.

c) Public safety

We have signs which clearly indicate that; CCTV is in operation, We operate a zero tolerance drugs and weapons policy, To ask customers to leave quietly and respect the neighbourhood.

We have a clear dispersal policy and encourage customers to wait inside the Restaurant until their bus, train, or taxi is nearby.

When necessary we will employ an SIA licensed individual on the door to ensure there is no overcrowding.

We already do this whenever we open later than normal with a Temporary Event Notice.

Water is always available for customers' consumption, free of charge.

d) The prevention of public nuisance

Signs are displayed prominently at all times reminding customers to leave quietly and respect our neighbours.

We play music at background level to encourage conversation.
We maintain contact with our neighbours and ensure they are not disturbed by the level of volume, either from music or our guests.

We have a clear dispersal policy in place which is well supervised by our trained staff, and encourage customers to wait inside the restaurant until their bus, train, or taxi is nearby.

We will always encourage the safe consumption of alcohol and if a person or persons appear to be exhibiting signs that should they drink more there is a any danger of becoming inebriated we will refuse to serve them alcohol, and instead offer them water.

If the opening hours were extended, we would also encourage such patrons to order some late-night refreshment.

e) The protection of children from harm

We operate the challenge 25 policy and do not let minors on the premises after 10PM.

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, 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	7/6/2018
Capacity	Director and Licensee

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	7/6/2018
Capacity	Agent

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

Premises Address

UK-England

Post town		Post code	
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

From: [REDACTED]
Date: Fri, Mar 23, 2018 at 5:57 PM
Subject: SHEP's licence extension
To: [REDACTED]
Cc: [REDACTED]

I run a local bookshop, [REDACTED], and would like to add my support for the later licence applied for by Shep's.

My shop is within [REDACTED] of the bar and, as we run evening events, I quite often visit for food/drinks after our events with customers/authors after our licence ends. It's great to have such a welcoming, homely bar so close.

The licence extension would certainly be beneficial for the local area, as we would be able to stay longer with our customers rather than roaming the streets in search of a quiet drink or a late night bite.

Therefore I fully support this application.
Many Thanks, [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Date: Tue, Mar 27, 2018 at 7:31 AM
Subject: SHEP's licence extension
To: [REDACTED]

"We're local residents and have been going to Shep's since it opened. It's become our favourite hangout. The bar added something very different to the area, and helped make that stretch of Kingsland Road an interesting destination. The food is great, the music is great, and the staff is great, which makes for a fantastic place to have a lovely time in, with the added benefit (an important one, in our view) of not being another identikit gastropub or chain. There is a real character to the place. The only problem is that Shep's always makes us want to linger, and oftentimes the shutdown comes a bit too early. We invariably go straight home as going somewhere else would feel like escalating the evening into something else, whereas we just want to enjoy Shep's atmosphere for a little longer. We hope this will be possible soon, so we're giving our support to this application.

Thanks,

[REDACTED]
[REDACTED]

From: [REDACTED]
Date: Thu, Mar 29, 2018 at 1:27 AM
Subject: SHEP's licence extension
To: [REDACTED]
Cc: [REDACTED]

Hey!

We love Shep's! It's a great place to go and hang afterwork on Friday for some drinks. Nothing too loud or intense, but still vibrant. The staff are always smiling and friendly and the cocktails are excellent!

[REDACTED]



[Redacted]

Apr 16 (2 days ago)

to me

'I live on Glebe road, the road behind Sheps. My flat is at most [Redacted] away. I have never once heard any overflow of noise, even when they have been granted a later licence on occasion at the weekend.

I would like to add my full support to the late licence applied for by Sheps – Since it's opening I have found the food to be unique for the area and always excellent, the cocktails fantastic, the staff always very knowledgeable and friendly and the music subtle; unlike so many places it's quietly complimentary to conversations and not in any way overpowering. Other customers have also always been congenial.

