



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

Thursday, 13th September, 2018

at 7.00 pm

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

Councillors sitting:

**Cllr Sophie Conway, Cllr Caroline Woodley and
Cllr James Peters (Substitute)**

**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

Thursday, 13th September, 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 Application for Review of Premises Licence: Best American Pizza, 16a, Pitfield Street, N1 6EY		(Pages 11 - 86)
7 Temporary Event Notices - Standing Item		

Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

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

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

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

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

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

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

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

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

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

Timings

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

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

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

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

Facilities

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

Contacts

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

Governance Services
2nd Floor Room 118
Hackney Town Hall
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



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Relevant Extracts from Hackney's Statement of Licensing Policy

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

LP1 Planning

Licence applications should normally be from premises where:

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

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

LP2 Provisional Statements

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

The application form for provisional statements is to include:

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

LP3 The Application Form and Operating Schedule (minimum requirements)

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

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

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

Note:

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

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

LP4 Crime and Disorder

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

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

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

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

LP5 Public Nuisance

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

For example, the application should where necessary:

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

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

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

avoid the obstruction of any public highway

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

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

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

NOTE:

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

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

LP6 The Protection of Children from Harm

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

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

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

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

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

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

LP7 Access to Cinemas, Theatres, Auditoriums and similar premises

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

LP8 Public Safety

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

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

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

LP9 Premises Safety

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

LP10 Personal Licences

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

LP11 Temporary Event Notices

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

temporary events linked to the organiser and/or the premises

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

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

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

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

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

LP12 Licensing Hours

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

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

undue disturbance to local residents.

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

LP13 Special Policy Area – Shoreditch

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

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

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

LP14 Special Policy Area – Dalston

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

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

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

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

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

[✓ = yes * = no]

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

LP15 Cumulative Impact – General

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

LP16 The Olympic and Paralympic Games 2012

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

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

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

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MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE 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

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Chair of Committee, Councillor Emma Plouviez

Contact:

Gareth Sykes

Governance Services Officer:

Tel 020 8356 8407

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Agenda Item 5

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

<p>Step 1 Appointment of Chair and introduction</p>	<p>The Sub-Committee will appointment a Chair.</p> <p>The Chair will introduce the Sub-Committee, announce the item, and establish the identity of those taking part.</p> <p>The Sub-Committee will consider any requests to depart from normal procedure, such as holding a private session if it is considered to be in the public interest to do so or if a deferral/adjournment is requested for the item.</p> <p>The Chair (or Legal Adviser if asked by the Chair) will briefly outline how the hearing will proceed. However, Members may seek clarification on any issue raised during the hearing if required and if requested.</p>	<p>5 minutes</p>
<p>Step 2 Licensing Officer</p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p>Step 3 Applicant's Case</p>	<p>The applicant will present their case in support of their application for calling a Review.</p>	<p>5 minutes</p>
<p>Step 4 Responsible Authorities' Case</p>	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for making a representation in relation to the Review called.</p>	<p>5 minutes each</p>
<p>Step 5 Other Persons' Case</p>	<p>The Chair will invite the Other Persons in attendance to present their case and highlight their reasons for making a representation in relation to the Review called.</p>	<p>5 minutes each</p>
<p>Step 6 - Premises Licence/Club Certificate Holder</p>	<p>The Premises Licence/Club Certificate Holder will respond to the issues raised.</p>	<p>5 minutes</p>
<p>Step 7 Discussion</p>	<p>The Chair will structure and lead a discussion on the information presented and give Sub-Committee Members an opportunity to seek clarification on any points raised and ask questions, if necessary.</p>	<p>15 minutes</p>
<p>Step 8 Closing remarks</p>	<p>The Chair will ask all parties if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p>Step 9 - Final clarification</p>	<p>Licensing Sub-Committee Members will have a final opportunity to seek clarification on any points raised, following which the Chair will conclude the discussion.</p>	<p>5 minutes</p>
<p>Step 10 Consideration</p>	<p>The Sub-Committee will normally withdraw to consider the evidence that has been presented to them with the Committee Officer and Legal Adviser in order that the Sub-Committee can reach a decision and obtain legal advice if required.</p> <p>The Legal Adviser will repeat any legal advice given to Members upon returning to the public hearing.</p> <p>In simple cases the Sub-Committee may not consider it necessary to retire.</p>	<p>10 minutes</p>
<p>Step 11 Chair announces the decision</p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

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

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REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 13 September 2018	Classification DECISION	Enclosure
Application for Review of Premises Licence: Best American Pizza, 16a, Pitfield Street, N1 6EY	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant Licensing Authority	In SPA: Shoreditch
Date of Application 10 June 2018	
The Grounds for Review: <ul style="list-style-type: none"> • Alleged Public Nuisance created by operation of the premises. • Alleged non-compliance with Conditions/Authorisation of premises licence 	
Current Premises Licence Details: Premises Licence permitting Sale by retail of alcohol Provision of Late Night Refreshment See Appendix B for detail.	
Current Capacity	Unknown
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety),
List of Appendices	Appendix A– Application requesting the review of the premises licence Appendix B – Current Licence Appendix C – Representations from responsible authorities Appendix D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority (Environmental Protection and Environmental Enforcement) • Planning Authority • Police

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 The Licensing Service, as a Responsible Authority under the Licensing Act 2003, has applied for the review of the premises licences granted for the premises known as Best American Pizza at 16A Pitfield Street, N1 6EY on the grounds of prevention of public nuisance.

2.2 Representations supporting the review have been received from Police and Environmental Enforcement Team. Planning have also submitted an informative. (See Appendices C1 – C3)

3. CURRENT POSITION/ HISTORY

3.1 The premises have been in possession of a Premises Licence since 2005. The licence was transferred to Mr Millad in 2011. A recent application to extend the hours for late night refreshment was refused by Licensing Sub-Committee on 5th April 2018. A copy of the licence is attached as Appendix B

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement) (Appendix C1)	Representation received on the grounds of Prevention of Public Nuisance. Have proposed that conditions be added to the licence.
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 C2)	Have confirmed no representation on this application
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix C3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance,
Licensing Authority	Not Applicable
Health Authority	Have confirmed no representation on this application

5. REPRESENTATIONS: INTERESTED PARTIES

5.1 None

6. REPRESENTATIONS: LICENSEE

6.1 None

7. POLICY CONSIDERATIONS

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

Authority.

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

7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) are relevant.

8. GUIDANCE CONSIDERATIONS

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

9. OFFICER OBSERVATIONS

9.1 The Licensing Service are seeking the revocation of the licence. Should the sub-committee decide not to revoke the following conditions should be added to the licence:

1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility 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.
2. 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.
3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
4. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

5. 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.
6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Best American Pizza. This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier

the date of commencement of trade waste contract

the date of expiry of trade waste contract

the days and times of collection

the type of waste including the European Waste Code

10. REASONS FOR OFFICER OBSERVATIONS

- 10.1 Conditions 1 to 6 above have been proposed by Environmental Health Authority (Environmental Enforcement).

11. LEGAL IMPLICATIONS

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

12. LEGAL COMMENTS

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

- The Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- The protection of children from harm

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

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

14. MEMBERS DECISION MAKING

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

promotion of the licensing objectives.

14.2 The steps are:

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

15. CONCLUSION

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

GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING	Kim Wright
Lead Officer (holder of original copy):	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: Best American Pizza, 16a Pitfield Street, N1 6EY	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

↳ Hackney

LA 40

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Channing Riviere on behalf of the Hackney Licensing Authority

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Best American Pizza,
16A Pitfield Street
Hackney

Post town London

Post code (if known) N1 6EY

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

Mr Farid Millad

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

LBH-PRE-T-0532

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

3) a member of the club to which this application relates

(please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Channing Riviere on behalf of the Hackney Licensing Authority Licensing and Technical Support Service Community Safety, Enforcement and Business Regulation, Hackney Service Centre, 1 Hillman Street,
Telephone number (if any) 0208 356 4622
E-mail address (optional) channing.riviere@hackney.gov.uk

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

Please tick one or more boxes

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

✓

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

The Licensing Authority have received complaints alleging that the premises gives rise to a public nuisance. The Licensing Authority are of the opinion that the Prevention of Public Nuisance licensing objective is being undermined.

Upon investigation of the allegations the Licensing Authority have found the premises to be surrounded by large groups of people and non-compliant with its permitted hours. This concerns the Licensing Authority as we believe the 'Prevention of Public Nuisance' licensing objective is being undermined.

The complaints history of the premises is as follows;

- 1/04/2016 – Complainant alleges that were woken at 04:30am by the patrons of the premises.
- 9/12/2016 – Pro-active complaint by the Licensing Authority, website advertising the premises is open until 4am.
- 3/01/2017 - Complainant alleges that they were woken at 04:00am by the patrons of the premises.
- 27/08/2017 – Complainant alleges that they were continually disturbed by the premises and then woken once again at 6am.
- 13/04/2018 – Complainant alleges that the premises creating a disturbance due to, the noise from the premises, late night drunk patrons, delivery drivers using bikes creating a nuisance. Also alleges that the premises is open until 4am or 5 am.

This gives the Licensing Authority are concerned that the premises operators place the Prevention of Public Nuisance licensing objective at risk due to the poor management of the premises. This is due to the complaints received from local residents in relation to the public nuisance and anti-social behaviour that has been alleged in relation to the premises operation, this in combination with the continued allegations against the premises, lead the Licensing Authority to believe that the operators of the premises place the 'Prevention of Public Nuisance' Licensing objective at significant risk of being undermined. The operators seeming failure to adhere to the stipulations of their current premises licence, shows a disregard for the law, the various Enforcement agencies and a lack of understanding with regards to the Licensing Objectives and the requirements of the authorisation. The premises has been witnessed operating beyond its permitted hours by various Council Officers and Local Police on more than one occasion.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 2.16 states the following;

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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

Since early 2016 and most recently April 2018, the Licensing Authority were in receipt of complaints that the premises, Best American Pizza, 16a Pitfield Street, Hackney, N1 6EY, were operating in a manner that allegedly created disturbance to local residents.

The residents alleged that the premises were responsible for rowdy patrons, anti-social behaviour and noisy delivery drivers, which, led to them being disturbed in their homes.

Following on from a complaint received on the 27th August 2017, on the 1st September 2017 at approx. 15:35 I (Mr Channing RIVIERE) visited the premises and spoke with a Mr Abdul WAHID. I informed him of the complaint and advised him to ensure the premises operated within the bounds of its current premises licence and not beyond the hours permitted as local residents were alleging his premises was creating a disturbance.

I also advised Mr WAHID to change the opening hours advertised on the current webpage for the business as they were beyond those permitted by the licence, the webpage was advertising that the premises was open for one extra hour each day. This is contrary to the current premises licence. A screen shot of the webpage can be viewed in exhibit CR/1. I noted that Mr WAHID made a phone call and amended the advertised opening hours to 02:00 on every day.

On the 9th September 2017, Enforcement Officers reported that the premises was open and appeared to be serving customers at approx. 03:30. This is 30 minutes beyond the permitted hours. The witness statement of Enforcement Officer Mr Steven DAVISON can be seen in exhibit CR/2. The statement of Mr DAVISON indicates that the current Licensee Mr Farid MILLAD, claimed the premises were allowed to stay open until 04:00, this is incorrect and it indicates poor management of the premises.

On the 15th September 2017, I sent a formal warning letter to the Licensee and the Premises warning the operators that, it was offence under Section 136(1) of the Licensing Act 2003 to operate a premises not in accordance with its authorisation. This letter can be seen in exhibit CR/3. It should be noted that I received no communication from the Licensee and/or Management of the premises with regards to these matters, no clarification or advice was sought.

On the 24th September 2017, my colleague Mr David TUITT and I returned to the premises at approx. 03:15.

We found the premises to be open and the staff inside appeared to be serving customers as there were people inside waiting at the counter. There were also several persons congregated outside the premises who appeared to be in various states of intoxication, engaging in group conversations and some with what appeared to be pizza boxes. I took video footage of the premises in operation using my Council mobile phone. Still images from the video can be seen in exhibits CR/4, CR/5 and CR/6.

In order to confirm hot food was being sold, my colleague Mr David TUITT proceeded to carry out a test purchase. Mr TUITT was able to purchase a portion of garlic bread with cheese for £2.99. An image of the Garlic bread with cheese can be seen in image CR/7. The witness statement of MR TUITT can be seen in exhibit CR/8.

On the 20th October 2017, the Licensing Authority wrote to Mr Farid MILLAD in order to formally invite him to a PACE interview (Police and Criminal Evidence Act 1986, procedure for recorded interviews). This letter can be seen in exhibit CR/9.

On 21st October 2017, Senior Enforcement Officer Mr Barry FOX reported that the premises was open at approximately 03:30 and appeared to be serving customers. The witness statement of Mr FOX can be seen in exhibit CR/10.

The statement of Mr FOX raises further concerns surrounding the management of the premises, he states that when he indicated the time (which was beyond the permitted hours) to Mr MILLAD (The Licensee), that he simply "shrugged his shoulders" and continued with the operation of the premises. This raises further concerns for the Licensing Authority as the operators have seemingly

shown a disregard for the local enforcement agencies. This behaviour would also suggest a lack of understanding of the current premises authorisation and/or the licensing objectives. Again it should be noted that at this stage the Licensee/operators had already received verbal advice and a formal written warning in relation to the allegations against the premises.

