



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

Tuesday, 27th November, 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 Sharon Patrick**

**Tim Shields  
Chief Executive**

Contact:  
Gareth Sykes, Governance Services Officer  
0208 356 1567  
[gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@hackney.gov.uk)

The press and public are welcome to attend this meeting

# AGENDA

## Tuesday, 27th November, 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 - 18)
5 Licensing Sub Committee Hearing Procedure		(Pages 19 - 20)
6 Application to vary the Premises License: Chef Cafe Bistro, 273 Kingsland Road, E2 8AS		(Pages 21 - 60)
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](mailto: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](http://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](mailto: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](http://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](mailto: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  
2<sup>nd</sup> Floor Room 118  
Hackney Town Hall  
Mare Street  
E8 1EA

Telephone: 020 8356 1266  
E-mail: [governance@hackney.gov.uk](mailto: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](mailto: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](mailto: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 2018.

## LP1 General Principles

The Council expects applicants to demonstrate:

- (a) That they have an understanding of the nature of the locality in which the premises are located and that this has been taken into consideration whilst preparing the operating schedule.
- (b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the offer, whilst at the same time promoting the licensing objectives.

## LP2 Licensing Objectives

### **Prevention of Crime and Disorder**

Whether the proposal includes satisfactory measures to mitigate any risk of the proposed operation making an unacceptable contribution to levels of crime and disorder in the locality.

### **Public Safety**

Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both within and in close proximity to the premises.

### **Prevention of Public Nuisance**

Whether the applicant has addressed the potential for nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring.

### **Protection of Children from Harm**

Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on the premises or in close proximity to the premises.

### **LP3 Core Hours**

Hours for licensable activity will generally be authorised, subject to demonstrating LP 1 and LP2, as follows:

- Monday to Thursday 08:00 to 23:00
- Friday and Saturday 08:00 to 00:00
- Sunday 10:00 to 22:30

Hours may be more restrictive dependent on the character of the area and if the individual circumstances require it.

Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.

*It should be noted that this policy does not apply to those who are making an application within a special policy area (see section 3) unless they have been able to demonstrate that the proposed activity or operation of the premises will not add to the cumulative impact that is already being experienced.*

### **LP4 Off' Sales of Alcohol**

Hours for the supply of alcohol will generally be restricted to between 08:00 and 23:00.

### **LP5 Planning Status**

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) as amended.
- (b) The hours sought do not exceed those authorised by any planning permission.

The Licensing Authority may take into account the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.

### **LP6 External Areas and Outdoor Events**

The Licensing Authority will normally restrict external areas and outdoor activity to between 08:00 and 22:00 unless the applicant can demonstrate that comprehensive control measures have been implemented that ensure the promotion of the licensing objectives, in particular the public nuisance objective. Notwithstanding any proposed control measures, the Licensing Authority may restrict the hours and/or activity even further

**LP7 Minor Variations**

The Council expects applications to be made in the following circumstances only:

- Small changes in the layout/structure of the premises
- The addition of voluntary/agreed conditions
- Removal of conditions that are dated and have no impact on the operation of the premises
- Reduction of hours for any licensable activity

**LP8 Temporary Event Notices**

When considering an objection to a TEN the Council will:

- Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
- Assess any history of complaints as a result of licensable activity that may or may not have been authorised by a TEN.
- Consider the track record of the premises user
- Consider any other control measures proposed to mitigate the objection

**LP9 Personal Licences**

(a) The Council will consider whether a refusal of the licence is appropriate for the promotion of the crime prevention objective and 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 that assist in demonstrating that the crime prevention objective will not be undermined.

**LP10 Special Policy Areas – Dalston and Shoreditch**

It is the Council's policy that where a relevant representation is made to any application within the area of the Dalston SPA or Shoreditch SPA, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is currently being experienced in these areas. This policy is to be strictly applied.

It should also be noted that the;

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

May not be in itself sufficient.

*It should be noted that if an applicant can demonstrate that they will not add to the cumulative impact in their operating schedule and at any hearing, then the Core Hours Policy within LP3 will apply.*

**LP11 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.

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## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

**THURSDAY, 23RD AUGUST, 2018**

**Councillors Present:** Cllr James Peters in the Chair  
Cllr Sharon Patrick and Cllr James Peters (Substitute)

**Apologies:** Councillor Sophie Conway

**Officers in Attendance:** Sanaria Hussain (Principal Licensing Officer), Butta Singh (Senior Lawyer), Peter Gray (Governance Services)

**Also in Attendance:** **D Cut**  
Adebola Akinrinbola  
**Famous/ Drury**  
Graham Hopkins, Agent  
Ms Gumis and Mr Gumis  
**Geoffrye Museum**  
Tanith Lindon, Applicant  
Emma Kotch, Other Person

### **1 Election of Chair**

1.1 Councillor James Peters was appointed as chair.

### **2 Apologies for Absence**

2.1 Apologies for absence were submitted on behalf of Councillor Sophie Conway.

### **3 Licensing Sub Committee Hearing Procedure**

3.1 The Sub-Committee noted the Licensing Sub-Committee hearing procedure.

### **4 Declarations of Interest - Members to declare as appropriate**

4.1 There were no declarations of interest.

### **5 Minutes of Previous Meetings**

5.1 The minutes of the meetings of the Licensing Sub-Committee held on 13 February 2018 and were agreed as a correct record. As no member was present from the meeting of 24 April 2018, the minutes of that meeting could not be agreed.

### **6 Premises License: D Cut - 156 Mare Street, E8 3RD**

6.1 Sanaria Hussain introduced the application for a premises license under the Licensing Act 2003 to authorise the supply of alcohol for consumption off the premises. She told the Sub-Committee that the Police and the Licensing Authorities



had withdrawn their representations. The hours of sales were to be from 10:00 hours to 23:00 hours throughout the week with opening hours from 9:00 to midnight.

6.2 The applicant, Adebola Akinrinbola, made representations to the Sub-Committee in support of the application. He confirmed that alcohol would be restricted from 23:00 hours.

6.3 The Chair referred the Sub-Committee to page 36 of the papers and read out the objection to the application.

6.4 Councillor Sharon Patrick acknowledged that the hours of sales had been reduced and asked the applicant about his experience in dealing with anti-social behaviour. Adebola Akinrinbola confirmed that he had worked in clubs and bars for eight years and confirmed that it was the intention to employ security at the premises. He confirmed that he would comply with all the conditions imposed.

### **The decision**

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

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

the application has been approved in accordance with the Council's licensing statement, current conditions and the proposed conditions, set out below.

The following additional conditions:

- No beer, lagers or other ciders exceeding 6.5 % alcohol by volume (ABV) shall be sold or supplied at the premises
- No Miniature bottles of spirits of 50ml or less shall be sold or supplied at the premises
- Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the premises (including alcohol behind the counter) is to be secured in a locked store room or behind locked grilles, locked screens and locked cabinet doors
- All alcohol shall be covered and locked away outside of permitted hours

### **Reasons for the decision**

The application has been approved, with the amended hours set out below report along with the conditions outlined in the report, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined, with;

## **7 Premises License: Famous/ Drury, 158 Stoke Newington Road, N16 7UY**

7.1 The Senior Licensing Officer, Sanaria Hussain, introduced the application for a premises license under the Licensing Act 2003 to authorise the supply of alcohol for consumption on the premises. She told the Sub-Committee that the application had been amended as follows:

- Withdrawal of the basement from the application
- Amendment to the proposed terminal hour for sale of alcohol for consumption on the premises to be 11:00 to 19:00 daily all week and the revised opening hours to be 07:00 to 19:30 daily all week
- The sale of alcohol to be limited to beer, lager, cider and wine only
- There is to be no pool table

The Senior Licensing Officer referred the Sub-Committee to the objections to the application in the report.