It's a real asset to the area and the late licence would only be beneficial. When Shep's closes at 11 My friends and I have to go to another bar or pub, where inevitably we can't get a seat and the music is blaring so we can't hear ourselves think, let alone talk to each other. It has something for all occasions, be it a catch up with an old friend on a bar stool, a booth for a celebration or just as a go to place to take visiting family members who want something more interesting than a roast or a burger.

[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

----- Forwarded message -----

From: [Redacted]
Date: Sat, Mar 31, 2018 at 11:19 AM
Subject: SHEP's licence extension
To: [Redacted]

As a local resident living [Redacted] behind the venue, I fully support the late license application for Shep's on Kingsland road. The bar is friendly and relaxed which is beneficial to the area through their positive approach toward welcoming and catering for the local community. Working as a teacher in the area it is refreshing to be able to visit Shep's on an evening and have a relaxing drink with friends or family and not be drowned out by music, allowing us to enjoy their inspiring cocktails and food offering.



EVENTS

As mentioned we have catered for a number of events in the community.

Yaeji

We were approached by Korean musician 'Yaeji's management team who asked us to supply the food for the London leg of her European 'Curry in No Hurry' tour.



Curry in No Hurry (LDN)

Yaeji.....	\$\$
Ikonika.....	\$\$\$
Object Blue.....	\$\$\$
Viers.....	\$\$\$

Curry by Shep's
Smoked Pork Golden Curry
Roasted Coconut and Gochujang Curry (V)

Yaeji Summer Tour 2018

Corsica Studios
 Thursday 31st May
 8PM-2AM

 Tickets are available
 at DICE.FM

'Curry in No Hurry started as a personal project in Yaeji's Brooklyn apartment, uniting music and friends over homemade Korean-Japanese style curry. Last year saw Yaeji expand Curry In No Hurry into a public dance party, hoping to expand and invite new friends into this shared experience. For the London installation, Yaeji will partner with the South Dalston restaurant, Shep's, and will be joined by local artists Ikonika, Object Blue and Viers.'

Penguin Books

We (Penguin Books Ltd.) worked with Shep's on a Korean book club event featuring talks and discussion with authors and translators. Hosted by another retailer in the area, the team from Shep's came down to make drinks for the audience made up of the local community, fans of the books and journalists. Shep's, as the only Korean restaurant in the local area is an invaluable space to socialise, eat and drink and is deserving of the late license because of the value that it brings to the spaces in the community.



And Flowers

'Working with Shep's for the opening of And Flowers in February of this year was a dream. They put together an amazing flower themed cocktail and array of drinks for the launch party and I felt it was important to get someone on board who had the same approach to community as I do. My aim is to promote flowers in the everyday and simplify the whole buying process for customers and allow them to engage in a space that isn't intimidating and welcoming. Shep's is this. Every time I visit for a drink or a bite to eat, the atmosphere is a far cry from a lot of the watering holes scattered across London and predominantly East. The bar itself along with it's staff are a breath of fresh air and each time I leave I'm already planning my next visit. I have recommended the space to many of my friends and each time I do, they visit feeling the same way. We need a space like Shep's where it's casual environment welcomes you in and allows people to enjoy each other, even just for a few hours, in this crazy world we're living in. It's accessible, affordable and appetising. What more do we need?'

Sponfest

We also collaborated with a number of local businesses for 'Sponfest'; a week long celebration of all things fermented! We believe in local Hackney business and feel there is a strong community feel amongst business owners from all backgrounds.

We will look to continue to contribute where possible to the vibrant and eclectic offering Hackney is famous for.

SPONFEST
2018
APRIL 16TH - 22ND

FEATURING AT THE AXE 18/04/18

SOM SAA / SHEP'S / WILD BEER CO.
SOM SAA + SHEP'S SHARE THE KITCHEN WHILST WILD BEER CO.
MATCH BEERS WITH THEIR DISHES. SPACES VERY LIMITED -
BOOKINGS HIGHLY RECOMMENDED VIA THE AXE

FEATURING AT THE AXE 21/04/18

**BEAVERTOWN TEMPUS PROJECT / BURNING SKY
OLIVER'S CIDER / DUSTY KNUCKLE / COBBLE LANE
EATEN ALIVE / FERMENT REVOLUTION**

FERMENTED FARMERS MARKET FROM 11AM PLUS AN ALL-DAY TAP
TAKEOVER AND MEET THE BREWER BOOKINGS RECOMMENDED
FOR TOM OLIVER TASTING VIA THE AXE

VENUE

THE AXE, 18 NORTHWOLD ROAD, STOKE NEWINGTON N16 7HR

FOR MORE INFORMATION INCLUDING TICKETS VISIT
WWW.SPONFEST.COM

@sponfest18 @sponfest

We have also been in contact with our own landlords, who lent their support to our application.