On the 17th January 2018, the Licensing Authority conducted a PACE Interview with the Licensee Mr Farid MILLAD. The transcript of the interview can be seen in exhibit CR/12. During the interview Mr MILLAD alluded to the following;

Not being completely aware of the permitted hours for licensable activities, even though he and his brother took over the premises approximately 8 years ago. (Page 3 of Transcript lines 13 to 19 & Page 4 of Transcript lines 6 to 19).

Not being aware of the need for a Designated Premises Supervisor to authorise employees to sell alcohol, and the current Designated Premises Supervisor having left the business in 2014 or 2015. (Page 5 of Transcript lines 13 to 36 & Page 6 of Transcript lines 1 to 14). It should be noted that Mr MILLAD was advised by the interviewing Officer(s) to rectify this situation as soon as possible. This also suggests that any alcohol sales which have taken place since the named Designated Premises Supervisor left the business, may have been unauthorised.

Claims that the premises shutters are down and there is no access after 3am. (Page 7 of Transcript, lines 1 to 15).

This is contrary to the witness statements attached to this application. It also again suggests that Mr MILLAD has not demonstrated full awareness of the authorisation. The current premises authorisation includes opening and closing hours of the premises, the premises should be shut at 03:00 on Fridays and Saturdays not, as has been alluded to, still have patrons inside beyond the terminal hour(s) of the authorisation.

States he had persons inside the premises after the authorised closing time of 3am. (Page 8 of Transcript, lines 1 to 28).

Mr MILLAD seems to offer a viewpoint which is consistent with the attached witness statement(s).

When questioned about the failed test purchase on 24th of September 2017, Mr MILLAD claims that, hot food is only given to drunk or homeless people.

(Page 11 of Transcript, lines 1 to 16) This again is contrary to the attached statements.

States that the sale of hot food has taken place, beyond the hours permitted by the Premises Licence.

(Page 12 of Transcript, lines 5 to 8).

Mr MILLAD seems to admit that unauthorised sales of hot food have taken place at the premises.

States that he only began to take licensing matters seriously in the previous two months from the date of the interview.

(Page 12 of Transcript, lines 17 to 21).

On the 1st of April 2018, at 03:11, Enforcement Officer Kudirat MORAFa was able to conduct a test purchase of hot food from the premises beyond the hours permitted by the Premises Licence. The witness statement of Ms MORAFa can be seen in exhibit CR/13.

The Enforcement Officer reported that they were able to enter the premises and successfully purchase hot food from the premises, this is contrary to Mr MILLAD's earlier comments in the PACE interview where he states that the "Shutters are down" at the reported time of the purchase.

Additionally, a formal warning letter was sent by the Licensing Authority to the Licensee and their Legal Representative via email and recorded delivery on the 4th April 2018. This letter can be seen in exhibit CR/14.

On the 29th April 2018, the Licensing Authority were in receipt of further complaint that the premises was operating in a manner that gives rise to a nuisance.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 11.10 states the following;

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 11.22 states the following;

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

The Licensing Authority are of the opinion that the poor management of the premises, has led to complaints from local residents and places the Licensing Objectives and in particular the Prevention of Public Nuisance Licensing Objective at risk.

The fact that the webpage of the business was advertising operational hours with an additional hour everyday suggests that, the management were either unaware or wilfully operated outside the current premises authorisation, this is an indication of poor management in the opinion of the Licensing Authority.

In the signed statement of Mr Steven DAVISON, he indicates that Mr MILLAD(The Licensee) was unaware of the actual closing time of the premises 03:00 (Friday and Saturday), which, in the opinion of the Licensing Authority has given rise to the allegations of a public nuisance and places the Prevention of Public Nuisance Licensing Objective at risk.

With regards to the first formal warning letter, no communication or clarification was sought by the Licensee/Operator(s) of the premises. This leads the Licensing Authority to believe that, the operators of the premises understood the contents of the letter and/or chose to disregard the formal warning.

In the signed statement of Mr Barry FOX, he mentions that Mr MILLAD “shrugged his shoulders” and “Turned away from his direction of view” when it was indicated to him the premises should be closed. It is difficult for the Licensing Authority to see how this behaviour, what appears to be a lackadaisical management style, can in any way promote the Licensing Objectives.

This behaviour suggests a disregard for the law, the enforcement agencies and responsible authorities.

During the PACE Interview Mr MILLAD did not seem totally aware of what the premises authorisation did and didn't permit.

This again raises concerns for the Licensing Authority with regards to the standard of the management and their ability to promote the Licensing Objectives. Has the Licensee not considered what the activities the authorisation of the premises licence permits in approximately the past 8 years in which they have operated the premises? Or is the Licensee operating in wilful breach of the authorisation?

As stated previously in this review application, during the PACE interview Mr MILLAD seemed unaware of the needs or requirements for a designated premises supervisor

The Licensing Authority are concerned that the seemingly poor standard of the management may place the Licensing objectives at risk of being undermined. The named Licensee, Mr MILLAD, who, in his own words, has been involved in the operation of the premises for approximately 8 years, seems to be unaware of the need for a designated premises supervisor to authorise alcohol sales. This indicates a lack of understanding of the requirements of the licensee and perhaps the authorisation itself, this raises further concerns for the Licensing Authority as the premises is permitted to sell alcohol from 11:00 to 23:00 on Monday to Saturday and 11:00 to 22:30 on Sundays.

During the PACE Interview Mr MILLAD seems to admit that hot food sales have taken place beyond the hours permitted by the premises authorisation.

This again raises concerns regarding the support of the Licensing Objectives, if the premises have been operated in a manner not in accordance with the current authorisation, how are the Licensing Objectives being supported by the Licensee.

During the PACE Interview Mr MILLAD indicated that he only began taking Licensing matters seriously recently. This raises further concerns for the Licensing Authority with regards to the support of the Licensing Objectives, if the Licensee, in his own words, has only begun to take these matters seriously in the previous two months, whilst occupying the premises for approximately 8 years, how were the licensing objectives being upheld during the previous years of operation. This again suggests poor management of the premises by the licensee.

Furthermore, despite Mr MILLAD's claim to be taking Licensing matters seriously, the Licensing Authority were still in receipt of complaint in the months following the conclusion of the interview. This leads the Licensing Authority to believe that the premises is operating in a way that undermines the Prevention of Public Nuisance Licensing Objective.

Since the receipt of the complaint at the end of August 2017, the Licensing authority have sought to engage with the operators of the premises. This has been done verbally and via letter, in the months that have followed from the initial contact, the operators have not alleviated the concerns of the Licensing Authority regarding the support of the 'Prevention of Public Nuisance' Licensing Objective. This is due the receipt of complaints and the operators having failed every test of compliance undertaken by the Licensing Authority. This is despite verbal advice and written warnings to the Licensee and the Premises. This suggests that the standard of the management is not adequate to promote the Licensing Objectives and places them at risk of being undermined.

Despite intervention by the Licensing Authority and other Enforcement Agencies, an Enforcement Officer was able to purchase hot food, at a time that was beyond the permitted hours of the premises on the 1st April 2018.

This leads the Licensing Authority to believe that the operators of the premises are not familiar or concerned with the Licensing Objectives. The operators have failed to comply with the stipulations of their current premises licence on no less than 4 occasions in the last 7 months, the Licensing Authority consider this to be a persistent failure to comply with the current authorisation. This suggests that the premises is poorly managed, and as such, places the Licensing Objectives at risk of being undermined.

The operation of the premises in this manner has led to complaints from Local Residents, which, in our opinion, reinforces our belief that the 'Prevention of Public Nuisance' Licensing Objective is being undermined.

The matters that have been outlined above, lead the Licensing Authority to believe that the any amendments to the current licence may be inadequate to promote the support of the Licensing Objectives. For this reason the Licensing authority are of the opinion that the Licence should be revoked.

Please tick ✓

yes

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

If yes please state the date of that application

Day	Month	Year

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

On the 8th November 2017, the Licensing Authority received an application to vary the Premises Licence.

On the 4th December 2017, I made a representation on behalf of the Licensing Authority in objection to the application for a variation made by the licensee. The text from the representation can be seen below.

The premises is located in the Shoreditch Special Policy Area (SPA) therefore Policy LP13 applies. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. And as part of a review of the Council's Statement of Licensing Policy a study was carried out by the Council's Corporate Policy Team to look at the impact of the night time economy in the locality. This study was used to formulate the report which was presented to the Licensing Committee on 25th March 2015. The study made a number of findings, however the following are particularly notable:

- 342 premises were granted across Hackney between 1st January 2011 and 31st December 2014.
- 33% of all current licences granted between 1st January 2011 and 31st December 2014 were in the Special Policy Area and the wider Shoreditch area.
- Shoreditch contained 28% of the alcohol licences in Hackney.
- Where areas containing the top 50% of crimes [robbery, violence and thefts] have been singled out, the pattern of crime also appears to follow the trajectory of commercial premises locations.
- Figures from the London Ambulance Service show that between 2011 and 2014, 15% of alcohol related ambulance call outs were in the Hoxton East and Shoreditch ward, a trend which is increasing.

LP13 of the Council's Statement of Licensing Policy states the following:

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.

With reference to the aforementioned Shoreditch Special Policy Area, the Licensing Authority does not consider any part of the application to be exceptional as required by the policy.

Furthermore, the Licensing Service are in receipt of allegations that licensable activities have been carried on beyond the hours authorised by the premises licence. Despite intervention by the Licensing service via verbal on-site advice and written warning(s) the Licensing service still have outstanding concerns about the operation of the premises Licence. The applicant has been invited

to attend a formal interview under the conditions set out in the Police and Criminal Evidence (PACE) Act 1984 (procedure for recorded interviews).

The Licensing Sub-Committee considered the application on the 5th April 2018, the application was refused by the Licensing Sub-Committee. The reasons for the decision can be seen in Exhibit CR/11.

Please tick ✓

yes

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

IT IS AN OFFENCE, 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 3 – Signatures (please read guidance note 4)

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

Signature



Date 10th June 2018

Capacity Principal Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

List of Exhibits

<i>Exhibit Number</i>	<i>Description</i>
CR/1	Image of Best American Pizza Webpage
CR/2	Statement of Mr Steven DAVISON
CR/3	Formal warning letter to Farid MILLAD
CR/4	Image of Best American Pizza 24/09/17 (1)
CR/5	Image of Best American Pizza 24/09/17 (2)
CR/6	Image of Best American Pizza 24/09/17 (3)
CR/7	Image of Best American Pizza 24/09/17 (4)
CR/8	Statement of Mr David TUITT
CR/9	Invitation to PACE Interview Letter
CR/10	Statement of Mr Barry FOX
CR/11	Published decision of the Licensing sub-committee (Refusal of variation)
CR/12	Transcript of PACE Interview with Mr Farid MILLAD
CR/13	Statement of Kudirat MORAF A
CR/14	Letter to Mr Farid MILLAD (Unauthorised activities)

EXHIBIT CR/1

HOME

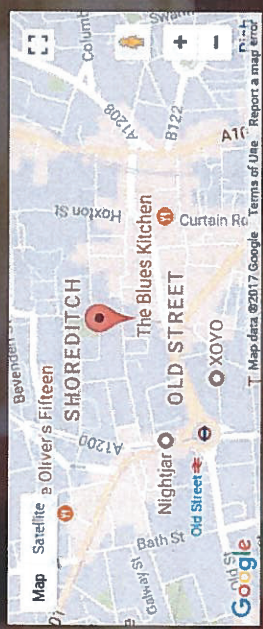
ORDER

GALLERY

CONTACT

Address

16 Pitfield St, London, N1 6EY
[\(Open in Google Maps\)](#)



Contact Details

Phone: [02077294428](tel:02077294428)

Pickup Hours

Monday	11:00AM - 03:00AM
Tuesday	11:00AM - 03:00AM
Wednesday	11:00AM - 03:00AM
Thursday	11:00AM - 03:00AM
Friday	11:00AM - 04:00AM
Saturday	11:00AM - 04:00AM
Sunday	11:00AM - 02:00AM

Delivery Hours

Monday	12:00PM - 03:00AM
Tuesday	12:00PM - 03:00AM
Wednesday	12:00PM - 03:00AM
Thursday	12:00PM - 03:00AM
Friday	12:00PM - 04:00AM
Saturday	12:00PM - 04:00AM
Sunday	12:00PM - 02:00AM

Delivery Area

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Steven DAVISON

Age if under 18(if over 18 insert 'over 18'): Over 18

Occupation: Senior Enforcement Officer


This statement consisting of one page is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature


Date: 30th April 2018

I am making this statement in relation to a of licencing matter. I am a Senior Enforcement Officer employed by the LONDON BOROUGH of HACKNEY, based at HACKNEY SERVICE CENTRE, 1 HILLMAN STREET, LONDON E8 1DY. My duties include dealing with environmental crime and anti-social behaviour and our overarching aim is to prevent crime and antisocial behaviour.