7.1 Graham Hopkins (Agent) made submissions on behalf of the applicant. He told the Sub-Committee that the venue would be food led and referred to the menu as consisting of teas, coffees and Paninis with food purchased in the Borough. Food would not be cooked on site, as currently there was not a kitchen on the premises. The venue would be seated only with a waiter service. There was to be no off-sales. Graham Hopkins confirmed that the premises would open at 7am to cater for local trade. The application did not include the serving of spirits and the price of drinks was to range from six to eight pounds. He confirmed that hours of operation complied with the planning consent. There was to be a maximum of four smokers outside the premises at any time. Drinks would not be taken outside. Waste bins would be kept at the rear of the premises.

#### **The decision**

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

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

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

Amendments to the application made in advance of the hearing by the applicant;

- Withdrawal of the basement from the application, so the application relates to the Ground Floor only
- The hours for sale of alcohol for consumption on the premises be 11:00 hours to 19:00 hours throughout the week with the revised opening hours being 07:00 to 19:30 hours

Agreed amendments to the conditions:

- Condition 18 be amended to read 'Any music will only be played at a background level so as to allow a face to face conversation at a normal speech level'
- Condition 32 be amended to read 'Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated and taking a meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.'

- Condition 34 be amended to read 'There shall be a maximum of 4 smokers outside the front of the premises. This shall be monitored by staff.'
- Condition 36 be amended to read, '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. Waste bins to be kept at the rear of the premises'
- Conditions 10, 11, 12, 16, 25, 28 and 29 be deleted due to duplication.

The following agreed additional conditions:

- That numbers of patrons in the restaurant shall not exceed 40 persons
- The sale of alcohol to be limited to beer, lager, cider and wine only
- There is to be no pool table
- Mr Tayfun Dongel (the person who had previously sub-let the basement) is to be excluded from the management of the premises and in the running of the premises or the basement area

### **Reasons for the decision**

The application has been approved, with the amended hours and conditions outlined in the report along with additional agreed conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would be undermined.

### **Public Informative**

It should also be noted for the public record that the applicant has confirmed that the basement is not to be sub-let and is to be used as a work space only.

## **8 Premises License: Geffrye Museum, Kingland Road, E2 8EA**

8.1 Sanaria Hussain, Senior Licensing Officer, introduced the application for a premises license under the Licensing Act 2003 to authorise the supply of alcohol for consumption on and off the premises and for regulated entertainment. She referred the Sub-Committee to the proposed conditions at page 150 of the papers. She told the Sub-Committee that the Police had withdrawn representations following agreement. The Chair highlighted the correspondence in opposition to the application.

8.2 Tanith Lindon, Geffrye Museum, referred to the range of events at the venue, including plays, cinema and yoga and that all events were well attended. Management at the Museum had regular contact with neighbours in the area and there were many family friendly events at the venue. She referred to the two recent incidents relating to music at the venue and confirmed that these arose from teething problems and that the vast majority of events were not disruptive. She told the Sub-committee that there had been seven recorded complaints in the previous year. She confirmed that there was no intention for this to be a late night venue.

8.3 The Chair expressed concern that the application was for a large increase in hours. Tanith Lindon confirmed that the venue would not be open every evening.

Events would be a mix of free and ticketed. She confirmed that music would not make up a large component of events at the venue.

### **The decision**

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

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

the application has been approved in accordance with the Council's licensing statement, current conditions and the proposed conditions with the addition of the following conditions that were also imposed by the Sub-Committee in August 2017 (subject to agreement between the applicant and the Council);

10. All staff will be advised of licensing law in writing before they are allowed to serve alcohol.

11. Training will be provided on premises specific policies relevant to the operation of the site.

12. A record will be kept of the dates and names of persons trained which can be made available for inspection by the police or licensing authority at any time.

13. An extensive monitored alarm system is in place across the site to protect it when closed or empty.

14. Extensive external lighting across the site is operated on a timer and as such is always on in hours of darkness. Additional motion activated floor lights are fitted at high levels in less accessible parts of the grounds.

15. Stewards are employed as door staff to supervise admissions and customers inside the venue. Door staff are easily identifiable in museum uniform.

16. All staff sign in to a register with a log of dates and times worked.

17. The museum has a detailed security policy, security incident report forms, evacuation plan and emergency response plan. All these policies are available for inspection at any time by the police or licensing authority.

18. All staff are briefed on the schedule and any security issues in advance of the commencement of any licensable event activity.

19. Any event specific door admission policies including age restrictions, Expected dress standards or screening of bags will be publicised on ticketing website information pages, through direct email contact with ticket holders and also clearly displayed at the entrance to the premises.

20. Any ejecting or refusal of entry due to admission standards or inappropriate behaviour will be logged in a premises log book.
21. Capacity will be monitored and controlled to ensure the event does not exceed the limit. If capacity is reached, a 1 in 1 out policy will be implemented.
22. Events will be deliberately capped below the maximum capacity of the premises to afford a comfort factor to patrons and avoid conflict, aggression or violence.
23. No glassware drinking vessels may be taken off the premises.
24. A zero tolerance policy is in effect across the premises with relation to drugs and carrying of a weapon.
25. Any events where a search policy is in effect will be widely publicised as such with a clear "no search, no entry" message.
26. Should any customers be suspected of being in possession of drugs or weapons, the police will be called immediately.
27. Secure self-service cloakroom facilities are available at the premises.
28. A lost and found policy is in place in relation to lost/found items at the premises. Passports or ID found are handed in to the local police station.
29. Alcohol for sale by retail in the shop (off-license sales) will be carefully positioned to reduce theft. The items will be away from the doors in a well supervised and well-lit area which is clearly captured on CCTV.
30. Any drinks promotions at the premises will adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group.
31. Drink-aware posters may be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.
32. First aid boxes are available at the premises and maintained with sufficient in date Stock. All First Aiders are fully qualified (First Aid at Work)
33. At licensable event activity a hand held clicker is used to monitor capacity and a 1 in, 1 out policy is in place once capacity is reached.
34. Glass collection is constant with staff collecting glasses and preventing glassware from being taken off the premises. Glassware is not be allowed to accumulate or cause obstruction. Perimeter checks are made outside the premises for any glasses or bottles at regular intervals.
35. All staff are made aware of the glass collection policy and their responsibility for the task.
36. Spillages and broken glass are cleaned up immediately to prevent floors from becoming slippery and unsafe.

37. Bottle bins are secure at all times and away from public areas.

38. A written policy to deal with all types of accidents & emergency incidents is in place at the premises. The policy is based on risk assessments and includes matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.

39. Evacuation responsibilities and roles are clearly communicated to staff, routes and exits are well defined and evacuation plans exercised regularly. A copy of the fire risk assessment is kept at the premises. Outdoor film screening sound will be broadcast with the use of wireless headphones Conditions derived from Responsible Authority representations

40. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.

41. 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.

42. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following: a. all crimes reported to the venue b. any complaints received c. any incidents of disorder d. any faults in the CCTV system e. any refusal of the sale of alcohol f. any visit by a relevant authority or emergency service.

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

44. 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.

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

46. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor/Duty Manager.

47. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written

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

48. Alcohol shall not be sold, supplied or consumed in the restaurant otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.

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

50. There shall be a written dispersal policy, a copy of which will be kept on the premises and produced to a police officer or other authorised officer upon request.