4th April 2018

Re: Licence extension - 392 Kingsland Road, London E8 4AA

Dear Sir/Madam,

I would like to add my support to the application for a license extension at 392 Kingsland Road.

As the landlord of the premises we are confident the restaurant is being operated in a responsible manner and would like to add our support to Brick Wall Ltd, in order to help them achieve a successful business.

We have built a strong working relationship over the past year or so, and would like that to continue for many years to come.

Yours faithfully,

Shan Uthayasangar

From: [REDACTED]
Sent: 26 June 2018 15:29
To: Licensing
Cc: [REDACTED]
Subject: Shep's Survey Results

Dear Sir, Madam,

Please also be so kind as to accept this Survey finding as further supporting evidence for Shep's Application.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 26 June 2018 at 13:38:39 BST
To: [REDACTED]
Subject: Shep's Survey Results

Hi [REDACTED], here are the results from the Survey, which was completed by 97 Shep's customers.

- 89% OF SHEP'S CUSTOMERS CURRENTLY MOVE ON TO ANOTHER BAR OR RESTAURANT AFTER WE CLOSE AT 11PM. (AT THE WEEKEND)
- OVER 95% OF CUSTOMERS WOULD RATHER STAY AT SHEP'S AFTER 11PM, RATHER THAN GO TO ANOTHER BAR

Regards,

[REDACTED]



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

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Environmental Enforcement First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	Benjamin Forkuo
TELEPHONE NUMBER	020 8356 5253
E-MAIL ADDRESS	Benjamin.forkuo@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Shep's Bar & Restaurant Ground Floor 392 Kingsland Road Hackney London E8 4AA
NAME OF APPLICANT	Brick Wall Ltd

COMMENTS

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

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

Representation in relation to:

**ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF
Shep's Bar and Restaurant
Ground floor
392 Kingsland Road
Hackney
London
E8 4AA**

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

The business is located in Kingsland Road, E8 which is a restricted area where waste is not allowed to be stored on the public highway for any length of time. The applicant has not indicated any provisions of waste disposal and containment within the scheduled time band collection on the application. Therefore, I am concern that waste will be left on the public highway for lengthy time and it will pollute the environment.

No previous complaint/problem received in relation to the business/premises, however experience has shown that there may be cigarette litter, outside these premises due to the smoking ban. It's possible that glasses and bottles may be left outside by patrons, Therefore, measures should be put in place to prevent these littering to detriment the area.

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

**With regards to the extension of trading hours, there should be an increase of waste collections or upgrade waste contract to accommodate extra waste that will generated.
There should also be installation of cigarette bin/s outside premises for disposal of litter or a member of staff should check outside premises regularly during trading hours to clear waste that will be left by patrons.**

Name: Benjamin Forkuo

Date: 03/07/2018

**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	392 Kingsland Road London E8 4AA
Applicant name	Brick Wall Ltd

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.

This application proposes the variation of an existing license. The following licensable activities are proposed:

Recorded music: 23:00 – 00:45 Thursday, 23:00 – 01:45 Friday – Saturday;
Late night refreshment: 23:00 – 00:45 Thursday, 23:00 – 01:45 Friday – Saturday;
Supply of alcohol: 10:00 – 23:00 Sunday – Wednesday, 10:00 – 00:30 Thursday, 10:00 – 01:30 Friday – Saturday; and
Hours of operation: 10:00 – 23:30 Sunday – Wednesday, 10:00 – 01:00 Thursday, 10:00 – 02:00 Friday – Saturday.