On Saturday 9th September 2017 I was on duty in my full high visibility uniform accompanied by my colleague Barry FOX. At approximately 03:30 Barry and I attended BEST AMERICAN PIZZA, 16 PITFIELD STREET, N1 6EY in response to a request from the London Borough of Hackney Licensing Team to access if the premises were trading after 03:00 hours in contravention of their permitted hours.

Upon arrival at the location I could clearly observe four (4) males inside the premises who then left shortly after carrying what appeared to be pizza boxes. A lone female then followed shortly after also carrying what appeared to be a pizza box. After observing the premises for a short time, I entered the premises and introduced myself. I spoke with the duty manager, Mr Farid MILLAAD. I subsequently explained that it was my knowledge that BEST AMERICAN PIZZA should not be serving after 03:00 hours. The MILLAAD claimed that the premises held a license until 04:00 hours. I instructed MILLAAD that I would report my findings to the London Borough of Hackney Licensing Team. During this time two (2) more customers attended and exited the store with pizza boxes. Upon my exiting the premises at 03:42 hours two (2) potential customer were turned away as the shop door closed and the illuminating sign was turned off. 

These are my original notes made at Hackney Service Centre, E8 1DY between 14:55 hours and 15:20 hours.

Statement of: Steven DAVISON

Signed:



Date and Time; Statement Completed: 30/04/2018 15:24

RESTRICTED – FOR PROSECUTION ONLY
(when complete)

Witness contact details

Address: Hackney Service Centre, 1 Hillman Street, E8 1DY

Home telephone No: N/A

Work telephone No: 02083565750

Mobile/Pager No: 07581111536

E-mail address:

Steven.Davison@hackney.gov.uk

Preferred means of contact: Mobile

Male Female

Date and place of birth: Over 18

Former name N/A

Height: N/A

Ethnicity Code:

Dates of witness non-availability: None

Witness care

a) Is the witness willing and likely to attend court? Yes No . If 'No', include reason(s) on form MG6. What can be done to ensure attendance?

b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes No . If 'Yes' submit MG2 with file.

c) Does the witness have any specific care needs? Yes No . If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me: Yes No

b) I have been given the leaflet 'Giving a witness statement to the police – what happens next? Yes
No N/A

c) I consent to police having access to my medical record(s) in relation to this matter: Yes
No N/A

d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes
No N/A

e) I consent to the statement being disclosed for the purposes of civil proceedings Yes
No N/A

e.g. child care proceedings (if applicable):

f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: 

Licensing Services
Neighbourhoods & Housing Directorate
London Borough of Hackney
1 Hillman Street
London E8 1DY

020 8356 2431
Licensing@hackney.gov.uk

Mr Farid Millad
C/O Best American Pizza
16 Pitfield Street
London
N1 6EY

15th September 2017

FORMAL WARNING

Licensing Act 2003
Section 136 (1): Alleged unauthorised licensable activities
'Best American Pizza', 16 Pitfield Street, London N1 6EY

I write to inform you that the Council's Licensing and Technical Support Service are in receipt of an allegation that your premises were being operated beyond the hours authorised by the premises licence (Ref: LBH-PRE-T-0532) issued under the Licensing Act 2003.

Your Premises Licence authorises the provision of late night refreshment as follows:

- Mondays from 23:00 to 02:00 the day following
- Tuesdays from 23:00 to 02:00 the day following
- Wednesdays from 23:00 to 02:00 the day following
- Thursdays from 23:00 to 02:00 the day following
- Fridays from 23:00 to 03:00 the day following
- Saturdays from 23:00 to 03:00 the day following
- Sundays from 23:00 to 02:00 the day following

Following receipt of the complaint, I visited your premises on Friday 1 September 2017 at 15:35 and spoke to **Abdul WAHID**. I advised him in relation to the allegation

and the incorrect timings displayed on your website. However, I have noted that Mr WAHID arranged for the website to be amended immediately.

Despite receiving advice from me, I have received further information that suggests you have been operating the premises beyond the hours authorised by the premises licence. Enforcement Officers have reported to me that at 03:30 on Saturday 9 September they visited your premises and observed customers being served up to 03:42 hours. The Enforcement Officers entered your premises where they were told by you that the premises was licensed until 04:00 hours. Furthermore, Enforcement Officers observed your premises on Sunday 10 September at 03:07 hours. Upon arrival, a flashing "OPEN" sign was clearly visible, with a customer witnessed leaving at 03:16 hours.

Please be aware that a person commits an offence under Section 136 (1) of the Licensing Act 2003 if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on. Any person guilty of such an offence is liable to imprisonment for up to 6 months and/or an unlimited fine.**

This letter should be regarded as a warning that the Council can commence legal proceedings in the event of unauthorised licensable activities. In addition, any previous allegations along with existing evidence would be taken into consideration. Council Enforcement Officers will continue to monitor the premises over the coming weeks to ensure licensing requirements are complied with. Details of the above have also been shared with the Metropolitan Police.

Yours Sincerely,



Channing Riviere
Principal Licensing Officer

C.c. Mr Farid Millad, 

Licensing Services
Neighbourhoods & Housing Directorate
London Borough of Hackney
1 Hillman Street
London E8 1DY

020 8356 2431
Licensing@hackney.gov.uk

Mr Farid Millad



15th September 2017

FORMAL WARNING

Licensing Act 2003

Section 136 (1): Alleged unauthorised licensable activities 'Best American Pizza', 16 Pitfield Street, London N1 6EY

I write to inform you that the Council's Licensing and Technical Support Service are in receipt of an allegation that your premises were being operated beyond the hours authorised by the premises licence (Ref: LBH-PRE-T-0532) issued under the Licensing Act 2003.

Your Premises Licence authorises the provision of late night refreshment as follows:

- Mondays from 23:00 to 02:00 the day following
- Tuesdays from 23:00 to 02:00 the day following
- Wednesdays from 23:00 to 02:00 the day following
- Thursdays from 23:00 to 02:00 the day following
- Fridays from 23:00 to 03:00 the day following
- Saturdays from 23:00 to 03:00 the day following
- Sundays from 23:00 to 02:00 the day following

Following receipt of the complaint, I visited your premises on Friday 1 September 2017 at 15:35 and spoke to **Abdul WAHID**. I advised him in relation to the allegation

and the incorrect timings displayed on your website. However, I have noted that Mr WAHID arranged for the website to be amended immediately.

Despite receiving advice from me, I have received further information that suggests you have been operating the premises beyond the hours authorised by the premises licence. Enforcement Officers have reported to me that at 03:30 on Saturday 9 September they visited your premises and observed customers being served up to 03:42 hours. The Enforcement Officers entered your premises where they were told by you that the premises was licensed until 04:00 hours. Furthermore, Enforcement Officers observed your premises on Sunday 10 September at 03:07 hours. Upon arrival, a flashing "OPEN" sign was clearly visible, with a customer witnessed leaving at 03:16 hours.

Please be aware that a person commits an offence under Section 136 (1) of the Licensing Act 2003 if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on. Any person guilty of such an offence is liable to imprisonment for up to 6 months and/or an unlimited fine.**

This letter should be regarded as a warning that the Council can commence legal proceedings in the event of unauthorised licensable activities. In addition, any previous allegations along with existing evidence would be taken into consideration. Council Enforcement Officers will continue to monitor the premises over the coming weeks to ensure licensing requirements are complied with. Details of the above have also been shared with the Metropolitan Police.

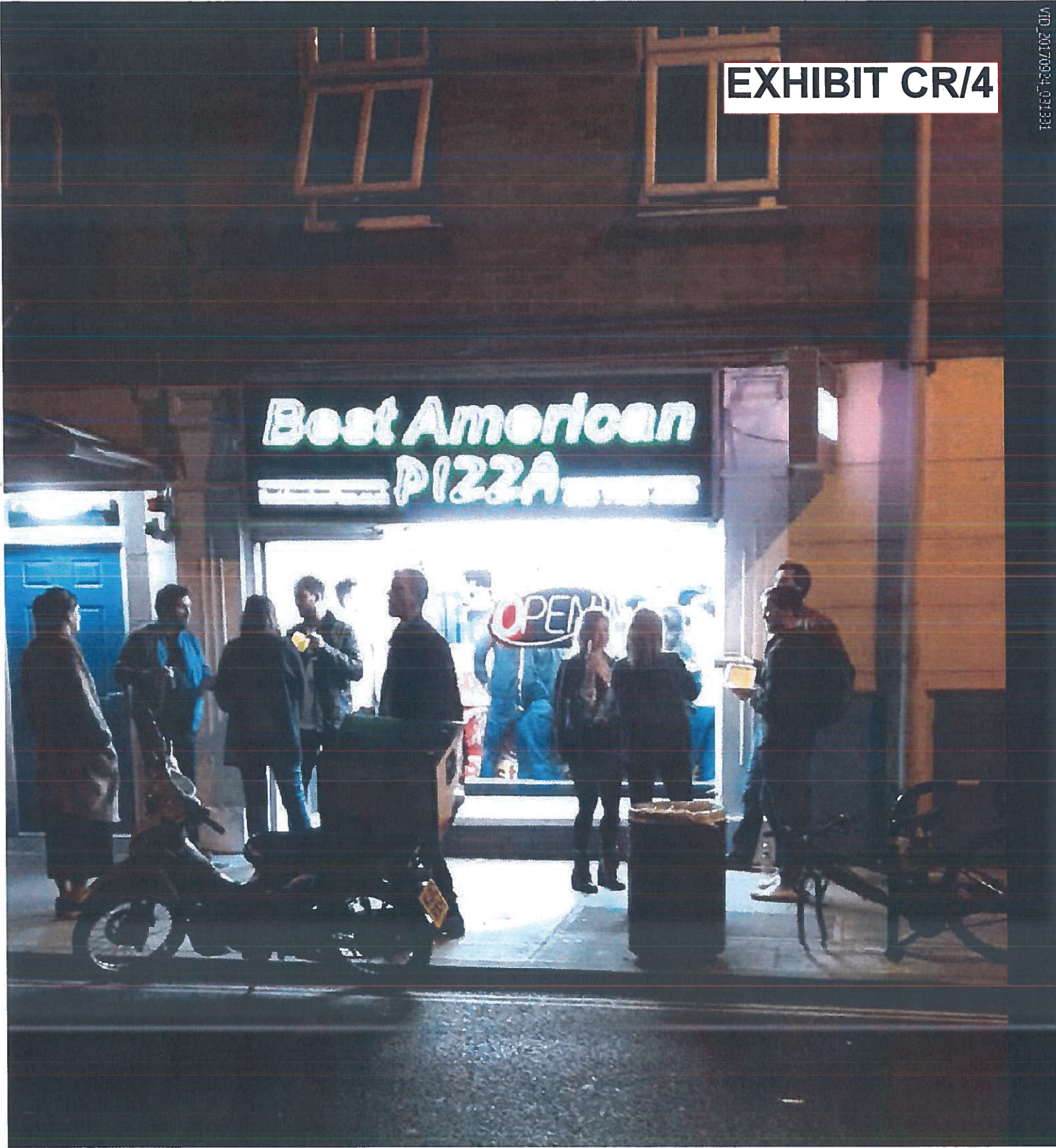
Yours Sincerely,



Channing Riviere
Principal Licensing Officer

C.c. Mr Farid Millad, C/O Best American Pizza, 16 Pitfield Street, N1 6EY

EXHIBIT CR/4



VID_20170924_091331

EXHIBIT CR/5

VID. 20170924.09:34

**Best American
PIZZA**



EXHIBIT CR/6

VID_20170924_031824

Best American
PIZZA
BestAmericanPizza.co.uk 020 7729 4439



EXHIBIT CR/7

VID_20170924_032346



STATEMENT OF WITNESS
Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.2.
Magistrates' Court Act 1980, s5B

Statement of: David Tuitt **Page No.** 1 of 2
Age of Witness: Over 18
Occupation: Business Regulation Team Leader – Licensing and Technical Support
Business Address: Licensing Service
Hackney Service Centre
1 Hillman Street
London
E8 1DY

This statement consisting of TWO pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6 June 2018

Signed:.....

I am employed by the London Borough of Hackney as the Business Regulation Team Leader - Licensing and Technical Support and I am based at the Hackney Service Centre, 1 Hillman Street, London E8 1DY.

On Sunday 24 September 2017, I was carrying out routine licensing compliance work with my colleague Mr Channing RIVIERE in the Shoreditch area of the Borough. At around 03:10 we were walking along Pitfield Street towards its junction with Old Street and noted that the premises known as “Best American Pizza” at 16A Pitfield Street appeared to be open and trading. At 03:12 I entered the premises whilst Mr RIVIERE waited outside on the other side of the road. Upon entering the premises I noted that there were approximately 10 persons who appeared to be either waiting to place orders for food or collect orders of food. I would describe the atmosphere inside the premises at the time as boisterous but not threatening.

Moments later I noted a group of 4 females leave the premises with two pizza boxes and a burger box. I also noted two males in the kitchen/preparation area behind the counter who appeared to be sprinkling cheese onto uncooked pizza.

At 03:15 I was able to approach the counter, and place an order of garlic bread from a male behind the counter appearing to be of Arabic/Middle Eastern decent (IC6). I estimate the male to be in his mid-thirties. The male asked me if I wanted cheese to which I replied "Yes". At this point he told me that the meal would cost £2.99. I handed him a £10 note and was given a £5 note as change. The male then said "I will give you the rest of the change". At this point I stepped aside whilst a male place an order for a "Barbeque Special and garlic bread".