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

52. All alcohol off sales shall only take place between the hours of 10:00 to 17:00

53. The age verification policy operated at the premises shall be 'Challenge 25', where any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. The only forms of ID that may be accepted shall be: a) a proof of age card bearing the PASS hologram logo b) a passport c) a UK photo driving licence

54. Any sales of alcohol shall be charged at no less than 50p per unit\* of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request. \*A unit of alcohol is 10ml of ethanol. The number of units is calculated by multiplying the % Alcohol By Volume x Volume in centilitres. Thus a half-litre of beer at 5% ABV contains 2.5 units:  $(5/100 \text{ ABV}) \times 50\text{cl}$ .

55. Alcohol shall not be sold, supplied or consumed on the premises otherwise than to those attending an organised event at the Museum. Conditions derived from committee hearing.

56. Sound played during any outdoor cinema screening will only be broadcasted through wireless headphones.

57. A member of staff from the Geffrey Museum will either be present or contactable during any event held at the premises. The premises licence shall run until it is surrendered or revoked and will lapse upon the death



**Reasons for the decision**

The application has been approved, with the amended hours set out below report along with the conditions outlined in the report, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined

**7. Temporary Event Notices - Standing Item**

7.1 There were no temporary event notices.

**Duration of the meeting:** 2pm – 4pm

**Signed**

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**Chair of Committee**

**Contact:**

Governance Services:

Tel 020 8356 3326

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## MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE A

THURSDAY, 13TH SEPTEMBER, 2018

**Councillors Present:** Councillor James Peters in the Chair  
Cllr Sophie Conway and Cllr Caroline Woodley

**Officers in Attendance:** Mike Smith (Principal Licensing Officer), Butta Singh (Legal Officer), Amanda Nauth and Anisah Hilali (Legal Services), Channing Riviere and David Tuitt (Licensing), and Rabiya Khatun (Governance Services)

**Also in Attendance:** Best American Pizza  
Farid Millad – Licensee  
Abdul Wahid – Licensee’s brother  
Len Furlong – Legal representative

### 1 Election of Chair

1.1 Councillor Peters was duly elected to Chair the meeting.

### 1 Apologies for Absence

2.1 There were no apologies for absence.

### 3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

### 4 Minutes of the Previous Meeting

4.1 **RESOLVED** that the minutes of the meeting, held on 13<sup>th</sup> June 2018, were approved as an accurate record.

### 5 Licensing Sub Committee Hearing Procedure

5.1 The Chair outlined the Licensing Sub-Committee hearing procedure.

### 6 Application for Review of Premises Licence: Best American Pizza, 16a, Pitfield Street, N1 6EY

6.1 The additional information circulated at the meeting including a witness statement was noted.

6.2 Mike Smith, Principal Licensing Officer introduced the report outlining the application for the review of the premises licence for Best American Pizza on the grounds of alleged public nuisance created by the operation of the premises and alleged non-compliance with conditions of the premises licence. Representations were received from Environmental Enforcement and the Police and a planning informative.

Mr Smith reported that the licence at page 70 of the pack was incorrect and the correct premises licence had been circulated at the meeting.

6.3 The Sub-Committee noted the written representations received from the Police and Environmental Enforcement.

6.4 Mr Riviere, Licensing Service, outlined the case for the revocation of the premises licence on the grounds of the prevention of public nuisance. Since early 2016 until 8 June 2018 the Licensing Authority had received complaints relating to the premises allegedly operating beyond its permitted hours and causing a public nuisance and disturbance to local residents. The allegations included patrons congregating outside the premises, anti-social behaviour and noisy delivery drivers causing a noise nuisance. Mr Riviere summarised the history of complaints received in relation to the premises:

- 1 April 2016 – alleged noise nuisance at 04.30 hours
- 9 December 2016 – website advertising the premises is open until 04.00 hours
- 3 January 2017 - alleged noise nuisance at 04.00 hours
- 27 August 2017 - alleged noise nuisance at 06.00 hours and on 1 September 2017. Mr Riviere informed Mr Abdul Wahid of the complaint
- 9 September 2017 – premises had been operating at 03.30 hours beyond its permitted hours
- 15 September 2017 – Licensee had been sent a formal warning letter
- 24 September 2017 - premises had been operating at 03.15 hours beyond its permitted hours causing a public nuisance and a test purchase had been undertaken
- 21 October 2017- premises had been operating at 03.30 hours beyond its permitted hours
- 17 January 2018- PACE interview had been undertaken with Mr Millad
- 1 April 2018 – premises had been operating at 03.11 hours beyond its permitted hours and a test purchase had been undertaken with an unauthorised sales.
- 13 April 2018 - alleged noise nuisance from the premises at 04.00 hours from patrons and delivery drivers
- 29 April 2018 - alleged noise nuisance
- 8 June 2018 – alleged noise nuisance

6.5 Mr Riviere stated that he did not have confidence in the licensee to operate the premises responsibly following the numerous complaints relating to public nuisance caused by the premises operating beyond its permitted hours. Moreover, there had been consistent non-compliance of the licensing conditions even after Licensing Officers and responsible authorities had engaged with the licensee to address the issues at the premises.

6.6 In response to questions from the Chair seeking further clarification regarding the review, Mr Riviere confirmed that licensable activities included late night refreshment and during a PACE interview on 17 January 2018 it had transpired there was no DPS. The Council had received complaints relating to public nuisance inside and outside the premises after closing hours.

6.7 Members sought clarification regarding the removal of the review site notice. Mr Riviere stated that the initial site notice had been removed when officers had re-visited the premises ten days later. Mr Tuitt confirmed that the site notice had been

reprinted and displayed in window of the premises and a nearby lamp post for a further 28 days in compliance with licensing requirements. The Council did not intend to take any further action against the licensee for the removal of the site notice.

6.8 The Sub-Committee noted that the site had been granted planning permission for office and general industrial development use. There was no planning permission for the use of the premises as a pizza business.

6.9 In response to a query regarding the lack of representations from residents to the review, Mr Riviere stated that the Council had received complaints of public nuisance in relation to this premises since 2016 and that complainants wanted to remain anonymous fearing retaliation and expected Council officials to pursue any actions of public nuisance.

6.10 Mr Furlong, legal representative of the licensee addressed the issues raised by the responsible authorities and made the following points in his submission against the revocation of the licence:

- Mr Millad had managed the licensed premises and pizza business since 2011 without any issues of public nuisance until 2016. The issue of public nuisance could not be solely related to this premises. A student accommodation built in 2016 in Charles Square had approximately 5,000 students and the hotel had 300 guest rooms. The public nuisance had arisen from the additional footfall in the area of students, visitors and patrons visiting local restaurants, licensed premises, pubs and clubs. Patrons from other venues were also congregating outside the licensee's premises causing a nuisance.
- The incidents of public nuisance were caused by patrons from other licensed premises within the vicinity and they had left food containers outside the licensee's premises.
- Mr Millad had accepted that there had been management issues when the premises had been operating beyond its permitted hours. Mr Millad had depended on his staff to operate in accordance with the licensing conditions, however, due to a high turnover of staff, lack of training and supervision this condition had been breached. Since April 2018 Mr Millad had put in place measures to address the concerns of operating outside permitted hours and public nuisance including induction for new staff, proper signage within the premises informing customers of the last order at 02.45 hours, installation of CCTV to supervise staff and ensure the premises closed at 03.00 hours and one delivery driver. Since these measures had been implemented there had been no further breaches of the licensing conditions.
- With regard to the site notice of the review being removed from the premises window, Mr Millad disputed this allegation. Members were referred to exhibit CR/15 on 23 June 2018 and it was explained that the notice had been put inside the window on the top right corner to enable staff to clean the window and had been returned to the middle of the window after cleaning.
- When it had been brought to the Mr Millad's attention that the website advertising the premises had published the incorrect closing hour he had immediately contacted the company and the error was rectified.
- During the PACE interview on 17 January 2018 there had been a misunderstanding regarding the DPS. It was clarified that Mr Jamal had been the owner until 2015 but had continued to work as the DPS on a part time basis training Mr Millad and he was now applying to become the DPS.