Planning ref. 2015/2215 granted the change of use of the basement and ground floor to a restaurant (use class A3). Condition 3 of the planning permission limits the opening hours to between 08:00 hours and 23:00 hours Mon to Sun.

The use of the basement and ground floor premises at 392 Kingsland Road as a restaurant is permitted. The hours of operation proposed exceed those permitted under the planning consent. The applicant is reminded that licensing permission does not grant planning permission. Therefore planning permission is required to regularise the hours of operation for the premises. Operation of the premises outside of the hours permitted under the planning consent is unlawful and may result in enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Basement and ground floor
Permitted use	A3 (Restaurant)
Permitted hours	08:00 hours and 23:00 hours Mon to Sun
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 representations with informative.

The use of the basement and ground floor premises at 392 Kingsland Road as a restaurant is permitted. The hours of operation proposed exceed those permitted under the planning consent. The applicant is reminded that licensing permission does not grant planning permission. Therefore planning permission is required to regularise the hours of operation for the premises. Operation of the premises outside of the hours permitted under the planning consent is unlawful and may result in enforcement action.

The applicant is advised that 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	21/06/2018

**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	Shep's Bar & Restaurant Ground Floor 392 Kingsland Road London E8 4AA
NAME OF PREMISES USER	James SHEPHERD

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 SHEP'S BAR & RESTAURANT, 392 KINGSLAND ROAD, LONDON, E8 4AA for the following reason(s):

This premises is situated within the Dalston Special Policy Area. The policy is directed at the concentration of persons in the area and particularly those who have been drinking alcohol. A table has been set out, within the policy, detailing the activities and timings that are acceptable. The timings within this application exceed those set out in the table and police propose they be reduced to bring them in line with the policy.

The policy clearly states that any application shall be refused which seeks to permit any activity/use not identified or allowed for in the table and where there is a genuine concern that the proposal will have a negative impact in the area. The area is saturated with licensed premises, which empty on to the streets in the early hours of the morning. These people are most often drunk, loud, boisterous and more likely to get involved in a confrontation, urinate, vomit and cause problems, including disorder on the street. After midnight, the streets in Dalston are incredibly busy and complaints are very often made by local residents who regularly contend with people urinating, vomiting, defecating or taking drugs on their doorsteps. The extra hours requested will mean that more alcohol has been consumed and these problems will just be increased once the patrons leave the venue.

Police cannot support this application at this time.

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	First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	0208 356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Shep's Bar & Restaurant Ground Floor 392 Kingsland Road Hackney London E8 4AA
NAME OF APPLICANT	Brick Wall Ltd

COMMENTS

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

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

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

I make a representation in relation to this application as the premises is located within the boundary of the Dalston Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. LP14 (Special Policy Area - Dalston) of the Council's Statement of Licensing Policy states:

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

- *High standards of management, (an example would include a Management Strategy)*
- *The quality and track record of the management*
- *The good character of the applicant*

The proposed hours exceed those as set out in LP14 (Dalston Special Policy Area). Although it is noted that the premises is currently licensed for the sale by retail of alcohol for consumption on the premises from 10:00 to 23:00 daily.

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

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

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

Discussion with the applicant/agent to obtain further information in relation to the proposed operation of the premises and how the following policy requirements can be met:

- *High standards of management, (an example would include a Management Strategy)*
- *The quality and track record of the management*
- *The good character of the applicant*

Clarification in relation to the request for recorded music; the application states "*We play music at background level to encourage conversation*". This would mean that it would not be necessary for the varied licence to authorise recorded music.

It is noted that the application states "*We have a clear dispersal policy in place which is well supervised by our trained staff...*" It would be useful to have sight of this document.