Whilst waiting I noted a male and female couple were given a large pizza by another member of staff who was behind the counter. The staff member described the pizza as "Salami" and the couple were also given change. The time at this point was 03:21.

Shortly after this I walked over to the front door and faced out onto the street. I noted outside a mixed group of persons standing to my left. They appeared to be of Spanish decent and were conversing fairly loudly.

At this point I returned to the counter. After a few seconds I was handed a small cardboard box which felt warm to the touch by the gentleman who had served me earlier. I reminded the gentleman that I was owed £2 change. He apologised and a few seconds later gave me £2 in change.

I then turned and walked out of the front door. I walked across Pitfield Street to where Mr RIVIERE was standing. I opened the box which I had been given earlier. This contained a number of slices of bread. I was able to confirm at this point that the food was hot.

Signed: 

**Licensing and Technical Support Service
Community Safety, Enforcement and Business
Regulation**

Neighbourhoods & Housing Directorate
Hackney Service Centre
1 Hillman Street
London
E8 1DY
020 8356 4942

Farid Millad
Best American Pizza
16a Pitfield Street
London
N1 6EY

david.tuitt@hackney.gov.uk

12 January 2018

BY RECORDED DELIVERY

Dear Mr Millad,

**RE: Licensing Act 2003 - Section 136 (1): Unauthorised licensable activities
'Best American Pizza', 16a Pitfield Street, London, N1 6EY**

Police and Criminal Evidence Act 1984 (PACE) INTERVIEW

I write to inform you that I have obtained evidence of unauthorised licensable activity in the form of the provision of late night refreshment being carried on at the above premises. This is despite previous warnings given to you by my colleague Channing Riviere, including a formal written warning on 15 September 2017.

At 03:24 on 24 September 2017, I was able to purchase a hot meal (garlic bread with chesse). This was 24 minutes after the provision of the activity should have ended as your premises licence only authorises activity to 03:00.

Consequently I would like to formally interview you in relation to this matter. The interview will take place under the conditions set out in the Police and Criminal Evidence Act 1984 (procedure for recorded interviews). The interview will be held on **Wednesday 17 January 2018 at 14:00**. Please arrive promptly at **1 Hillman Street, E8 1DY Hackney Service Centre**. You are entitled to legal advice and may bring a legal representative along with you if you wish.

It is important that you understand that the interview represents your best opportunity to put forth any mitigating circumstances or evidence that may affect whether any further action is taken.

Yours Sincerely,

David Tuitt
Business Regulation Team Leader
(Licensing and Technical Support)



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Barry Fox**..... URN:

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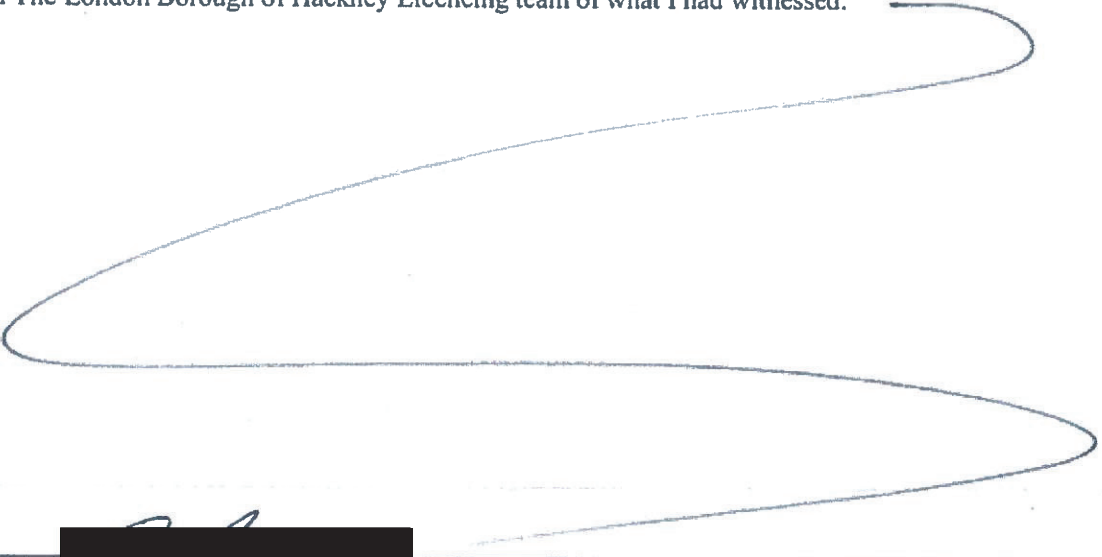
Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: **Senior Enforcement Officer**.....

This statement (consisting of: 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **14th May 2018**

I am making this statement in relation to a licencing matter. I am a Senior Enforcement Officer employed by the LONDON BOROUGH OF HACKNEY, based at HACKNEY SERVICE CENTRE, 1 HILLMAN STREET, LONDON E8 1DY. My duties include dealing with environmental crime and anti-social behaviour and our overarching aim is to prevent crime and anti-social behaviour.

On Saturday 21st October 2017 I was on duty in my full high visibility uniform on patrols of Shoreditch Night Time Economy (NTE). At approximately 03:30 hours I noticed that Best American Pizza, 16 Pitfield Street N1 6EY had a Female standing outside the open entrance to the premises and approximately 6 people inside the premises waiting for food. Myself and my colleague Steven Davison had previously spoken with Mr Farid MILAAD -Duty Manager of the premises on the 9th September 2017 at approximately 0320 hours in response to a request from the London Borough of Hackney Licencing team to access if the premises were trading after 03:00 hours in contravention of their permitted hours. I was standing outside the premises looking through the large shop front window at Mr Farid Milaad to get his attention but he was on a phone call. After a couple of minutes he finished his call and I tapped on the window and he looked towards me. I pointed at my watch and said in a loud voice "look at the time". He then shrugged his shoulders and raised his hands and turned away from my direction of view. I then see what looked to be a delivery driver behind the counter speaking with Mr Milaad with his helmet still on his head with a receipt in his hand. I could also see the chef/cook standing to the left side of premises in an area behind the counter what looked to be preparing food/pizza. I then left the location and informed The London Borough of Hackney Licencing team of what I had witnessed.



Signature: ..... Signature witnessed by:

Witness contact details

Home address: HACKNEY SERVICE CENTRE, 1 HILLMAN STREET

Postcode: E8 1DY

Home telephone number: N/A Work telephone number: [REDACTED]

Mobile/pager number: [REDACTED] Email address: [REDACTED]

Preferred means of contact: MOBILE PHONE

Male ~~Female~~ (delete as applicable) Date and place of birth: [REDACTED]

Former name: N/A Ethnicity Code (16+1): I Religion/belief: [REDACTED]

Dates of witness non-availability 03/06/18, 06/08/18 - 30/08/18, 06/10/18, 02/11/18 - 03/11/18

Witness care

- a) Is the witness willing and likely to attend court? Yes/No. If 'No', include reason(s) on MG6. Yes
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes/No. If 'Yes' submit MG2 with file. Yes
- d) Does the witness have any specific care needs? Yes/No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?) No

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask [REDACTED] to decline their services: [REDACTED]

Signature of witness: [REDACTED] Print name: [REDACTED]

Signature of parent/guardian/appropriate adult: [REDACTED] Print name: [REDACTED]

Address and telephone number if different from above: [REDACTED]

Statement taken by (print name): [REDACTED] Station: [REDACTED]

Time and place statement taken: [REDACTED]



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
<p>Part A – Items considered in public</p>		
6	<p>Application to vary the premises licence :Expa Local, 226-228 Homerton High Street,E9 6AS</p>	<p>The decision The Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>the application has been approved in accordance with the Council's licensing statement and the existing and proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"> • The sale of alcohol and opening hours Monday to Sunday be until midnight • Conditions 7 and 8 re; signage and training be deleted (given the additional conditions below) <p>and the following additional conditions:</p> <ul style="list-style-type: none"> • There be one personal licence holder on the premises at all times when licensable activities are being carried out, • No beers, ciders or lagers over six per cent Alcohol By Volume (ABV) shall be sold or supplied at the premises, • Relevant notices will be prominently displayed by the entry/exit door and point of sale, outlining the following;

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ol style="list-style-type: none"> 1. That Closed Circuit Television (CCTV) and challenge 25 are in operation, 2. Advising customers of the provisions of the licensing act regarding underage and proxy sales, 3. Of the permitted hours of licensable activities and the opening times of the premises, 4. Not to drink in the street, and 5. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally 6. <ul style="list-style-type: none"> • All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing. • The premises licence holder to employ an external agency to conduct training for all new staff and refresher training annually with training records to be retained by the premises licence holder on the premises and produced to the Police or other authorised officer upon request, and • The premises licence holder to employ an external agency to conduct test purchases at the premises annually with results of test purchases to be sent to Local Authority's Trading Standards and Local Authority's Licensing Team upon completion. <p>Reasons for the decision The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined. The hours for Friday and Saturday were limited until midnight as although this represented an</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
7	Application to vary the premises licence : London Apprentice and Mother Bar, 333 Old Street, EC1V 9LE	<p>increase on current licensable hours that was accepted by all the responsible authorities in attendance, it was felt that the later hours requested by the applicant are likely to keep people, as in patrons from other premises and those just attending the premises, in the area for longer. In the circumstances, it was felt that the hours kept at midnight, which are the current opening hours of the premises, would ensure the license objectives were continually promoted.</p> <p>The decision The Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>the application has been adjourned. Having heard the application in full the sub-committee has part approved the matter on a preliminary basis in accordance with the Council's licensing statement and the existing and proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"> • Condition 18 be amended to read: 'After 22.00hours every person entering both the venue and the basement area should be counted in and out with a mechanical counting device to ensure that the maximum accommodation limit and restricted entrance numbers to the basement, is not exceeded' • Conditions 13, 25 and 33 be deleted • Condition 15 to be deleted only if the minor variation is approved • Condition 31 be amend to state 21.00 hours rather than 22.00 as suggested on page 51 of the report.

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> • Condition 42 be amended as requested • Condition 47 be amended to read 21.00hours (in line with the other conditions) • Condition 58 be amended to read: The basement may be used for pre-booked events only, with SIA door supervisors in accordance with condition 44 (i.e. 1 per 75 patrons), with management also risk assessing the events and having additional SIA door staff as appropriate. All customers and guests should be scanned in through the ID scan system. A list of guests attending an event along with proof of any pre-booked event, shall be retained on the premises for inspection by the police and/or an authorised officer upon request. The use of basement for any event shall be for no more than 100 patrons. <p>the decision for this application will be made after the current minor variation application has been determined so as to determine the relevant conditions relating to the smoking area.</p> <p>Reasons for the decision The application has been preliminary approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined. However, it was felt that a final decision cannot be made on this application until Minor Variation has been determined.</p> <p>Public Informative It should be noted for the public record that if the minor variation is approved the condition proposed by Environmental Protection (on page 51 of the report) will need to be considered alongside the proposed variation of condition 51, which has been suggested by the Police (on page 74 of the report).</p>
8	Application to vary the premises licence : Best American Pizza, 16A Pitfield Street, N1 6EY	<p><u>The decision</u> The Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<p>licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>that the application to vary the premises licence for Best American Pizza, 16a Pitfield Street, N1 6EY be refused in accordance with the Council's Licensing Policy.</p> <p>Reasons for the decision The Licensing Sub-committee, after carefully considering the application and listening to representations from the applicant and the responsible authorities' (Licensing and Police), concluded that the granting of the application would undermine the Council's licensing objectives.</p> <p>The Licensing Sub-committee outlined the following reasons for refusing the application to vary the premises licence:</p> <ol style="list-style-type: none"> 1. The premises is located in the Shoreditch Special Policy Area (SPA) therefore is subject to policy LP13. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises. 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. The Council also expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to: <ul style="list-style-type: none"> • The quality and track record of the management

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> • The good character of the applicant • The extent of any variation sought. <p>With reference to this policy, the licensee has not been able to demonstrate or provide any exceptional circumstances to justify the application being approved.</p> <ol style="list-style-type: none"> 2. In addition to this, the sub-committee had real concerns about the current operation of the existing premises licence, given the complaints surrounding the current management and its track record. In particular they were persuaded by separate witness statements by police and by council officers that licensable activities have been carried out beyond the hours authorised within the existing premises licence. 3. In accepting the responsible authorities' arguments, they believed that the application to extend the hours, if granted, would have a negative cumulative impact on the Shoreditch SPA, particularly in relation to the increased potential for litter, noise and general Anti-Social Behaviour (ASB). <p>In refusing the application, the sub-committee had serious doubts about the licensee's ability to promote the licensing objectives, given his failure to comply with the terms of his current licence and would urge the responsible authorities to take the necessary action in the circumstances. The sub-committee had no confidence in the licensee given the poor presentation from those involved in the management of the premises, which raised serious questions as to the level of care or understanding with regard to the significant negative impact currently being experienced in the area.</p>
9	Application for a Premises Licence: Basement, 79-81 Paul Street, EC2A 4NQ	This application was approved under delegated authority and the item was withdrawn from the meeting agenda.