Mr Millad played mobile footage of incidents of public nuisance from 01.40 until 02.34 hours caused by patrons from other licensed premises.

6.11 In response to questions from Members seeking further clarification, Mr Millad stated that since he had received the formal warning in April 2018 he had been acting as a responsible operator and had implemented measures to resolve all issues related to the premises. With regard to the incident on 21 October 2017 Mr Millad explained that the shutters were down but six customers had remained inside the premises due adverse weather conditions outside and no food had been sold. An unsupervised member of staff had sold hot food on 24 September 2017 while Mr Millad was in Denmark attending a relative's wedding. There had been a high turnover of staff approximately every six weeks as a result of changes in employment legislation and it had been a challenge to fully train staff. Mr Millad had issues with his neighbor and alleged that the complainant was a business rival making a vexatious complaint on 8 June 2018. Mr Furlong enquired whether any checks had been undertaken to confirm that the complainants were indeed local residents.

6.12 In response to questions from Members seeking further clarification regarding the review, Mr Riviere confirmed that a copy of the transcript of the PACE interview on 17 January 2018 had been sent to Mr Millad and no further communications had been received disputing the contents. Mr Riviere confirmed that the complainants of public nuisance relating to this premises were made by two local residents and the Council had received a further complaint of public nuisance on 8 June 2018 from a local resident.

The food containers left outside the premises belonged to this businesses as its menu also included burgers and desserts.

6.13 In response to a question from the Chair, Mr Riviere replied that the Council had not received any complaints of public nuisance relating to the other licensed premises within the vicinity, which also had later opening hours.

6.14 Mr Furlong stated that Mr Millad had introduced checks and balances to ensure good management of the premises and the promotion of the licensing objectives. Mr Millad added that he now employed long term and reliable staff that were fully trained, signs were prominently displayed inside the premises advising customer to respect and not disturb residents, deliveries were now made from the front of the premises and drivers had been trained to push the bike to the back of the premises to minimise noise nuisance for local residents, CCTV cameras had been installed to enable Mr Millad to supervise his staff while off site, Mr Millad was engaging with local residents and had arranged a meeting with a complainant for next week. Since implementing the measures in April 2018 there had been no further breaches of the premises licence.

6.15 The Sub-Committee noted that the licensee had taken measures to improve management, training and supervision of staff, better communication with responsible authorities and deliveries from the front of the premises. However no evidence of these measures including compliance with licensing conditions had been submitted to the hearing.

6.16 The Chair proposed a reduction in the opening hours of the premises to address the issues raised. Mr Riviere indicated that the reduction of hours would not address his concerns due to the numerous incidents of non-compliance, lack of confidence in licensee's management of the premises including an unwillingness to

implement measures prior to April 2018 and no evidence of staff training submitted at the hearing.

6.17 Mr Furlong stated that Mr Millad accepted the historical breaches of the premises licence but emphasised since the review in April 2018 he had been concerned for his livelihood and complying with licensing conditions.

6.18 In response to questions from the Chair, Mr Millad confirmed that there was an induction pack for new staff but no copies had been brought to the meeting. He would be willing to have new staff sign a form to confirm induction attendance. Mr Millad confirmed that there were no sales of alcohol from 02.00 to 03.00 hours and the last order for food was taken at 02.45 hours with a fast pizza being cooked within seven minutes. Moreover, Mr Millad and his brother were now at the premises seven days a week to ensure there were no further breaches of the licensing conditions and CCTV footage could be submitted as evidence of the changes in management and compliance of conditions.

6.19 Mr Furlong summarised that there were now checks and balances in place to ensure the premises complied with its licensing conditions.

6.20 Mr Riviere summed up that Licensing had not received any application to vary the DPS and more recent complaints had been received on 29 April and 8 June 2018 relating to public nuisance after the unauthorised sale. He did not have confidence in the licensee upholding the licensing objectives based on his track record.

### **The decision**

The Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today have 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

that the premises licence for Best American Pizza, 16a Pitfield Street, N1 6EY be revoked.

### **Reasons for the decision**

The Sub-Committee has been persuaded by the Responsible Authorities contention that the revocation of the licence is both necessary and appropriate to uphold the licensing objectives, in particular the prevention of public nuisance and crime and disorder.

The Sub-Committee noted the evidence presented by the Licensing Authority, written representations from the Police and Environmental Health, and an informative from the Planning Authority.

The Sub-Committee did not have the sufficient confidence in the Premises Licence Holder (Licensee) and management, given the alleged activities that were carried on beyond the permitted hours, as authorised by the premises licence. It was noted that this history of unauthorised activity was undermining the licensing objectives,



particularly in terms of causing a public nuisance. The Sub-Committee were disappointed to note that this had continued even after specific action had been taken against the Licensee, by way of a formal interview under caution, which was carried out in January 2018. Such activity, included most recently on 29<sup>th</sup> April and 8th June 2018 when a complaint was received about the premises trading beyond its hours. This followed an unauthorised sale taking place on 1<sup>st</sup> April 2018, 4 days before the licensee's variation application was considered by the Licensing Authority.

The complete disregard the Licensee has shown in the past and the negative cumulative impact arising from the poor track record of the management for the premises, located within the heart of the Shoreditch Special Policy Area, persuaded the Sub-Committee that the Licensee had not adequately demonstrated the ability to uphold the licensing objectives in order to prevent public nuisance from reoccurring.

The Sub-Committee noted that it was unfortunate that no evidence had been provided to support the verbal representations made by the Licensee in relation to the measures that was advocated at the meeting, these measures related to procedures that had been introduced to improve the management of the premises since April 2018 including induction of new staff and installation of CCTV cameras along with a willingness to agree to any appropriate additional conditions being place on the licence, to ensure the premises was operating in compliance with it's permitted licensable hours and was promoting the licensing objectives. The Sub-Committee also noted that if formal evidence, including any proposed conditions, as opposed to just oral assertions made at the meeting, were placed in front of them, the decision may have been different.

In summary, the changes that the Licensee states has been made between April 2018 and the hearing date were fully considered at the meeting. However, the Sub-Committee was not sufficiently satisfied and did not have complete faith, given the history, that the Licensee has now changed the operation by putting in place a management system with the relevant measures, to maintain and promote the licensing objectives.

The Sub-Committee in making this decision has considered all the other options available to them, as detailed within the report, and were satisfied that none of these would adequately address the likelihood of the licensing objectives form being undermined at this point in time.