Name: David Tuitt, Business Regulation Team Leader – Licensing and Technical Support

Date: 02/07/2018

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

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	City and Hackney Public Health directorate
ADDRESS OF AUTHORITY	City and Hackney Public Health 1 Hillman St London E8 1DY
CONTACT NAME	Jerry Hill
TELEPHONE NUMBER	020 8356 1807
E-MAIL ADDRESS	Jerry.Hill@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Shep's 392 Kingsland Road E8 4AA
NAME OF APPLICANT/PREMISES USER	James Shepherd

COMMENTS

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

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

Dr Penny Bevan
Director of Public Health
Hackney Council

3 July 2018

RE: Representation against Shep's, 392 Kingsland Road, E8 4AA

As Director of Public Health (a responsible authority under the Licensing Act 2004), I wish to make a representation against the premises licence application for **Shep's, 392 Kingsland Road, E8 4AA**

The City and Hackney Public Health function recognises the role that licensed premises play in contributing to the local economy, but the dense availability of alcohol has a significant impact on the health and wellbeing of many of the borough's residents.

Tackling alcohol misuse is key to achieving the aspirations of Hackney's Health and Wellbeing Strategy. We want to establish an environment that recognises the role of alcohol in our society, whilst minimising the significant health damage caused by alcohol misuse. Licensing is an important component in the wider efforts to reduce this harm.

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

The application is for a venue within the Dalston Special Policy Area (SPA). As laid out in the Council's Licensing Policy, and under **LP14**, where a relevant representation is made to any application within the area of the Dalston SPA, the application should be refused.

Dalston has been defined as a cumulative impact area. I am concerned that if this application is granted it will increase the availability of alcohol for consumption off premises. There is increasing recognition of the impact that high density availability has¹, which could lead to an increase in public nuisance, crime and disorder and impact adversely on health of both those consuming the alcohol but also of others who come into contact with them.

The area already has sufficient premises to meet demand and additional outlets supplying alcohol will be detrimental to the local residents in terms of noise and

¹ Livingstone M. et al. Changing the density of alcohol outlets to reduce alcohol related harm. Drug and Alcohol Review 2007; 26: 557-566
<http://onlinelibrary.wiley.com/doi/10.1080/09595230701499191/abstract>

disturbance, anti-social behaviour and crime. This includes extra hours of alcohol provision to existing premises.

The area within which this premise is located has high incidences of crime and violence, including those that are alcohol related. The information below is drawn from SafeStats, a service within the Greater London Authority that hosts data from emergency services and other agencies, covering the period year to May 2017. This data shows that, within a 500m of the premises:

- There were **108** alcohol related incidents
- **35** alcohol related incidents involved those aged under 26 years
- **82** assaults were recorded by the London Ambulance Service

According to the council's Licensing database of premises allowed to sell alcohol, there are **31 on licence premises** and **21 off licence premises** within 500m of the application venue, with a further **16 having a licence for on and off sales**.

Based on the information provided and that the application does not align with the conditions outlined in LP14, **the Public Health function recommends that the application for a licence to supply alcohol be refused.**

Yours sincerely



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



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

077779

Part 1 – Premises details

Shep's Bar & Restaurant
Ground Floor
392 Kingsland Road
Hackney
London
E8 4AA

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol Standard Hours:

Mon 10:00-23:00

Premises:

Tue 10:00-23:00

Wed 10:00-23:00

Thu 10:00-23:00

Fri 10:00-23:00

Sat 10:00-23:00

Sun 10:00-23:00

The opening hours of the premises

Standard Hours:

Mon 09:00-23:30

Tue 09:00-23:30

Wed 09:00-23:30

Thu 09:00-23:30

Fri 09:00-23:30

Sat 09:00-23:30

Sun 09:00-23:30

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

On Premises

Part 2 –

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

Brick Wall Ltd

[REDACTED]
[REDACTED]
[REDACTED]

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

10188641

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

James Shepherd

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: 19 July 2016

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol (On/Both)

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

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

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - A. a holographic mark or
 - B. an ultraviolet feature.
6. The responsible person shall 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
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. 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 amount 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 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Door Supervision

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

Annex 2 – Conditions consistent with the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.

10. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
11. The premises will have a venue management policy, approved by the police licensing officer and/or Crime prevention officer, detailing the following;
 - a. Entry policy
 - b. Drugs Policy and dispersal policy
 - c. Noise Policy
 - d. Smoking Policy
 - e. Alcohol Policy
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
 - a. All crimes reported:
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system or searching equipment or scanning equipment. Any refusal of the sale of alcohol.
 - g. Any visit by a relevant authority or emergency service.
14. Signs will be prominently displayed by entry and exit points reminding customs:
 - a. CCTV in operation.
 - b. Drugs policy.
 - c. Weapons policy.
 - d. To leave quietly and respect local residents.
15. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.
16. Reasonable steps to be taken to ensure that an authorised person is a member of a local Pubwatch.
17. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

18. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
19. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
20. Patrons of the premises shall be encouraged, by signs within the premises visible at all exit points, to disperse from the area of the premises quietly.

Conditions derived from Responsible Authority representations

21. There shall be no glass, drinks or open containers taken out of the premises at any time.
22. SIA registered door supervisors shall be employed at the venue on an operational risk assessment basis. All security staff shall be clearly identifiable at all times. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be provided. This register will be made available to police or authorised officer immediately upon request.
23. Mechanical ventilation equipment from the kitchen must be so positioned, designed and acoustically insulated so as not to cause noise and/or vibration disturbance, or affect the nearest residents as a result of fume or odorous discharge. Extract duct shall rise vertically through existing flat roof and run to high level, terminating minimum 1 m above the roof eaves.
24. The extraction equipment installed shall be regularly maintained to ensure its continued satisfactory operation and the cooking operation shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the local authority in order to ensure the use does not result in excessive cooking odours outside the premises and that no nuisance to the residents occupying the nearest residential premises is caused.
25. Any music played at the premises shall be played at a background level only, so to allow normal face to face conversation.
26. Notices advertising that the premises operates a 'Challenge 25' scheme be displayed prominently at the premises entrance(s) and inside the premises.

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

N/A

Annex 4 – Plans

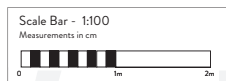
PLAN/077779/19072016

Web Copy

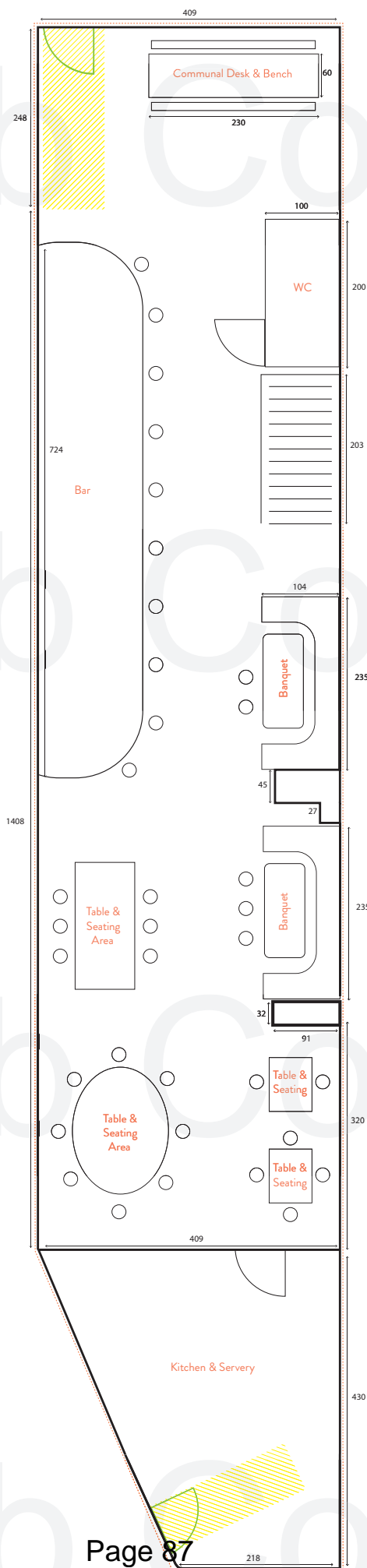
Web Copy

Web Copy

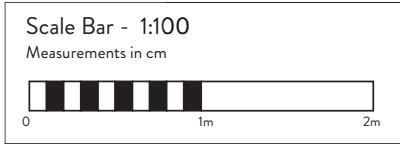
392 KINGSLAND ROAD - PROPOSED GROUND FLOORPLAN