**PACE INTERVIEW TRANSCRIPT
OF: FARID MILLAD
Re Best American Pizza Ltd**

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Date of Interview : **17th January 2018**
Commencement Time : **14.36 hours**
Termination Time : **15.19 hours**

Person Speaking **Commentary**

GP The date is 17th January 2018 and the time is **14.36** hours. My name is **GURCH PATTIE ["GP"]** I am an Officer from the Environmental Protection Team at the London Borough of Hackney. I am interviewing Mr Farid Millad in relation to alleged offences committed under Section 1361 of the Licensing Act 2003. This took place at 16a Pitfield Street, London N1 6EY. The interview is taking place in PACE Interview Room 40, Hackney Service Centre, 1 Hillman Street, London E8 1DY. The interview will be conducted in accordance with the Provisions of the Police & Criminal Evidence Act 1984 for recorded interviews. Mr Millad, could you spell your name for the benefit of the tape

FM **FARID MILLAD ["FM"]**.

GP Also present in the room are:-

DT **DAVID TUITT ["DT"]** Licensing Team Leader, Business Regulation.

GP Mr Millad, you have the right to legal advice before the interview or at any time during the interview. You are not under arrest and can leave at any time; you understand that?

FM Yes.


GP At this point I have to caution you. You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in Court. Anything you do say may be given in evidence. The time now is **14.38 pm**. Mr Millad, do you understand the caution?

FM Yes.

GP Mr Millad, what is your date of birth?

FM 

GP Your home address?

	Person Speaking	Commentary
1	FM	
2	GP	Mr Millad, in relation to Best American Pizza, what is your position?
3	FM	It is a family business, mainly my brother ran the business but Licence and
4		stuff is under my name, like [...] but my brother would mainly run the
5		business. He is always there; I am not always there, I am just studying and
6		busy with my other tasks but I do work as well, so, from time to time.
7	GP	You do work at the business?
8	FM	Yes, there's not fixed days and hours but I work whenever I am there, so, I
9		don't know exactly.
10	GP	We will come on to your day to day role, if there is one, later on. I want to
11		establish, is this a Limited Company, is it Sole Trader, Partnership?
12	FM	It's Limited, yes.
13	GP	It is a Limited Company?
14	FM	Yes.
15	GP	What is the name of the Limited Company?
16	FM	Best American Pizza, I believe.
17	GP	Best American Pizza Limited, is that right?
18	FM	Yes, I think so.
19	GP	It's a registered company under Companies House?
20	FM	I am not sure, to be honest. That is something I need to find out because, like
21		I said, the Licence and all other things are under my name but mainly the
22		paperwork and everything is my brother because it's a family business and
23		he's the one dealing with this, but I can always find out about that and let
24		you know if that's something you really want to know. I don't want to tell
25		you one thing and come up with something else.
26	GP	No, that is understandable.
27	DT	That's fine.
28	GP	You claim that this is a Limited Company; what is the registered address for
29		this Limited Company?
30	FM	No, I don't know, to be honest, because it's like every address and everything
31		is 16a Pitfield Street where we are paid from, so, there are no other things at
32		the address. I am not even sure if it is a Limited Company but I can always

**Person
Speaking**

Commentary

- 1 find out and let you know, put back in writing or something, just to confirm
2 that, I might have all records or everything in relation to the business.
- 3 GP Are there any other registered partners?
- 4 FM No.
- 5 GP Are you saying it is solely yourself that is in charge of the business?
- 6 FM It's me and my brother's, family business. It's all family but it is registered
7 under one person, so, yes.
- 8 GP When did you first take over this business?
- 9 FM It was in 2010, I guess, end of 2010 sometime.
- 10 GP Who originally set the business, who was in charge of it at that moment in
11 time?
- 12 FM Before?
- 13 GP Yes, when you or your brother first came to the business.
- 14 FM There was someone else before us; we took over end of 2010 and start 2011
15 sometime. We owned the business onward end of 2010.
- 16 GP Is that the time you took responsibility for the business?
- 17 FM Yes, I think beginning of 2011; I can't remember the month either, but we
18 took over at that time, yes. We have been running it since then, well over
19 seven, eight years now.
- 20 GP Who is responsible for the day to day running of the business?
- 21 FM Well, dealing with the staff and work and everything is my brother; he is
22 dealing with that because he is working all the time doing day shifts and stuff,
23 dealing with the staff and stock and everything and he is taking main
24 responsibility, but there are some stuff, like licence and everything, is under
25 my name so I have to deal with those things. I do work, like I said, I am there
26 sometimes as well and I do deal with things if I am there but if I am not then
27 he is the one dealing, so, it all depends. We don't have a schedule of hours
28 and times of who should do what; it depends who is there, so, that's how it
29 works.
- 30 DT What is your brother's name?
- 31 FM Abdul [Wahid].
- 32 GP But you are there on a fairly regular basis, would you say, at the business?

**Person
Speaking**

Commentary

- 1 FM Yes, I am there. I do work.
- 2 GP So, you are one of the responsible people at the business?
- 3 FM Yes.
- 4 GP Mr Millad, are you aware of your licensable hours and the activity?
- 5 FM Yes.
- 6 GP Could you confirm the hours for alcohol and late night refreshment?
- 7 FM For alcohol, we have licence 11 o'clock. Food licence is until 3 in the morning
8 on Friday and Saturday and 2 a.m. Sunday and Monday onwards until the
9 weekend. Our licence for the alcohol is just until 11 o'clock.
- 10 DT Is that 11 o'clock every day?
- 11 FM I think that is every day, yes.
- 12 GP I will just correct you; on Sunday it is up until 10.30 pm.
- 13 FM Sorry?
- 14 GP On Sunday, alcohol can be served until 10.30 pm.
- 15 FM Well, yes, I think, but we close early Sunday anyway. It's 11 o'clock just that
16 way, serving alcohol until 11 o'clock.
- 17 GP You have got the late night refreshment, as you said, Friday and Saturday up
18 until 3 o'clock and then Sunday through to Thursday up until 2 pm?
- 19 FM Yes, that's right.
- 20 GP Mr Millad, how do you make sure that all the members of staff, including
21 yourself obviously, comply with the hours on your premises licence and the
22 conditions?
- 23 FM Right, normally, because nowadays we get so many staff coming and leaving
24 and going due to the high demand since these other companies came to
25 exist, where in the past we use to have staff working for two, three years but
26 now there's a big demand for staff people leaving and going because
27 deliveries there, so they just replace people. But, we are mainly like telling
28 the staff when and how to serve customers and to what time to serve
29 customers, so, there are particular people who only work on the front desk
30 where they are serving customers. There are people working in the back that
31 have nothing to do with customers so they don't have to be aware of what
32 time but only people are responsible on the front are of what time they

Person Speaking	Commentary
1 2	serving customers, so, yes, this is how we really deal and when we are there we know how it works out, yes.
3	GP Are you saying there is an on-going training process for members of staff?
4 5 6 7 8 9	FM Well, we always provide training when staff come, not only relative training, we provide training on work; people work for one or two weeks do get training, whether they are delivery driver, they get training to get used to the area where they work, so they get training on how to start and how to do things and this is all included. Everyone definitely gets training for at least a week.
10	GP Are they aware of the licensing hours?
11 12	FM They do, yes. Sometimes, some might not know exactly but we do explain everything.
13 14	GP I want to point ourselves to the Designated Premises Supervisor on your premises licence; Mr Jamal [S....]; is he still part of the premises?
15	FM No, he is not anymore, he used to be.
16	GP When did he leave the business?
17 18 19 20 21	FM He worked there for some time and, I think, he left in 2014, or 2015, I can't remember really because, this is what I am saying, I was there but I wasn't dealing at the time, when we took over the business but he was still supervisor of the business at the time and he slowly, slowly finished and he is not there anymore, completely finished.
22 23	GP In terms of alcohol sales; that is still taking place at your premises, is that correct?
24	FM Yes.
25	GP You still sell alcohol?
26 27 28 29 30 31 32 33	FM Yes, we have a valid licence, we pay for the licence fee; we have the licence so we are legally entitled to sell alcohol. We just renewed our licence; I can't remember, about few months ago, so, it was due to expire and we got another licence. To be honest, we are mainly a food business; we don't even have alcohol customers, but, since the licence is there, so we have the privilege, we have alcohol there but we are mainly food and are dealing with people – alcohol, they are not into. There are not many people coming in to alcohol there but obviously we have the licence, we are legal.
34 35 36	GP Just to point out, Mr Millad, without a valid Designated Premises Supervisor, the sale of alcohol should not be taking place from your premises, so, moving forward, at some stage, you will need to apply for a new Designated Premises

**Person
Speaking**

Commentary

- 1 Supervisor, someone who has a premises licence and can authorise the sale
2 of alcohol, but that can be discussed slightly later. Obviously we have got
3 other pressing concerns and I will just continue with the rest of the questions
4 that I have got.
- 5 FM Yes, but the licence is not under that person's name any more; I don't know
6 why it matters?
- 7 GP No, but this person had a personal licence and they were authorising; they
8 were the Designated Premises Supervisor. You are correct when you say that
9 the premises licence is under your name, but also, when you transferred the
10 licence into your name you should have also made a Designated Premises
11 Supervisor Application, so if, for example, you have a personal licence for
12 someone else that works in the shop, also has a personal licence, they could
13 become the Designated Premises Supervisor.
- 14 FM Okay.
- 15 GP Moving on to the crux of the allegations that we received as a Department.
16 The Licensing Service received complaints from local residents alleging Best
17 American Pizza, located at 16a Pitfield Street is selling hot food beyond
18 permitted hours. On 1st September 2017 at 15.35 pm a Licensing Officer
19 visited 16a Pitfield Street and advised Abdul [Wahid] regarding the
20 allegations. What measures did you ...
- 21 FM Sorry, 15 – what time did you mention?
- 22 GP 1st September, it was a day visit made at 15.35, so, 3.35 in the afternoon.
- 23 FM Okay.
- 24 GP Our Officer advised Mr [Wahid] regarding the allegations. Since that visit,
25 what measures did you, or Mr [Wahid], put in place to make sure that you
26 are not serving hot food beyond your permitted hours?
- 27 FM Three times I was there when these Officers came from the Council, the
28 Enforcement Team which is on the area all the time, especially on the
29 weekend; they are always there. How we really work is, all the bars and night
30 club area, so we get drunk people in the area, especially in hours of time
31 which is in the morning. We are closing our premises by 3 o'clock; what that
32 really means is we stop serving people but we are still inside. Our cleaning
33 takes up to two to three hours, sometimes until 6 in the morning, because
34 we get staff all finished or those people are doing cleaning, doing preparation
35 for the next day. They are all there, so we do cleaning and preparation for the
36 following day when we start 11 o'clock in the morning. The staff are there
37 doing their stuff, but normally, we all are told not to serve the customers but
38 an issue is that we get with the drunk people is they get into the shop and
39 they just want to sleep there, some waiting for Uber, some just asking 'Give

**Person
Speaking**

Commentary

1 me food, give me'. Normally we have a lot of cancelled orders come back
2 from people who fell asleep, we have it over the counters, and then we give
3 it to people; homeless people really. So, this is probably how you guys are
4 thinking that we are still serving customers, but really, we don't serve
5 customers after 3 o'clock and we have told everyone to stop serving people
6 after 3 o'clock. Since this issue became a big deal and always we are being
7 told by the Police as well to not serve so what we have started doing
8 afterwards is, the minute we are 3 o'clock, our sign is down and the shutter is
9 down so everything, no one has access to come inside the shop. All we do is,
10 we are inside doing our job. We are cleaning but we have shutter down.
11 Most of the cases are – I just want to tell you now – because we have the
12 right to serve a customer ten minutes before 3 o'clock. We have the right to
13 customer five minutes before. Obviously, hot food takes time to be cooked
14 as well. There was one occasion when one of your Officers – I was there
15 myself one Friday or Saturday night, I can't remember ...

16 GP I am going to give the date for that as well actually. I think the date you are
17 referring to is on 9th September at 3.55 and the 10th September at 3.07 in the
18 morning. Officers witnessed the premises in operation. Now, at 3.55 in the
19 morning?

20 FM Yes, I got a letter. I remember on the day when the Officer came to the store
21 saying customers and that was the first time; I was on the shift that day. I am
22 not agreeing with one part and that is the timing. When the Enforcement
23 Team came, they stopped their car outside and they came inside, we had a
24 few customers around 8 minutes past 3 o'clock; which customers were all
25 before 3 o'clock and we only just served and all they were waiting for was
26 Uber taxi to come and collect them. So, the Officer came inside at 8 minutes
27 past and saying 'You have customers inside'. I said, 'The customers have
28 been served before 3 o'clock, they are here because we have them here
29 waiting for their taxi but they have already been served'.

30 GP The date that you are referring to, I believe, is ...

31 FM I can't remember the date.

32 GP Yes, I have got the date and I believe that is going to be the 10th September.

33 FM Probably.

34 GP And it corresponds with the time, 7 minutes past.

35 FM He was here 8 minutes past until 12 minutes past, which I remember and
36 they all left in their car but when I got letter it was saying 35 which was not
37 correct so they weren't there by 35 anyway.