**7 Temporary Event Notices - Standing Item**

7.1 There were no temporary event notices.

**Duration of the meeting:** 7.00 - 9.30 pm

**Signed**

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**Chair of Committee**

**Contact:**  
Governance Services Officer:  
Tel 020 8356 8407

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# Agenda Item 5

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

<p><b>Step 1</b> <b>Appointment of Chair and introduction</b></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><b>Step 2</b> <b>Licensing Officer</b></p>	<p>The Licensing Officer will outline the report.</p>	<p>5 minutes</p>
<p><b>Step 3</b> <b>Applicant's Case</b></p>	<p>The Applicant will present their case in support of their application.</p>	<p>5 minutes</p>
<p><b>Step 4</b> <b>Responsible Authorities' Case</b></p>	<p>The Chair will invite the relevant Responsible Authorities in attendance to highlight their reasons for objecting to the application as contained within the report.</p>	<p>5 minutes each</p>
<p><b>Step 5</b> <b>Other Persons' Case</b></p>	<p>The Chair will invite the Other Persons in attendance to present their case, highlighting their reasons for objecting or supporting the application as contained in their written submissions.</p>	<p>5 minutes each</p>
<p><b>Step 6</b> <b>Discussion</b></p>	<p>The Chair will structure and lead a discussion on the information presented enabling Sub-Committee Members to clarify any points raised and ask questions if necessary.</p>	<p>15 minutes</p>
<p><b>Step 7</b> <b>Closing remarks</b></p>	<p>The Chair will ask Responsible Authorities, Other Persons, Applicants and the Licensing Officer if they have any final comments to make. These comments can <u>only</u> be in relation to issues raised during the discussion. These remarks should be brief.</p>	<p>10 minutes</p>
<p><b>Step 8 - Final clarification</b></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><b>Step 9</b> <b>Consideration</b></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><b>Step 10</b> <b>Chair announces the decision</b></p>	<p>The Sub-Committee will return and the Chair will announce the decision. Reasons for their decision will be given, if appropriate.</p> <p>The Licensing Officer will draw attention to any restrictions which will affect the running of the premises and provide a written record of the decision, which will be sent to the applicant.</p>	<p>5 minutes</p>

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

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<b>REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 27/11/2018	<b>Classification</b>  DECISION	Enclosure
<b>APPLICATION TO VARY THE PREMISES LICENCE :</b> Chef Cafe Bistro, 273 Kingsland Road, E2 8AS	<b>Ward(s) affected</b>  <b>Hoxton East &amp; Shoreditch</b>	

## 1. SUMMARY

<b>Applicant(s)</b> Chef GIG Limited	<b>In SPA</b> No
<b>Date of Application</b> 11 October 2018	<b>Period of Application</b> Permanent
<b>Proposed variation:</b>  Late Night Refreshment Supply of Alcohol (On and Off Premises)	
<b>Proposed hours for licensable activity</b>	
<b>Late Night Refreshment</b>  <b>BOTH</b>	<b>Standard Hours:</b> Mon 23:00-03:00 Tue 23:00-03:00 Wed 23:00-03:00 Thu 23:00-03:00 Fri 23:00-03:00 Sat 23:00-03:00 Sun 23:00-01:00
<b>Supply of Alcohol</b>  <b>BOTH</b>	<b>Standard Hours:</b> Mon 08:00-01:00 Tue 08:00-01:00 Wed 08:00-01:00 Thu 08:00-01:00 Fri 08:00-01:00 Sat 08:00-01:00 Sun 08:00-00:00

<b>The opening hours of the premises: INDOOR</b>		<b>Standard Hours:</b> Mon 08:00-03:00 Tue 08:00-03:00 Wed 08:00-03:00 Thu 08:00-03:00 Fri 08:00-03:00 Sat 08:00-03:00 Sun 08:00-01:00
<b>Current activities/hours:</b> See Licence attached as Appendix D		
<b>Capacity:</b> not known		
<b>Policies Applicable</b>	LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP5 (Planning Status)	
<b>List of Appendices</b>	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from 'other persons' D – Current Licence E - Location map	
<b>Relevant Representations</b>	<ul style="list-style-type: none"> <li>• Environmental Health Authority</li> <li>• Planning Authority</li> <li>• Area Child Protection Officer</li> <li>• Police</li> <li>• Other Persons</li> </ul>	

## 2. APPLICATION

- 2.1 Chef GIG Limited has made an application vary their premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption **on and off** the premises
  - To include late night refreshment

2.2 The application is attached as Appendix A..

## 3. CURRENT STATUS / HISTORY

- 3.1 The current premises licence was granted in October 2017
- 3.2 No TENs have been submitted in respect of the premises in the current calendar year.

## 4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES



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

## **5. REPRESENTATIONS: OTHER PERSONS**

Representation received from and on behalf of local residents. (Appendix C)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm,
-----------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **6. GUIDANCE CONSIDERATIONS**

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

## **7. POLICY CONSIDERATIONS**

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol) and LP5 (Planning Status) are relevant.

## **8. OFFICER OBSERVATIONS**

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

Not applicable

## 9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Neither the applicant nor Responsible Authorities have proposed additional conditions to be included on the licence.

## 10. LEGAL COMMENTS

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

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

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

## 11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

## 12. MEMBERS DECISION MAKING

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

## 13. CONCLUSION

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

<b>Group Director, Neighbourhoods and Housing</b>	Kim Wright
<b>Lead Officer (holder of original copy):</b>	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.

<b>Description of document</b>	<b>Location</b>
Chef Cafe Bistro 273 Kingsland Road, E2 8AS	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003  
LBH Statement of Licensing Policy

# APPENDIX A

**Hackney**  
LA07

**Application to vary a premises licence under the Licensing Act 2003**

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **CHEF GIG LIMITED**

*(Insert name(s) of applicant)*

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

**Premises licence number**

089656

### Part 1 – Premises Details

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

chef cafe bistro  
273 KINGSLAND ROAD  
HACKNEY

Post town

LONDON

Postcode

E2 8AS

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£0

### Part 2 – Applicant details

Daytime contact telephone number

██████████

E-mail address (optional)

██████████

Current postal address if different from premises address

████████████████████

██████████

Post

EDMONTON

Postcode

██████

town			
------	--	--	--

**Part 3 – Variation**

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	Yes
If not, from what date do you want the variation to take effect?	
Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)	Yes
	<input checked="" type="checkbox"/> No

<p><b>Please describe briefly the nature of the proposed variation</b> (Please see guidance note 2)</p> <p>we would like to extend our trading hours to sell hot food until 3am so we want to trade from 8am to 3am</p> <p>we would also want to extend our alcohol license as well but does not have to be until 3am 1am will be ok for us</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

40
----

#### Part 4 Operating Schedule

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

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b>   |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A)                                                                    | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)                                                                    | ..                                  |
| c) indoor sporting events (if ticking yes, fill in box C)                                                   | ..                                  |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)                                        | ..                                  |
| e) live music (if ticking yes, fill in box E) <input type="checkbox"/>                                      | ..                                  |
| f) recorded music (if ticking yes, fill in box F)                                                           | ..                                  |
| g) performances of dance (if ticking yes, fill in box G)                                                    | ..                                  |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | ..                                  |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box L)                           | <input checked="" type="checkbox"/> |
| <b>Sale by retail of alcohol</b> (if ticking yes, fill in box J)                                            | <input checked="" type="checkbox"/> |
- In all cases complete boxes K, L and M**

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon	08:00	03:00	<b>Please give further details here</b> (please read guidance note 5) after 1am we are not going to sell alcohol to the public and we accept only takeaway orders after 1am		
Tue	08:00	03:00			
Wed	08:00	03:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6) we are planning to open only weekends till 2 or 3am		
Thur	08:00	03:00			
Fri	08:00	03:00	<b>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat	08:00	03:00			
Sun	08:00	01:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6) no  <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7) Default.LicesableActivitiesJ_plays_non_s»		
Mon	08:00	01:00			
	-----	-----			
Tue	08:00	01:00			
	-----	-----			
Wed	08:00	01:00			
	-----	-----			
Thur	08:00	01:00			
	-----	-----			
Fri	08:00	01:00			
	-----	-----			
Sat	08:00	01:00			
	-----	-----			
Sun	08:00	12:00			
	-----	-----			