Key

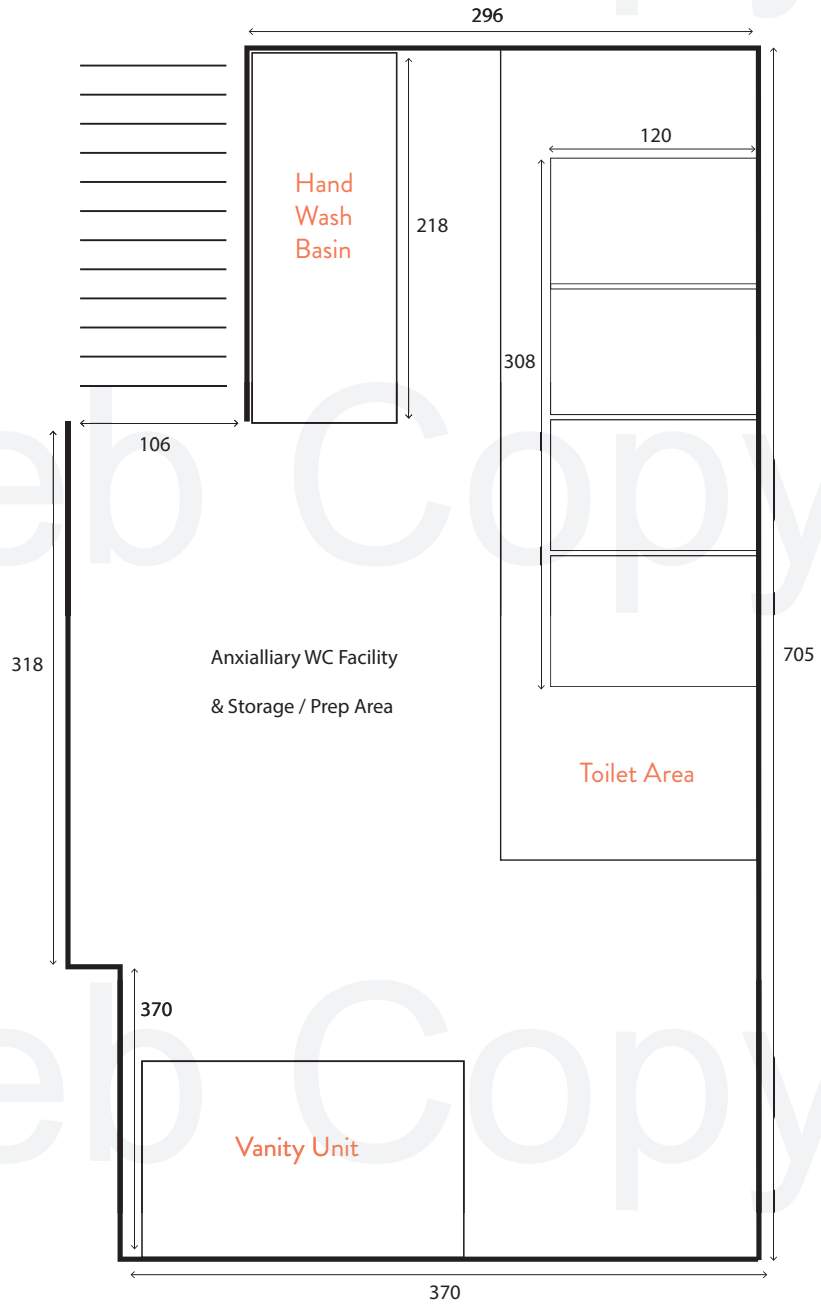


392 KINGSLAND ROAD - PROPOSED BASEMENT FLOORPLAN

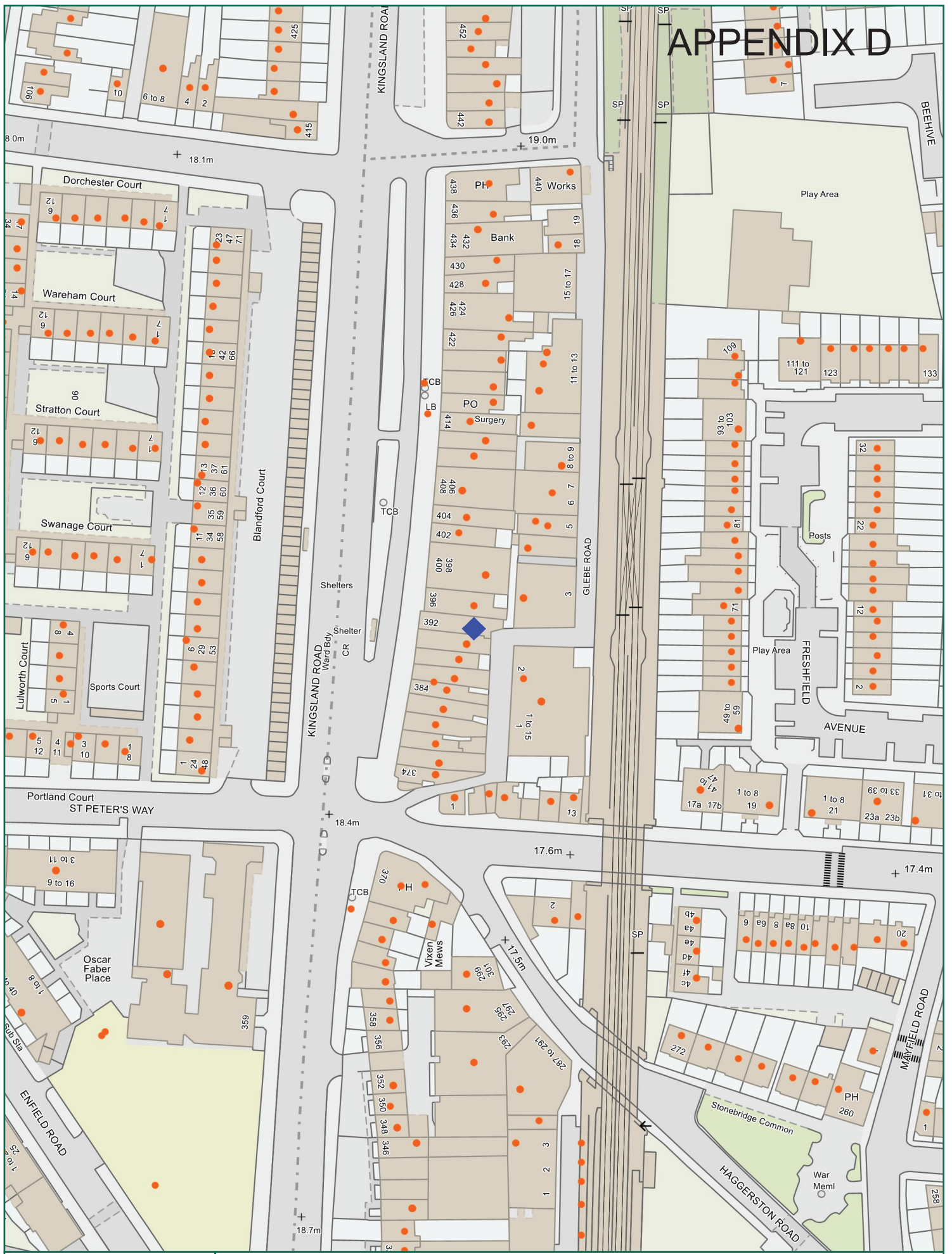


Key

- Exit/ entrance
- Perimeter of premises
- Fire Exit
- Doorways
- Stairs



APPENDIX D



NORTH

Scale: 1:1250 at A4

Hackney

Shep's Bar & Restaurant, 392 Kingsland Road, E8 4AA

Ref: 12 July 2018

Page 89

Product: Unspecified

email:

please specify copyright statement

This page is intentionally left blank