38 GP They actually went on two nights; Saturday 9th and the following day as well.

**Person
Speaking**

Commentary

- 1 FM Yes, the following day I saw them as well, around 3.30 am they were there.
2 They didn't come to the premises, they didn't ask me why these people are
3 here. I was watching them, from outside. I was doing cleaning outside the
4 premises; I was cleaning outside area where people had messed in that week
5 and they came, they stopped, they were waiting for us and they were
6 looking. I knew why they were there. I looked at the time; the time was 3.30
7 am and they were there for 5 minutes and they left. So, I was waiting for
8 them to come and ask me why these customers are here but they didn't
9 come and ask me. They were people served for long time before, asking
10 them four, five times, 'Please, please leave, we are closed'. Obviously, I can't
11 push someone, I can't force someone because it would be offence to just
12 push someone or force someone. All I can do is ask them, or, at the end of
13 the day if they are not leaving, keep asking this and 'We can't allow you here;
14 we already have issue with the Council and we can't allow you, you need to
15 leave' – waiting two minutes, one minute, look at my phone, my taxi is
16 coming, it's just one minute away and I saw at that moment the Officer was
17 just across the road from me and they are 30 minutes past and I don't know
18 why, these two occasions when they came, why they pull up, 20 minute. The
19 first time it was 8 minutes past and the second time was 30 minutes. Every
20 time I saw, I recorded time myself just to make sure I have that for my record
21 but they never approached me to ask me why. The first time they did, which
22 I have told them, discussed before and he said 'No, they are not supposed to
23 be here'. I said, 'No, they serve before, I have to take time to cook their food
24 and they leave and they already finished, now is for them to leave. I have
25 already asked them and we can't allow you to eat here and you have got your
26 food'. The second time, 30 past, they didn't approach me; all they did was
27 they watched me from outside and they got into their car and they left. So,
28 that's the two occasions I saw them as well.
- 29 GP Thank you for that.
- 30 FM No worries.
- 31 GP For the benefit of the tape, I am showing Mr Millad two formal warning
32 letters that were sent to separate addresses but the content is the same. Mr
33 Millad, could you just confirm that you received the letter that you are
34 referring to earlier on when you were describing?
- 35 FM This is the one I received but not this one, I don't live there anymore.
- 36 GP This is no longer your address?
- 37 FM This is not my address any more. This is my old address which it has been
38 sent.
- 39 GP But you have actually?
- 40 FM Yes, I think this is the one being delivered by hand.

**Person
Speaking**

Commentary

- 1 GP Hand delivered, that is correct.
- 2 FM Hand delivery, right?
- 3 GP That is right, yes.
- 4 FM This is the one.
- 5 GP So, you did receive that letter?
- 6 FM Yes, but not that one.
- 7 GP As you stated, you saw Officers observing your premises and you are
8 conscious of the fact that they are monitoring yourselves as a business in the
9 way that it appears that you could be operating beyond your hours, what
10 have you done – at that moment in time – did you take any extra measures
11 to say, okay, perhaps I need to close up on time?
- 12 FM Yes. Like I explained to you earlier, since we realised this matter became
13 really serious, everyone is involved, Council and Police, what we do is we
14 strongly told the minute it is 3 o'clock, even if you have a customer inside,
15 just give them the food and ask them to leave and get the shutter down. Sign
16 'Closed', shutter down. So, 3 o'clock, from onward.
- 17 GP Approximately, what date did you decide that you were going to doing that?
- 18 FM Around these times when we had issues, like, one or two weeks after
19 because we used to leave ...
- 20 GP Just narrow time, approximately the dates; it doesn't have to be exact, for
21 example, 10th or 11th September – is there a particular month when you
22 decided. There has got to be a point – what I am looking for is a particular
23 week or a point where you said, okay, from this day onwards we are going to
24 close, for example, bang on 3 o'clock?
- 25 FM I don't have the date to be honest; since we realised this was the issue we
26 told every staff, 3 o'clock, get the shutter down. This is all we need to stop
27 these drunk people coming inside of shop.
- 28 GP How long has that been in terms?
- 29 FM It's been a month, maybe longer than a month really. I can't, like I told you,
30 because I don't remember exact day. Probably longer, two months or
31 something. Since we have received the last final warning of saying; that is
32 what we need to do, the last final warning and then week onwards, when I
33 realised. I said how could we still have customer inside; how could the
34 Council knowing we have people inside because we are supposed to not be
35 serving anyone and they said because these are those drunk people all just
36 coming in and waiting even for taxi because they feel cold; they don't even

**Person
Speaking**

Commentary

- 1 order food. It's really busy area; you probably know if you are there at 3
2 o'clock. There are people who come inside, they come at 2 o'clock and they
3 are leaving at 3.30. We keep on asking 'Leave, please' – 4 o'clock, 'Leave, we
4 are closed'.
- 5 GP Let me get this correct; what you are stating is that there are customers
6 coming in at 2 o'clock but they are leaving at 3 o'clock?
- 7 FM Yes, there are some people. Different timing and there are people drunk and
8 people fall asleep. We even call the Police and Police come and kick them
9 out. People fall asleep; people are cold outside; even if they are not ordering
10 food – 2 minutes, waiting for something, 40 minutes. The thing is, we are
11 experiencing different things, I am just giving you a few examples to tell you
12 how things are happening on a daily basis. There are different people coming
13 in at different times; someone comes waiting for taxi, someone wait for
14 friends. The only way for us, because, okay, we are not serving customers,
15 we give this food to drunk people, homeless people, it is fine but when we
16 realised we are not supposed to be doing anything anymore because strictly
17 the Council are telling us to not do it so that is why we have decided to stop
18 and the only way we can stop is when 3 o'clock. We close our fan at the back
19 because people staying upstairs, there is noise, they cannot sleep so we try to
20 switch off the fan and leave all the doors open while we do cleaning because
21 the premises are really hot inside. So, this is one of the main reasons why we
22 used to leave door open, after 3 o'clock while we are doing the cleaning.
- 23 GP You mean the front door?
- 24 FM The front and the back door because we used to switch off the fan for the
25 people staying upstairs and leave these two doors open while we are doing
26 our cleaning and since this issue has started we bolt the back door; obviously
27 the back door is not a matter because we get the shutter down completely,
28 no matter what. The premises are hot inside but we still get the shutter
29 down just to start, because other than that, even if we get two, three security
30 guards standing in the door saying 'Sorry, you are not allowed in'. So, they
31 don't care, they might not be ordering food, so, most of the time, in this time,
32 after 3 o'clock or 2 o'clock we get people we don't want. We don't want
33 their business, we are not even caring about the business because they give
34 us more trouble rather than giving us a business. So, we are always
35 struggling, Police involved and issues and all that kind of thing happens after
36 midnight and in the weekend as well. Since we realised it is a big deal, for the
37 past two months I would say, or longer, all I have said to everyone is; the
38 minute it's 3 o'clock, switch off open sign and get the shutter down so no
39 one can get in and everyone thinks we are closed. So, we are doing cleaning
40 job, shutter down. I can't give you exact date but if you come now, if you
41 would have come a week before that, any time, that is what you are going to
42 see; shutter down 3 o'clock exactly, not even one minute past, less or more,
43 so, this is what we have done so far.

**Person
Speaking**

Commentary

- 1 GP Mr Millad, I am going to move on to the 24th September 2017. At 3.15 am
2 Officers visited Best American Pizza, 16a Pitfield Street and were able to
3 purchase hot food, namely garlic bread with cheese for £2.99. Orders were
4 being accepted by customers as Officers were leaving at 3.24 am. Despite
5 numerous visits from ourselves and warning letters, why was this still?
- 6 FM This is what I have explained to you earlier, I have seen that in the letter.
7 There are people coming, keep asking, 'Give us the food', and we hand food
8 over the counter; what the Council order, people fall asleep. Even if you say
9 to people, 'Listen, we are closed, we don't serve any more' and they say 'Just
10 give me one piece, give me this, please' and we give that food from the
11 counter; just get rid of this bit. Like I have told you, if staff would decide to
12 give it, they would.
- 13 GP The selling of hot food; the hot food was there and it was exchanged, for
14 money, so it is a sale. It is not, for example, you are not giving it away.
- 15 FM Mainly to homeless people because there are homeless people in the area,
16 they know what time to come. I can give contact details.
- 17 GP On the 24th, at 3.15 am.
- 18 FM 24th of which month?
- 19 GP 24th September 2017 at 3.15 in the morning.
- 20 FM 2.15?
- 21 GP 3.15. They were Council Officers, not homeless people, that were inside your
22 shop and they were able to purchase hot food and that is obviously, as you
23 are aware, 15 minutes beyond your time and Officers also noted that there
24 were customers behind them, so there was a queue and as they were leaving
25 at 3.24 am they were also being served.
- 26 FM Well, like I told you, this is the time we decided to get the shutter down, no
27 matter how people pushing for the food, so we are not there anymore
28 because our shutter is closed down. This is the time when I thought, okay,
29 when I got the letter in the day saying this is what happened and I keep
30 asking 'Who actually served the customer after 3 o'clock', including we are
31 not supposed to be doing this and we have already told the Council that we
32 are not serving anyone and we are closed and how come this is still
33 happening. So, I ask everyone and then I say, from now on, no matter what,
34 just get the shutter down. So, these were the periods of time I have
35 mentioned; I have seen that in the letter.
- 36 GP It is just a bit of a shame, obviously, what we have got here is numerous
37 allegations that are coming through with our Officers that have witnessed the
38 premises open, serving hot food and it is only, you are telling me, quite

**Person
Speaking**

Commentary

- 1 recently that you decided to pull your shutters down at 3 o'clock and that
2 should have been happening right from the start – don't you believe?
- 3 FM Like I have told you, the main thing was that we have stopped serving people
4 3 o'clock onwards and this is how we are aware and not serving the people.
5 But, like I told you, we have not taken this measure serious; if someone
6 would have come and pushed for pizza, I have to admit that we would give
7 over the counter and charge money; if someone really was pushing us and
8 staff, but, since we realised we have a problem and we are not going to do it
9 and we have the shutter down completely for the past two months and all
10 we are doing is cleaning. I am admitting things happen, I am not denying
11 completely but mostly our customers are there around 10 minutes past to 15
12 minutes past; probably 20 minutes past and those customers are all being
13 served before the time. So, the first one or two, three times that you
14 experienced were all customers. Any customer who comes after 3 o'clock; I
15 am there, my brother is there, someone else there, we all tell, 'Sorry, we are
16 closed'; we have rejected millions of customers after that 3 o'clock while we
17 are doing cleaning. This is the fact, I am telling you. I am not saying we have
18 not served one or two customers, between, we did so I have to admit that
19 but since this, for the past two months, completely send the shutters down;
20 we have no issue of anyone coming into the shop and this is what we have
21 completely stopped. So, I even talked this matter with the Police because the
22 Police came a few weeks ago. The Police came, I think involved by you guys;
23 they came from Stoke Newington Police Station and they have told me, 'How
24 is your timing work?' and I have just said, 'Well, for the past few months this
25 is what the situation is, we have no customers after 3 o'clock, we are closed,
26 we get our shutter down, we are doing cleaning, we are not serving anyone'.
27 All they wanted to make sure is that is what I am doing and they left and have
28 gone, so, seriously, we are not serving anyone after past [three] months and
29 that's what I am saying. The easy way for us is just get the shutter down. If
30 you come 3 o'clock, right now, in the weekend, you will see our shutter is
31 down, exactly at that time.
- 32 DT So you are admitting though that on 24th September it's likely that, or you
33 did?
- 34 FM I wasn't there. I am not sure, I don't even still know how that happened. I
35 did ask. When I got the letter, I was shocked myself, because I don't serve
36 people at 3 o'clock, saying, 'Okay, give me your order so I can take your
37 order'. We say, 'No, we are closed', but if there are people, like I explained to
38 you, drunk and say 'Okay, can I give you a piece over the counter that came
39 back from another delivery which was cancelled', or sometimes we just give
40 and they leave. There are so many homeless people in the area which they
41 know, as we know them, what time they should come to us and what time
42 we have left over; around 2 o'clock, 3 o'clock in the morning when at closing
43 time they just all know we have so many cancelled orders and they just come
44 and we give it all to them. So, they know their timing and what time they