**K**

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

none

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6) none
Day	Start	Finish	<b>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7) none
Mon	08:00	03:00	
Tue	08:00	03:00	
Wed	08:00	03:00	
Thur	08:00	03:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	01:00	

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

Please tick as appropriate

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

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

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

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

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

**b) The prevention of crime and disorder**

we wont supply alcohol to anyone does not eat in and we will have the necessary staff to prevent crime, disorder and noise

**c) Public safety**

we will shut out seat in facility after certain time and we will watch the costumers all the time

**d) The prevention of public nuisance**

we will have the necessary stuff to prevent noise and we will make sure the costumers leaving the place quietly and safe

**e) The protection of children from harm**

we wont give alcohol to take away

Checklist:

**Please tick to indicate agreement**

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

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

**Part 5 – Signatures** (please read guidance note 12)

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

Signature	ilhan erdogan
Date	11/10/2018
Capacity	owner

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

Signature	
Date	11/10/2018

Capacity	
----------	--

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</b>			
Premises Address			
UK-England			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

**Notes for Guidance**

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the

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

### RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Environmental Protection Officer Environmental Health 1 <sup>st</sup> Floor, 1 Hillman Street London, E8 1BY
CONTACT NAME	Khadine Jackson
TELEPHONE NUMBER	020 8356 4825
E-MAIL ADDRESS	Khadine.jackson@hackney.gov.uk

### APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	<b>273 Kingsland Road</b>
NAME OF LICENCE HOLDER/ DESIGNATED PREMISES SUPERVISOR	<b>Chef Gig Ltd</b>

### 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:

The Environmental Protection Team would object to the grant of the licence; the application would not currently comply with the following Licensing Policy requirement:

### **LP2 Licensing Objectives**

The applicant has not addressed the potential for nuisance arising.

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

The applicant has stated they *“will have the necessary stuff to prevent noise and we will make sure the costumers leaving the place quietly and safe”* without providing any further details.

The Environmental Protection Team have received 3 complaints within the last year of smoke/odour nuisance. This is not thought to be significant, however, increased operational hours and customer turnover increases the potential for further odour and smoke nuisance. The present kitchen extract system and maintenance schedule needs to be adequate to cope with the new demand.

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

Submit documentation to show:

- a) That noise, smoke and/or odour nuisance will not arise from the extended use of the kitchen extraction system.
- b) The management of any noise and other ASB arising from additional customers.

Signed: by Email

Name: Khadine Jackson

Date: 5<sup>th</sup> November 2018

**Planning Authority Representation:  
Application under the Licensing Act 2003**

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

**APPLICATION PREMISES**

Name and address of premises	Chef Gig Bistro 273 Kingsland Road London E2 8AS
Applicant name	Chef Gig Limited

**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 to vary an existing premises license. The proposed variation is to extend the hours of trading. The following licensable activities are proposed:

Late night refreshment: 08:00 - 03:00 Monday - Saturday, 08:00 - 01:00 Sunday;  
Supply of alcohol: 08:00 - 01:00 Monday - Saturday, 08:00 - 00:00 Sunday; and  
Hours of operation: 08:00 - 03:00 Monday to Saturday, 08:00 - 01:00 Sunday.

Planning application 2016/4580 granted the change of use from mini cab office to restaurant and hot food takeaway (A3/A5 use) and erection of single storey ground floor rear extension and erection of external rear ducting. Condition 4 of the planning consent states the following:

*'The use hereby permitted shall not be open to members of the public outside of the following hours:*

*07:00 - 23:00 on Mondays to Saturdays;  
08:00 - 22:30 on Sundays and Public Holidays.'*

The usage of the premises as a restaurant/take away is permitted. The proposed hours of operation exceed those permitted under the planning consent. The applicant is reminded that licensing approval does not grant planning approval. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action. The applicant is advised to gain planning permission for the proposed extension of hours.



Please provide the following information (if applicable)


Area (that permission applies to)	Ground floor
Permitted use	A3/A4
Permitted hours	07:00 - 23:00pm on Mondays to Saturdays; 08:00 - 22:30 on Sundays and Public Holidays.
Specific/restrictive conditions	N/A
Recent applications	N/A
Decisions	N/A
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

No representations with informative.

The usage of the premises as a restaurant/take away is permitted. The proposed hours of operation exceed those permitted under the planning consent. The applicant is reminded that licensing approval does not grant planning approval. Operation of the premises outside of the permitted hours of operation is unlawful and may result in enforcement action. The applicant is advised to gain planning permission for the proposed extension of hours.

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	01/11/2018

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

NAME OF AUTHORITY	Metropolitan Police service
CONTACT NAME	PC 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

**APPLICATION PREMISES**

NAME & ADDRESS OF PREMISES	<b>Chef Café Bistro 273 Kingsland Road London E2 8AS</b>
NAME OF PREMISES USER	<b>CHEF GIG LIMITED</b>

**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 to vary the Premises Licence at CHEF CAFÉ BISTRO, 273 KINGSLAND ROAD, LONDON, E2 8AS for the following reason(s):

This premises is located on a main road that runs through the centre of Hackney, linking Shoreditch, Kingsland and Dalston. This premises is part of a parade of shops, bars and food establishments, but is surrounded by residential properties. There are several blocks of flats that house residents old and young. The hours proposed in this application are significantly later than the hours currently operated. During the hours on the existing licence and the proposed hours, customers behaviour is dramatically altered, usually as a result of large quantities of alcohol consumed. The customers attracted to this premises will be from the nearby bars and clubs. What experience does the applicant have of running licensed premises in a late night time economy area?

Police would like further information on what policies and procedures will be in place to deal with drunken and potentially aggressive behaviour and ensure that the licensing objectives are not undermined.

Police would like to clarify a couple of points from the application;

- Section I of the application - Late Night Refreshment - states 'after 1am we are not going to sell alcohol to the public and we accept only take away orders after 1am'. Does this mean that the shop will be closed to the public and orders will be taken for food deliveries only?
- Also Section I - Application states - 'we are planning to open only weekends till 2 or 3am'. This being the case, what time do you expect to open until during the week? The timings on the application should be amended to reflect this.
- Section J - Supply of Alcohol requests sale of alcohol on and off the premises until 0100hrs everyday. LP4 of the Statement of Licensing Policy states that 'hours of the supply of alcohol will generally be restricted to between 0800hrs - 2300hrs. Police propose the hours be amended so that all off sales cease at 2300hrs.

Police look forward to hearing from the applicant soon.

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

Application submitted

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

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

**B4**

**RESPONSIBLE AUTHORITY DETAILS**

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

**APPLICATION PREMISES**

NAME & ADDRESS OF PREMISES	Chef Gig 273 Kingsland Road London E2 8AS
NAME OF APPLICANT	Chef Gig Limited

**COMMENTS**

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

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

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

I write to make a representation in relation to this application. The additional hours of activity may have a negative impact on the promotion of the licensing objectives, in particular, the prevention of public nuisance. Residential premises appear to be located close by which may suffer negative harm as a result of any additional trading hours.

As the hours on the existing licence are already aligned with those set out in Policy LP3 (Core Hours) the applicant is advised to note the following extract from that section:

*“Later hours may be considered where the applicant has identified any risk that may undermine the promotion of the licensing objectives and has put in place robust measures to mitigate those risks.”*

The applicant has not offered any new measures to promote the licensing objectives.

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

The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 Guidance issued by the Home Office.

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

Discussion with the applicant to obtain further information in relation to the proposed operation and the matters raised above.

