



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

Thursday, 15th November, 2018

at 7.00 pm

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

Councillors sitting:

**Cllr James Peters, Cllr Margaret Gordon
(Substitute) and Cllr Sem Moema (Substitute)**

TIM SHIELDS
Chief Executive

Contact:
Gareth Sykes, Governance Services Officer
020 8356 1567
gareth.sykes@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Thursday, 15th November, 2018

ORDER OF BUSINESS

| Title | Ward | Page No |
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| 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 - 14) |
| 5 Licensing Sub-Committee Hearing Procedure | | (Pages 15 - 16) |
| 6 Application for a Premises Licence: Guafa, 87 Shacklewell Lane, E8 2EB | | (Pages 17 - 44) |
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Licensing Sub-Committee Hearings

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

A Licensing Sub-Committee will be held if:

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

Prior to your item being heard:

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

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

Making decisions on the items being heard:

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

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

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

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

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

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

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

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

Before the meeting starts:

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

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

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

Attending the hearing that concerns you:

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

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

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

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

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

Timings

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

Rights of Press and Public to Report on Meetings

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

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

Lobbying of Councillors

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

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

Reports

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

Appeals

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

Withdrawal of an Item or Cancellation of a Hearing

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

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

Facilities

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

Contacts

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

Governance Services
2nd Floor Room 118
Hackney Town Hall
Mare Street
London, E8 1AE

Telephone: 020 8356 1266

E-mail: governance@hackney.gov.uk

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

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

Telephone: 020 8356 4970

Fax: 020 8356 4974

E-mail: licensing@hackney.gov.uk

ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further Information

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



FS 566728

Relevant Extracts from Hackney's Statement of Licensing Policy

Please find below relevant extracts from the Statement of Licensing Policy 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 C, THURSDAY 15TH MARCH 2018, COUNCIL CHAMBER, HACKNEY TOWN HALL, MARE STREET, LONDON E8 1EA

- Councillors Present:** Cllr Emma Plouviez in the Chair
- Apologies:** Cllr Margaret Gordon
Cllr Sade Etti (substitute)
- Officers in Attendance:** Sanaria Hussain, Senior Licensing Officer
Butta Singh, Senior Lawyer Licensing & Corporate
Mike Smith, Principal Licensing Officer
Christine Stephenson, Planning, Licensing &
Corporate Lawyer
David Tuitt, Business Regulation Team Leader
(Licensing and Technical Support)
Gareth Sykes, Governance Services Officer
- Also in Attendance:** Village Underground
Applicant
Philip Kolvin QC
Jack Spiegler, Solicitor
Auro Foxcroft, Village Underground
- Other persons
Lieske Kuitert (objecting)
Russ Tannen (supporting)

1 Election of Chair

1.1 Councillor Emma Plouviez was elected as Chair.

2 Apologies for Absence

2.1 Councillor Sade Etti gave her apologies for the meeting.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of the Previous Meeting

4.1 The minutes of the meeting, held on 12th September 2017, were agreed as an accurate record.

5 Licensing Sub-Committee Hearing Procedure

5.1 The attendees at the Licensing Sub-Committee noted the hearing procedure.

6 Application to vary the Premises Licence: Village Underground, 54 Holywell Lane, EC2A 3PQ

6.1 Sanaria Hussain, Senior Licensing Officer, introduced the new application for Village Underground at 54 Holywell Lane, EC2A 3PQ. Committee members noted that there was a number of tabled papers from the applicant along with representations from one responsible authority (licensing) and two other persons (one opposing and one supporting the application). Members also noted that the applicant had proposed the reduction of the terminal hour for alcohol sales on Friday and Saturdays to 05:00hours.

6.2 Mr Philip Kolvin QC made his submission at the meeting in support of the application. He began by explaining that to balance out the proposed extra hours on Friday and Saturday Village Underground was volunteering to surrender weekday hours between Monday and Wednesday. Members noted the premises was not in a Special Policy Area (SPA) and that there was a number of statements in support of the application. Mr Kolvin QC directed members to the substantial number of tabled papers, which included an independent licensing Impact Assessment from Make Associates, a summary of sound control assessments and recommendations made by Richard Vivian of Big Sky Acoustics, a witness statement from the Director of Village Underground, Mr Auro Foxcroft and a letter of support from Amy Lane, the Night Czar for the Mayor of London.