**Person
Speaking**

Commentary

- 1 should be there. Like I say, when I saw that I couldn't believe myself; how
2 could this happen knowing all staff told we don't serve anymore; how come
3 this still happening when we are not serving anyone. So, everyone said, 'No'.
4 I haven't personally; I am not admitting that because I wasn't there. None of
5 the staff are admitting because none of them have taken and say we never
6 serve anyone at this particular time so this is what I am just saying.
- 7 DT Do you have any other record, maybe a till where transactions took place?
- 8 FM There isn't any transaction taken place. The only thing that we can check is
9 with the merchant, if it's a card payment transaction; that's the only way you
10 can check, with a merchant but if it's take away, honestly, there is a receipt.
11 At 2 o'clock we do a cash up with the drivers and everything so the system is
12 closed. Any older that got into the system will show and it wouldn't be
13 highlighted because that's the only one we have, not more anymore. I have
14 checked on the date and we're showing the time and the date and
15 everything; I couldn't see anything. I don't know if your Officer was served
16 garlic bread over the counter, so, if a customer was queuing there – I'm not
17 saying he wasn't – people are coming in asking, but, it doesn't mean we do
18 serve them. We say 'Sorry, we're closed, we're closed', that's what we do.
19 People do come in but that doesn't mean we did serve them. I really have no
20 idea how that happened and which way it happened, whether it was a garlic
21 bread over the counter from a leftover or from cancelled orders or how that
22 happened. No one has taken responsibility; I have read the letter and since
23 then I have just completely told everyone that they get the shutter down, no
24 matter what is going on inside.
- 25 DT You mentioned, obviously, that it takes time to cook someone's order, all
26 orders are different except if someone orders garlic bread, it is different ...
- 27 FM Timing, yes.
- 28 DT On average, how long?
- 29 FM 20 minutes.
- 30 DT 20 minutes.
- 31 FM Well, if it's a garlic bread, obviously 5 minutes, that doesn't take longer than
32 2 to 5 minutes.
- 33 DT Would you say maximum 20 minutes?
- 34 FM 20 minutes for the pizza, yes.
- 35 GP Mr Millad, does your premises have CCTV?
- 36 FM We have a CCTV because it is food premises, smoke and everything, so every
37 time we get a CCTV it stops working. But, in the past one month since we

**Person
Speaking**

Commentary

- 1 have so much trouble with the people shoplifting; people open the door
2 from the back and got into the premises and have taken all the computers
3 and everything so, then again, we decided to have a CCTV in, which we do
4 have for the past two or three weeks now. So, there is another new system
5 installed, but, yes, we do have.
- 6 GP You have had it for the last two to three weeks?
- 7 FM Yes. We had it before but it stopped working and now we have another one,
8 so, I hope that works for long. There is one more thing I want to mention
9 which you earlier told me; you had a complaint from the resident. The
10 resident thing is; we know who is complaining, so, there are people in there
11 which is not really a resident, not from that area, not from the local area.
12 Other shops, they just really don't want us to operate because what they
13 really believe is we have a licence until 11 o'clock; that's what they thought
14 we have a licence until 11 o'clock and we are supposed to be closing at 11
15 o'clock and we said we don't have a licence to that, we have a licence to 3
16 o'clock. So, their issue wasn't that we are open beyond; that's just what they
17 made up. Their issue is why we are open to 3 o'clock, thinking that we have a
18 licence to 11 o'clock. They complain, come to the Council, only because their
19 expectation that we are going to get it closed by 11 o'clock, or midnight,
20 because that is what they were thinking we have a licence until this time of
21 the limit. But, we know who is doing it, we get news from others around for
22 this but it's not really a resident, to be honest.
- 23 GP Mr Millad, I would just like to reassure you that allegations that we have
24 received, especially in relation to the offences that we have witnessed, have
25 actually derived from a resident, so, there is a local resident that complained
26 to the local Council. We obviously can't give you the name or the details,
27 but, one hundred percent, this complaint has come from a resident, not a
28 business.
- 29 FM How do you know it was a local resident, because a business is local as well,
30 like, they are local from the area? They might be claiming they are local; you
31 don't take ID do you? You don't know which address and premises. There
32 are people staying actually and living in that road as well and they are doing a
33 business which I know personally, over the building, and they are just giving
34 hundred different names which are complaining on a regular basis and
35 happening for the past. To be honest, we used to close around midnight in
36 the past anyway, so, since we start doing a business, our opening time was
37 until midnight. We did not operate after 3 o'clock, we didn't want to do
38 anymore and just wanted to be closed by 3 o'clock.
- 39 GP If you don't mind we asking, what is the main reason for you guys to open up
40 until 3 o'clock. What we found, obviously, beyond; what is the ...
- 41 FM Since [eat] and delivery start doing a business so we can't compete with
42 anything, they are just taking all the market. For us to survive we have to

**Person
Speaking**

Commentary

- 1 extend our opening hours, that is the only way. Before we used to close at
2 midnight and we didn't want to just be there dealing with the drunk people
3 but these businesses, if we are just closing at midnight, like we used to close
4 at midnight, in the next few months I would be shut, I would be closed, I
5 wouldn't be able to just do business anymore. This is only because they are
6 taking all the business from the local area. For example, they are restaurant
7 where people go and eat the food; now they do delivery because they have a
8 company that deliver, like [Uber]. McDonalds never done delivery in their
9 life; they don't even know what delivery service is; all they do is serve people.
10 Now McDonalds do a delivery so people have more options rather than we
11 used to be the only option, so, we were doing enough to get a business
12 before midnight. I didn't want to be there after midnight and dealing with
13 the drunk people. In order for us to survive, because they have taken all our
14 business, so we have to extend our opening time just so we can survive,
15 otherwise we would be out of the business in the next few months if I closed
16 on my old time, which I used to close at midnight, even though I had licence
17 to 3 o'clock I used to close at midnight.
- 18 GP Obviously, that is an explanation from your business perspective; it doesn't
19 justify the premises operating after hours.
- 20 FM Yes, I am just talking the reason why we are up to 3 o'clock.
- 21 GP For us, we have actually seen your premises operating after 3 and obviously,
22 like I have stated earlier, Officers have witnessed hot food being sold after 3
23 o'clock as well. Is there a reason why you didn't apply to have it extended,
24 up until 4 o'clock, for example?
- 25 FM Like I told you, to be honest, first we wasn't serving business until 3 o'clock,
26 we never thought we would need business to 3 o'clock. Other than that, we
27 have been thinking, okay, until 2 o'clock business is enough, we don't need
28 any more business, we don't rely on people. Like I told you, one or two drunk
29 people come in and pushing and that was not our aim, that was not our
30 purpose of doing a business. [My parking ticket – how long more do we need
31 to do?]
- 32 GP It won't be too long.
- 33 FM Yes, because I have parking until 3 o'clock and I might get a ticket now. So,
34 this was the reason and we did apply for the licence and we have recently
35 decided to extend; if it works we will stay, if it doesn't work we have to do
36 what we are doing until 3 o'clock. So, we have a licence and you guys are
37 probably aware of that.
- 38 GP Are there any extra measures that you are looking to put in place, taking into
39 consideration what we have just told you now; I know I am putting you on
40 the spot, almost, but if there is anything extra that you could do to make sure
41 you are not serving beyond your permitted hours?

**Person
Speaking**

Commentary

- 1 FM Extra thing is that we have to make sure that the shutter is down; this is the
2 only way we can stop people from coming, even if they are not customers
3 they still want to push, like I said earlier. The only way to stop them is to
4 have both shutters down or signs down, shutters closed and no one can get
5 in. I have to make sure that is done.
- 6 GP Don't you think that could have been done way back early when, for
7 example, [Channing] visited in September 2017? It has taken numerous
8 Officers from the Council and obviously the Police to visit your premises for
9 you to decide to actually shut, do what you are supposed to do and close the
10 shutters.
- 11 FM Yes, I think we are going in circle again. This is the question I answered
12 earlier and I have told you, we are open and we left it open and that's why,
13 the reason, we never thought this is going to go that far and we had issue.
14 This is why we have decided; the matter is really serious, make sure no
15 customer is inside, even if it is not customer, just waiting people who
16 shouldn't be inside the shop. This is what we observed so now we are
17 thinking, we should have done it long before, get the shutter down, no one is
18 let in. If we knew, it would have been real thing, to be honest, but this is
19 what the thing is. We really thought if we are not serving people, it doesn't
20 matter whether you have shutter open, or someone coming, waiting for their
21 Uber, or waiting for their taxi, we are not serving customers and we are doing
22 our cleaning. So, this was whether shop was open or closed, it doesn't
23 matter. The open hour, sign, used to open 24/7; the shutter is down, shop
24 closed, no one is in the premises but we still have sign saying 'Open', so this is
25 how we didn't care about those things but since we realised we have to deal
26 with this; we switch off the sign so people think we are not there anymore,
27 not serving.
- 28 GP Mr Millad, I have to inform you; if you continue to breach your licence
29 conditions and the hours stipulated on your premises licence, and it is
30 witnessed, and it is treated as a separate offence, each time we find; if you
31 breach. If found guilty of an offence under Section 136 of the Licensing Act
32 2003 you could face an unlimited fine and/or up to six months in prison. Do
33 you understand?
- 34 FM Yes.
- 35 GP Mr Tuitt, do you have any further questions you wish to ask?
- 36 DT Some points of clarification more than anything else. You mentioned your
37 home address and I do notice it is different, so, there are some things you will
38 need to do just to correct your home address.
- 39 FM Okay.
- 40 DT And vary the licence as specified.

**Person
Speaking**

Commentary

- 1 FM Yes, sure. I need to confirm these things because this is the person, like I told
2 you, I am not mainly dealing with all the business things. This is the person
3 that deals with my brother in the business and he is involved with other
4 business outside with him as well. I need to talk to him about that, to
5 confirm, because I didn't know how this works and I never deal with this. He
6 is the one dealing with my brother and I need to confirm that he is still there
7 or not and how is he dealing with everything and then we will let you know
8 about that as well.
- 9 GP For the purpose of the interview, Mr Millad was referring to the DPO, Mr
10 Jemal [S...].
- 11 DT I was showing Mr Millad a copy of the Premises Licence for Best American
12 Pizza.
- 13 FM The address I will change.
- 14 DT That is it.
- 15 GP Mr Millad, do you have anything further you wish to add?
- 16 FM No.
- 17 GP For the benefit of the tape, I am now handing Mr Millad a leaflet explaining
18 how you can gain access to this PACE interview. The interview is now
19 concluded and the time is **15.19 pm**.
- 20 **END OF INTERVIEW**
- 21

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Kudirat MORAFa

Age if under 18 (if over 18 insert 'over 18'): Over 18

Occupation: Enforcement Officer (EO12)

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 7th April 2018Tick if witness evidence is visually recorded (supply witness details on rear)

Signature:

Date:

I am employed by the London Borough of Hackney as an Enforcement Officer (call sign EO12). On Sunday 1st April 2018 at approximately 03:11 hours I attended Best American Pizza, 16 Pitfield Street, N1 6EY accompanied by my colleagues Imran AKHTER and Michael TURAY to conduct a test purchase as part of my duties. I was in plain clothes during this test purchase.

I entered the premises and saw a slim Asian male with short black hair standing behind the counter. I told him I was hungry and asked what they had. He said 'Everything', so I placed an order for a burger and chips. The male told me it was £4.50. I took out a £20 Pound note and handed it over to the male. I was given the correct change and he gave my order to the kitchen to prepare. A slim Asian female with pulled back long black hair came to join him.

At 03:15 the telephone placed under the cash register which was opposite me rang and the male answered it. He wrote out an order on a piece of paper and placed it against the wall. Mr TURAY then entered and tried to buy a portion of chips, but the male told him the shop was shut and locked the door behind him. Two delivery drivers who were at the kitchen came in and he told them that they had to go through the back door. He also informed them not to start their mopeds when they are leaving, but push it instead.

At 03:16 I witnessed one of the delivery drivers taking three pizza boxes of varying sizes from where the orders are being taken before leaving through the back door. At 0:317 I was given my order and I left.

Statement of: Kudirat Morafa

Signed:

Date and Time; Statement Completed: 07/04/2018 04:12

Licensing Service

1 Hillman Street
London
E8 1DY
020 8356 2431
licensing@hackney.gov.uk

Mr Farid Milaad
C/O Best American Pizza
16A Pitfield Street
London
N1 6EY

Our Ref: 656436

4 April 2018

Dear Mr Milaad,

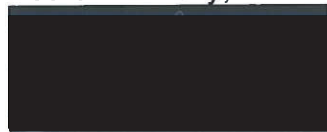
**RE: Licensing Act 2003 - Section 136 (1): Unauthorised licensable activities
'Best American Pizza', 16 Pitfield Street, London, N1 6EY**

I write to inform you that I have obtained further evidence of unauthorised licensable activity in the form of the provision of late night refreshment being carried on at the above premises. This is despite previous warnings and the interview carried out under Police and Criminal Evidence Act 1984 (PACE) conditions on Wednesday 17 January 2018.

At 03:11 on Sunday 1 April 2018, an officer from the Council's Enforcement Service was able to place an order for hot a meal, which was subsequently supplied to the officer at 03:17. The officer was charged £4.50 for this meal.

I will be making reference to this incident during the Licensing Sub-Committee hearing scheduled for 14:00 on Thursday 5 April 2018. Prior to that, I will be asking the Chair of the Sub-Committee to exclude any members of the press and/or public from the Council Chamber due to the likelihood of further formal enforcement action.

Yours Sincerely,



**Channing Riviere
Principal Licensing Officer**



APPENDIX B

This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0087

Part 1 – Premises details

Kingsland Food and Wines
77 Kingsland High Street
London E8 2PB

020 7249 3397

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
Premises:

Standard Hours:
Mon 08:00-23:00
Tue 08:00-23:00
Wed 08:00-23:00
Thu 08:00-23:00
Fri 08:00-23:00
Sat 08:00-23:00
Sun 10:00-22:30

Non-Standard Hours:

Christmas Day 12:00 to 15:00 and 19:00 to 22:30
Good Friday 08:00 to 22:30

The opening hours of the premises

Standard Hours:

Not known

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

Off Premises

Part 2 –

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

Mr Abdul Wahid
15a Ardleigh Road
Hackney
London
N1 4HS

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

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

Mr Abdul Wahid

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

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - 3.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 - 3.2. 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 a holographic mark.
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 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.