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

**Date:** 08/11/2018

# APPENDIX C



## OBJECTION UNDER 2003 LICENSING ACT

**Objection by:** ■■■■■  
Kingsland Road, London, E2 ■■■■.

**Application Address:** Chef Café Bistro, 273  
Kingsland Road, London, E2 8AS.

**Summary of Application:** Application for variation of premises licence to include late night refreshment from 23:00 to 03:00am Mon to Sat and from 23:00 to 01:00am Sun and to extend supply of alcohol till 01:00am Mon to Sat and till 00:00 Sun.

**November 2018**

## 1.0 INTRODUCTION

1.1 This objection is submitted on behalf of [REDACTED] Kingsland Road, London, E2 [REDACTED] against the licensing application at Chef Café Bistro, 273 Kingsland Road, London, E2 8AS. [REDACTED] has retained the services of [REDACTED] to make this objection.

1.2 [REDACTED] lives [REDACTED] has experienced nuisance and disturbance from the operation of the current premises.

## 2.0 BACKGROUND / CONTEXT

2.1 The premises in question was granted planning permission in March 2017 under Application Ref. No. 2016/4580. Condition No. 4 of the planning permission states:

*“The use hereby permitted shall not be open to members of the public outside the following hours:*

*07:00am - 23:00pm on Mondays to Saturdays*

*08:00am - 22:30pm on Sundays and Bank Holidays”*

***Thus to approve the proposed licensing application would result in a flagrant breach of a planning condition attached to the premises. The premises does not have planning permission to operate beyond 11pm Monday to Saturdays or beyond 10.30pm on Sundays and Bank Holidays.***

2.2 Condition No. 5 of the planning permission in question states:

*“Full particulars and details of provisions for soundproofing between ground and first floor shall be submitted to and approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed and retained in the building in a satisfactory manner, before the development is first occupied/use commenced”.*

***It is not known if any such details were approved and there is a risk that the existing building is not sufficiently soundproofed.***

2.3 Condition No. 10 of the planning permission in question states:

*“Any external flue must be fixed to the wall with anti-vibration mountings and the mechanical ventilation must discharge at one metre above eaves level and be vertical towards the sky with no restriction to the final opening, such as a plate, cap or cowl.”*

*Whilst an extraction system is in place for the premises, to Mr. Fleming's knowledge the extraction system has not been carried out in full accordance with this condition, and thus it could be in breach of planning permission.*

### **3.0 VALIDITY OF APPLICATION**

3.1 The validity of the application is questioned as the applicant has not seen a licensing application notice displayed on the premises (and certainly not in a conspicuous position) and has only found out about the application by chance. It is submitted that many neighbours to the premises will not be aware of the application due to the failure to display a notice on the premises and this prejudices the opportunity for many to make comments on the application.

### **4.0 OBJECTIONS**

4.1 In accordance with the 2003 Licensing Act, objections are discussed under the relevant headings below.

#### **The Prevention of Crime and Disorder**

4.2 The stretch of Kingsland Road in question has a number of bars and clubs selling alcohol. It is [REDACTED] experience that late-night street noise and anti-social behaviour is a significant problem. He has had to call the non-emergency police number on numerous occasions in recent months due to the severity of such issues (reference numbers for these calls can be provided).

4.3 Crime statistics for the area back up [REDACTED] experience. According to data from [www.crime-statistics.co.uk](http://www.crime-statistics.co.uk) there have been 17 reported incidents in the E2 8AS postcode region alone in just September this year - see Figure 1 below.



## Number of Crimes in London, Greater London (Hackney), E2 8AS, England September 2018

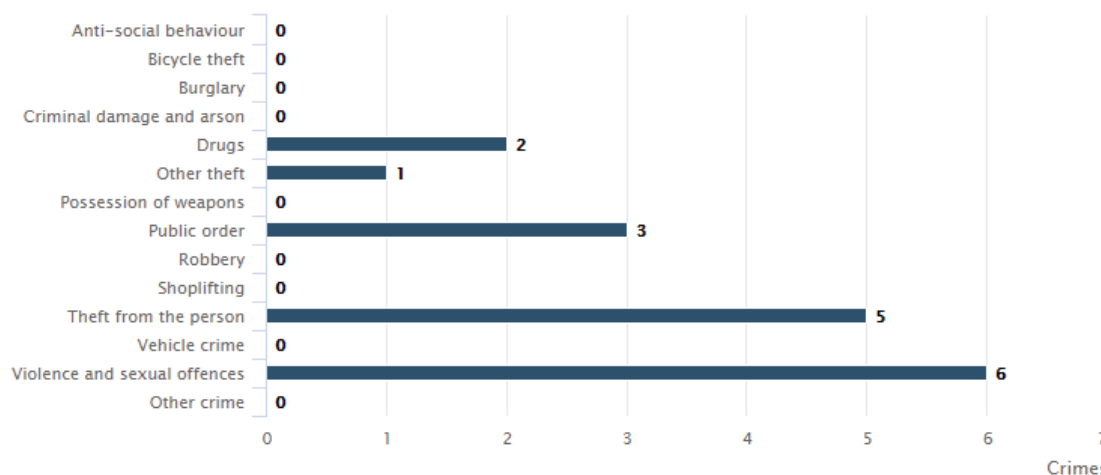


Figure 1 – data from [www.crime-statistics.co.uk](http://www.crime-statistics.co.uk) for the Month of September 2018

**4.4** *It is considered the proliferation of late night premises is contributing to crime in the area. The sale of alcohol until 1am and takeaway food until 3am in the application premises will only exacerbate existing crime in the area. There is no need for a further late night take-away in the area.*

### Public Safety

**4.5** Given the non-compliance with planning issues cited above, it is queried whether there may be compliance issues with other statutory codes such as building regulations and environmental health.

### Prevention of Public Nuisance

**4.6** As detailed above, the premises does not have planning permission to open during the hours sought under the application. Therefore it would be remiss of the Licensing Authority to permit the application. *It is essential that planning permission be in place for the opening hours sought before any licence is granted.*

**4.7** Also as detailed above, there are concerns with regards the adequacy and compliance (in planning terms) of extraction associated with the premises. The premises cooks predominantly grilled meat, and [REDACTED] regularly experiences odours both outside and inside his house, sometimes even when the windows in his home are closed. This is indicative of an ineffective extraction system.

*At the very least and without prejudice to objection points above, the applicant should be requested to verify the adequacy and compliance (in planning permission terms) of existing odour extraction measures.* The applicant believes that to have existing operations continue until 3am would be intolerable for him.

**4.8** There is concern that comings and goings of vehicles to/from the premises late at night would cause significant disturbance to neighbours. Issues such as engines revving, vehicle doors closing, and conversations would all contribute to noise and nuisance. There are residential units immediately above, abutting and opposite the premises.

### **Protection of Children from Harm**

**4.9** [REDACTED] has no comment to make with regards this matter except to have it noted that there are many family livings nearby and rather than adding to late night premises in the area, the Licensing Authority should be seeking to curtail and reduce such premises in the interests of protecting residential amenity in general.

### **5.0 CONCLUSION**

**5.1** Having regard to the concerns set out above it is requested that the licensing application be refused. [REDACTED] requests to be notified of any developments with the application.