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

N/A

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

Conditions added as result of Consent Order March 2015

5. The premises shall maintain a comprehensive CCTV system meeting the minimum reasonable requirements of a Metropolitan Police Crime Prevention Officer, based upon the current protocol applying to such systems. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
7. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any incidents of disorder
 - c. any faults in the CCTV system or searching equipment or scanning equipment
 - d. any refusal of the sale of alcohol
 - e. any visit by a relevant authority or emergency service.
8. There shall be "CCTV in Operation" signs prominently displayed.

9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as identified by the Police.
11. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
12. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.
13. All sprits to be located behind the counter,
14. There shall be at least (2) members of staff on duty at all times.
15. The shop will close to the public at the same time that licensable activity ceases (which, for the sake of clarification, shall not include the period each morning before alcohol sales commence).
16. There shall be no sales of single/individual cans, bottles and/or containers of beer, lager or cider, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
17. There shall be no sales of beer or cider with alcohol content above ABV 6.5%, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
18. All staff will have refresher training every 6 months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training will be kept and produced to a police officer or other authorised officer upon request.
19. All staff should receive training and have an awareness of the four licensing objectives.

Annex 4 – Plans

PLAN/LBH-PRE-T-0087/160605

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

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Community Safety & Enforcement Service First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	Jacey Frewin
TELEPHONE NUMBER	020 8356 4567
E-MAIL ADDRESS	jacey.frewin@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Best American Pizza 16a Pitfield Street Hackney London N1 6EY
NAME OF APPLICANT	Mr Farid Millad

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

ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF

**Best American Pizza
16a Pitfield Street, London N1 6EY**

1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility 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.
2. 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.
3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
4. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
5. 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.
6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Best American Pizza. This should remain unobstructed at all times and should clearly identify:-
 - the name of the registered waste carrier
 - the date of commencement of trade waste contract
 - the date of expiry of trade waste contract
 - the days and times of collection
 - the type of waste including the European Waste Code

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

We have received complaints in the past regarding littering and build-up of waste in the area, There have been instances in the past where Enforcement Officers have found evidence of the illegal disposal of waste from this business. Experience has also shown that there is the probability that there will be cigarette litter outside these premises due to the smoking ban and that it is possible that glasses and bottles may be left outside by patrons.

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

Name: Jacey Frewin

Date: 13/06/2018

APPENDIX C2

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	Best American Pizza 16A Pitfield Street London N1 6EY
Applicant name	Channing Riviere obo London Borough of Hackney

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 is for a review of the premises licence under the Licensing Act 2003. The review of the license as the Licensing Authority are of the opinion that the poor management of the premises, has led to complaints from local residents and places the Licensing Objectives and in particular the Prevention of Public Nuisance Licensing Objectives at risk.

A search of the planning history of the site has found an approval referenced TP/100046 and dated 1 November 1983 for the erection of an office and general industrial development with rear servicing facilities and underground car park at 8, 10 Pitfield Street, site formally known as 2-6 and 12-30 Pitfield Street (even) 1, 8, 9, 10, 11 Boot Street and sites formerly known as 2-6, 7, 12-14 and 15-20 Boot Street (consec.) Site of 1-11 Hoxton Market. Site of former Rodney Building and Advance House, Hoxton Market 2-6a Coronet Street (even), 287-291a Old Street site formerly known as 249-285 Old Street.

No record could be found for the approval for the use of the premises as a pizza shop. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission is unlawful and may result in enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
-----------------------------------	--------------

Permitted use	Office and Industrial Uses
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 representation with informative.

No record could be found for the approval for the use of the premises as a pizza shop. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission 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

APPENDIX C3

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	Best American Pizza 16a Pitfield Street London N1 6EY
NAME OF PREMISES USER	Mr Fared Millad

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 review of the Premises Licence at Best American Pizza at 16a Pitfield Street, London, N1 6EY submitted by Channing Riviere on behalf of Hackney Licensing Authority for the following reason(s):

Police have had several dealings with this premises in relation to breaches of their premises licence, more specifically selling hot food after the hours for which they were licenced.

In April this year, an application to extend the hours for which food could be sold at this vend was heard at a licensing sub committee hearing. Police made references to the numerous times that police, including licensing officers and officers from the night time economy team, had witnessed the sale of hot food after the hours they were authorised to do so. Prior to that hearing, police submitted an additional statement from the police sergeant in charge of the night time economy team. I have attached a copy of that statement again, to reinforce the impact that this venue has on the area. At the end of the hearing the committee explained that they had refused the application and their reasons were outlined in Mr Riviere's exhibit CR/11.

Due to the consistent complaints and breaches of their premises licence, police support this review. There has been very little effort made by the applicant to heed any warnings or promote the licensing objectives.

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)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark Page PS13GD** URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant p208644**.....

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **4th January 2018**

Tick if witness evidence is visually recorded (supply witness details on rear)


This statement refers to a premises called Best American Pizza, 16 Pitfield Street, London N1 and the area immediately outside covering the cycle route and pavements and the alcohol related anti-social behaviour that occurs there. _____ *W*

I am a police sergeant based at Shoreditch Police Station. I am responsible for nine (9) police constables who police the "Shoreditch Triangle", an area roughly bounded by Old Street, Great Eastern Street and Shoreditch High Street. Collectively we are called the Night Time Economy Team (NET) and we predominantly work night shifts. Our priorities are reducing violence with injury offences (VWI), reducing anti-social behaviour (ASB), targeting drug dealers and reducing theft from person offences. _____ *W*

When we are working I am always in uniform and in a marked police vehicle, this enables me to react to street fights quickly and back up my colleagues that are on foot patrols in the area in both uniform and in plain clothes. I can also supervise constables from the vehicle as I have no noise distractions and can hear the police radio clearly and I have been able to identify problem locations. _____ *W*

I have been in my current position since early February 2015 and I have gained a lot of experience since then when dealing with the problems within the Shoreditch area late at night and in the early hours of the morning. Nearly all of the problems are either alcohol related or alcohol fuelled and are centred in and around bars, clubs, taxi offices and hot food establishments. _____ *W*

One of the areas that causes problems with alcohol related incidents (fights, groups of youths loitering, robberies, drug dealing and general ASB etc) is the "plaza" area at the southern end of Pitfield Street at the junction with Old Street and extending to the nearby streets. _____ *W*

Signature:  Signature witnessed by:

Continuation of Statement of **Mark Page PS13GD**

The following images show this plaza area.



Above picture taken from outside Roadtrip Bar with American Best Pizza behind Sainsburys. View looking up Pitfield Street taken from Old St. – American Best Pizza is directly behind the bin.

This area is always very busy between the hours of 0100 and 0500. The nearby nightclub, Roadtrip situated on Old Street at the junction with Pitfield Street is very busy on Thursdays, Fridays, Saturdays and Sundays. One of the primary reasons for this venue being busy is that it does not close until 0400 hours, this is later than most of the other venues in Shoreditch. Due to the late closing time Roadtrip attracts lots of people wanting to continue their drinking and partying. The NET team have a good working relationship with staff and security staff at Roadtrip and they always refuse admission to their venue to people who are either drunk, appear to be drunk or on drugs or are causing ASB. We are fully supportive of this policy. _____

If Best American Pizza, 16 Pitfield Street, London N1 were allowed to remain open beyond their current closing

Signature: [REDACTED]
2003(1)

Signature witnessed by:

Continuation of Statement of **Mark Page PS13GD**

times of 0200 hours Sunday-Thursday & 0300 hours Friday & Saturday it would certainly lead to an increase in the following activities in the plaza area outside and to the surrounding area -

1 – People refused entry to Roadtrip after 0300 hours through intoxication would be drawn to American Best Pizza (only 60m away), purchase food consuming it on the streets adding to both ASB and meaning gathering people there could be targeted by various criminals.

2 – Additional people would be attracted to hanging around the area, this will naturally attract drug dealers trying to sell their drugs, huggermugger type groups of youths looking to steal from vulnerable members of the public, beggars, nitrous oxide sellers and worse.

3 – Additional noise affecting the hundreds of local residents.

4 – An increase in people urinating in the street and littering.

5 – This area will become the hot-spot for crime

The list is almost endless.

The extension by only one hour to the closing times of the venue will increase crime, ASB and noise in the area.

One of the constables on my team PC Jon Wilkins 450GD has personally witnessed, on more than one occasion at the weekend, Best American Pizza, 16 Pitfield Street, London N1 staying open beyond its current closing time of 0300 hours at the weekend and serving customers.

In summary, if Best American Pizza, 16 Pitfield Street, London N1 were allowed to remain open and serving take away food beyond their current times there would, based on my knowledge be –

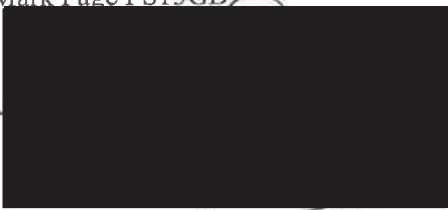
1 – Increased ASB in the area

2 – Increased crime in the area

3 – More disruption for local residents

Based on the above, I strongly object to this extension of hours application in which to sell hot food by Best American Pizza, 16 Pitfield Street, London N1.

Mark Page PS13GD

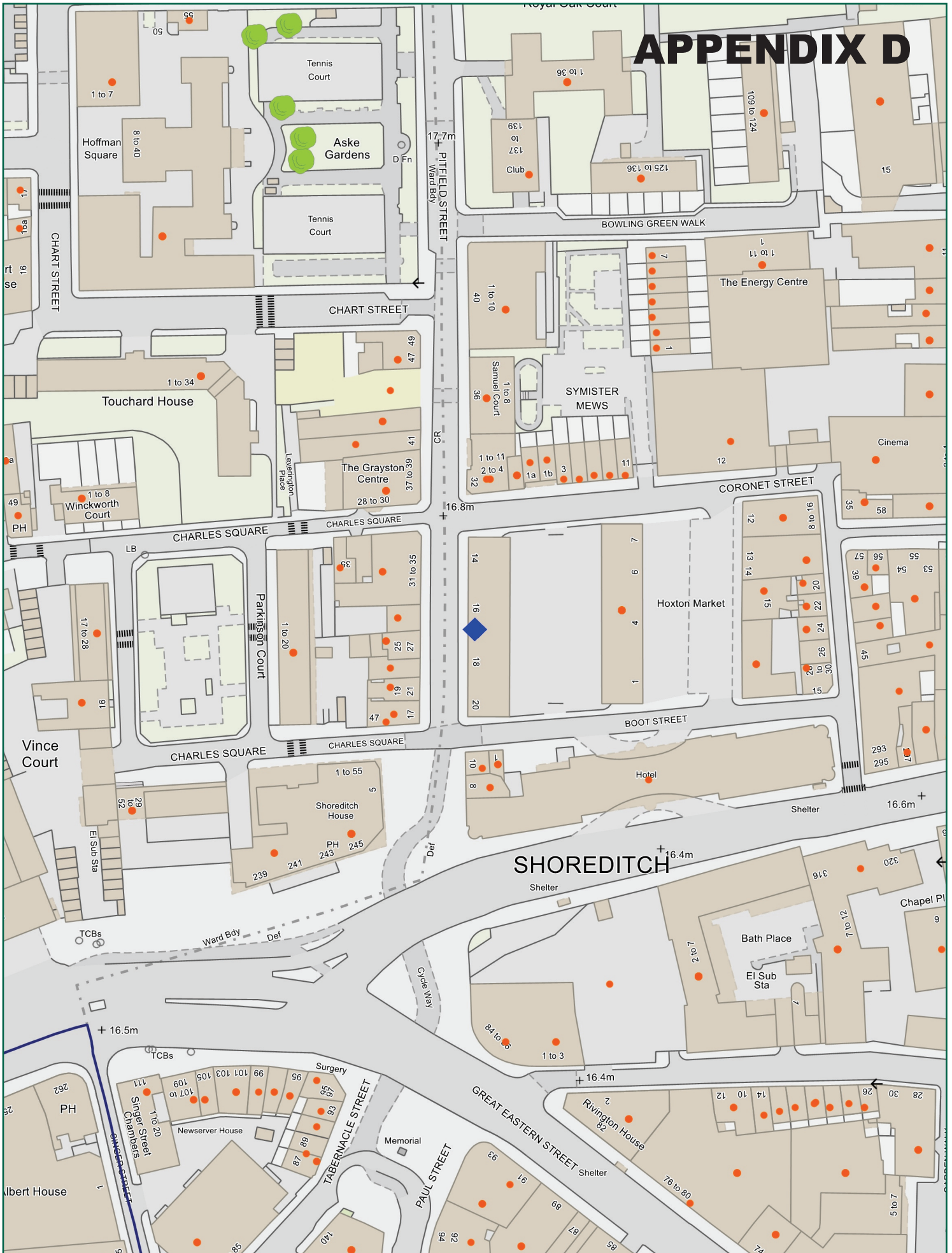


Signature: ...



Signature witnessed by:

APPENDIX D



Scale: 1:1250 at A4



Ref:

25 July 2018

Page 85

Product: Unspecified

email:

please specify copyright statement

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