# APPENDIX D



**This premises licence has been issued by:**

Licensing Service  
1 Hillman Street  
London E8 1DY

## **PART A – PREMISES LICENCE**

### **Premises Licence Number**

089656

### **Part 1 – Premises details**

273 Kingsland Road  
Hackney  
London  
E2 8AS  
0203 487 0900

### **Where the licence is time limited the dates**

Not Applicable

### **Licensable activities authorised by the licence**

Supply of Alcohol

### **The times the licence authorises the carrying out of Licensable activities**

#### **Supply of Alcohol**

#### **Standard Hours:**

Mon 08:00-22:30  
Tue 08:00-22:30  
Wed 08:00-22:30  
Thu 08:00-22:30  
Fri 08:00-22:30  
Sat 08:00-22:30  
Sun 08:00-22:00

#### **The opening hours of the 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 08:00-22:30

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

On and Off Premises

**Part 2 –**

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

Chef GIG Limited  
273 Kingsland Road  
Hackney  
London  
E2 8AS

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

10812069

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

Ilhan Erdogan

**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:** 17 October 2017

**Signed:**

**David Tuitt  
Team Leader - Licensing**

## Annex 1 - Mandatory Conditions

### Mandatory condition for Supply of Alcohol (On/Both):

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

#### Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **Door Supervision**

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

## **Annex 2 – Conditions consistent with the Operating Schedule**

9. No emptying of bins or containers late in the evening, and minimum movement of bins and rubbish containers in the evenings. All rubbish produced by the premises will be stored securely in a designated area in a bin with a tight fitting and lockable lid.
10. Adequate waste receptacles for use by customers will be provided in the local vicinity.
11. Any concerns relating to children will be reported to the Duty and Assessment Team at Children's Services.

## **Conditions derived from Responsible Authority representations**

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



16. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
17. 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.
18. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
19. There shall be a personal licence holder or DPS contactable whenever licensable activity is taking place. A contact number should be left and made available to police or other authorised officer upon request.
20. Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter/waitress service only.
21. All patrons will be seated and served by waitress/waiter service.
22. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.
23. There shall be no open containers or bottles taken outside of the premises at any time.
24. The premises shall ensure that the front of the premises and the curtilage of the building is kept tidy and free of litter.
25. SIA registered door supervisors shall be employed at the premises, on an ongoing risk assessment basis. All security staff and stewards shall be clearly identifiable at all times. Additional SIA registered supervisors to be employed on an operational risk assessment basis. All supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or authorised officer immediately upon request.

26. All off sales of alcohol shall be sold in sealed containers to be consumed away from the premises.
27. There shall be clear signage asking customers to respect the local residents and leave the premises quietly.
28. No beers, lagers or ciders (including perries) in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to organic or craft beers.
29. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. A unit of alcohol is 10ml of ethanol. The number of units is calculated by multiplying the % Alcohol By Volume x Volume in centilitres. Thus a half-litre of beer at 5% ABV contains 2.5 units:  $(5/100 \text{ ABV}) \times 50\text{cl}$ .
30. Delivery
- a. Alcohol will only be delivered as part of a substantial meal.
  - b. At the time the order is placed a declaration will required from the person placing the order to confirm they are over 18 years of age.
  - c. Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
  - d. ID verification will be made when orders containing alcohol are delivered (no ID no delivery) – acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure
  - e. Staff making the deliveries must be at least 18 years old
  - f. Alcohol can only be delivered to a residential or business address and not to a public place, and delivery staff will not deliver to any person anywhere other than at the residential or business address given when the order was placed
  - g. Deliveries will not be made between the hours of 23:00 and 07:00
31. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty

of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

32. 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.
33. The Licensee's premises are situated in an area within which refuse may only be left on the public highway during certain time bands (Kingsland Road 6:45-7:45 and 18:00-19:00). If the Licensee's waste carrier cannot or does not comply by collecting the refuse during the present or any future time bands imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as its waste carrier arrives to collect the refuse.
34. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.
35. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip, for the use of customers.

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

N/A

### **Annex 4 – Plans**

PLAN/089656/17102017

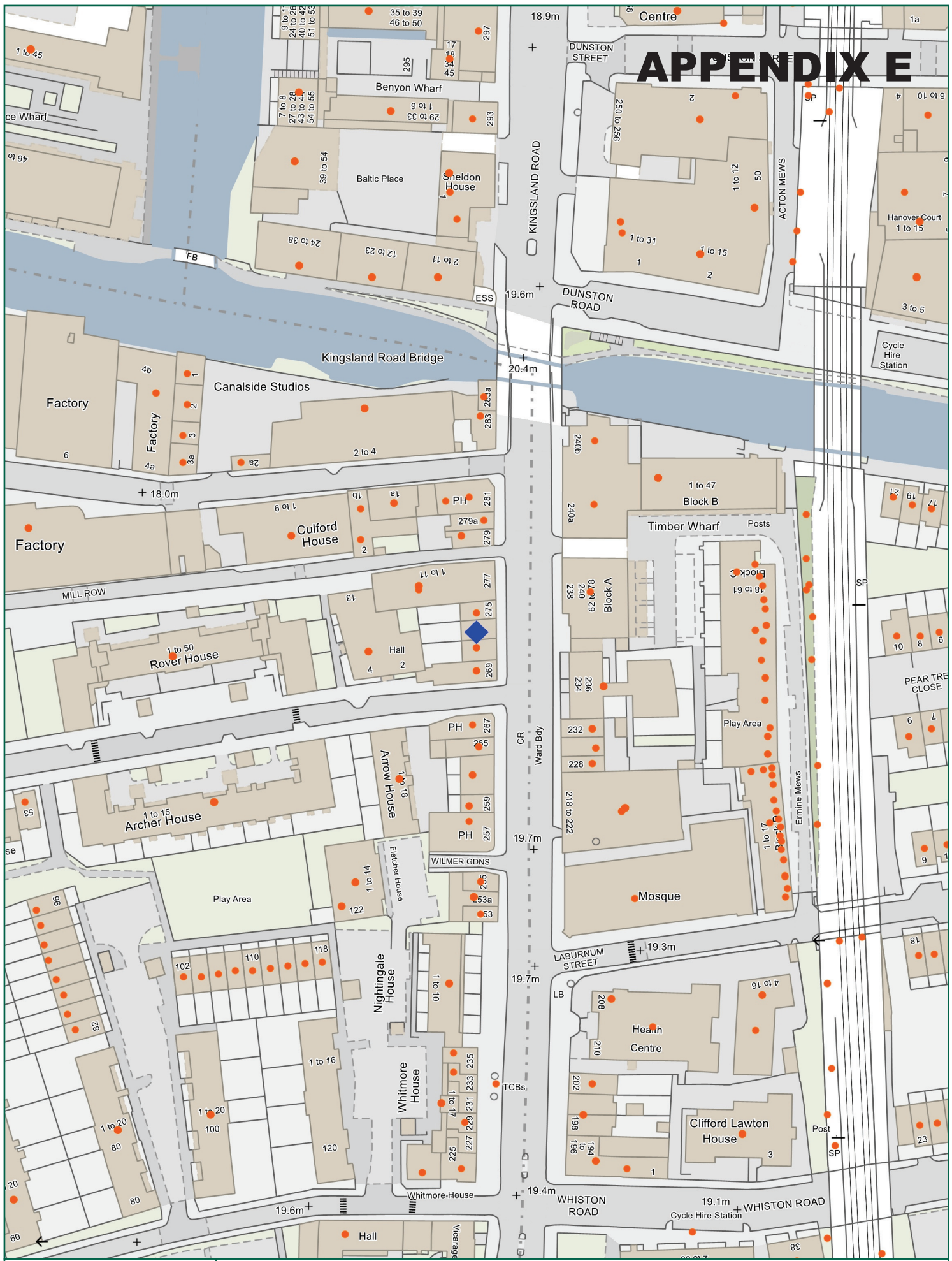


GROUND FLOOR PLAN  
SCALE 1:100





# APPENDIX E



Scale: 1:1250 at A4



Ref: 14 November 2018

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