6.3 Mr Kolvin QC highlighted that the application had not received any objections from the Responsible Authorities (Environmental Health and Police). Mr Kolvin QC also re-iterated that the applicant had been proactive in proposing a reduction in the terminal hour for alcohol sales to 05:00hours on Friday and Saturdays. The applicant was also willing to consider other additional conditions. Mr Kolvin QC added that Village Underground had been part of Shoreditch's arts and culture scene since 2006, operating as a multidisciplinary arts centre. Its focus was primarily on presenting visual arts, design and architecture, concerts, theatre and performing arts. Annually, Village Underground had an attendance of over 150 thousand people with more than 500 performances. Mr Kolvin QC stressed that Village Underground was an arts led, rather than alcohol led, venue.

6.4 In response to concerns about entry into the premises, Mr Kolvin QC explained that queues were controlled by barriers to control the flow of customers. No customers were allowed to smoke in the queue. Addressing concerns from residents about noise, Mr Kolvin QC explained that Village Underground had been proactive in cooperating with residents and Environmental Health to address the issues. A small courtyard, via Holywell Lane, was Village Underground's designated smoking area. It was strictly controlled with those wishing to use it having to queue outside quietly. On customers departing the premises, Mr Kolvin QC explained that Village

Underground operated a rapid dispersal policy with the main exit points being on Holywell Lane. From here, customers were encouraged to disperse by foot, to their taxi or to the areas' numerous transport links. To address residents' concerns about customer the dispersal, Mr Kolvin QC explained that they were willing to offer an additional condition whereby one Security Industry Authority (SIA) registered member of staff would be stationed at both Fairchild Place and at the eastern end of Holywell Lane on Friday to Saturday, from 30 mins before closing time until 30 minutes after.

- 6.5 The Director of Village Underground, Mr Auro Foxcroft, made a submission to the sub-committee, elaborating on the aims and work of the venue. He added that the arts events taking place at the venue were subsidised by those corporate events that take place at the venue. He added that the venue would not be open to 06:00 hours every weekend and that events were not alcohol led citing that the average spend for a Temporary Event Notice (TEN) weekend was approximately £14 per head.
- 6.6 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support), began his submission to the Licensing Sub-Committee by welcoming the reduction of the terminal hour for alcohol sales on Friday and Saturdays to 05:00hours. Mr Tuitt explained that Village Underground was a multi-purpose, 720-capacity event space located in a popular and well established Shoreditch night time economy area. There was a concentration of licensed premises in this area, attracting high volumes of people. Mr Tuitt added that, as a result, the Council receives complaints of noise and other associated forms of anti-social behaviour. Licensing highlighted that that there were some residential properties near to the premises. Mr Tuitt explained that there were concerns that the additional hours proposed at weekends would further exacerbate existing negative impacts in the area e.g. public drunkenness and rowdy behaviour. The licensing team noted the efforts made by the applicant to address ongoing noise issues and also the comprehensive paperwork that they had provided in support of their application. Mr Tuitt concluded by recommending that Village Underground fully adopt (and regularly update) their 'Operational Management Procedures' document in consultation with the licensing team.
- 6.7 Other person, local resident, Ms Lieske Kuitert, began her submission by raising concerns about the application. She explained to committee members her first-hand experience of problems with a constant low pounding bass disrupting her sleep and her fellow residents. She also raised concerns about the about a longer licence attracting more already intoxicated young people leading to longer queues and greater noise and disruption. Ms Kuitert was of the view that Village Underground's dispersal policy need to be better thought out. .
- 68 Another other person, Mr Russ Tannen, made a brief submission to the sub-committee supporting the application. Members noted that that many businesses benefited from Village Underground's licence being extended.

- 6.9 In response to concerns raised about his dispersal policy, Mr Foxcroft explained that it took staff at Village Underground approximately 19 minutes for a full dispersal of customers and nine minutes when a TEN was in taking place. Addressing comments raised about alcohol consumption and related issues e.g. public urination and vomiting, Mr Foxcroft replied that the average alcohol consumption for his customers was two drinks. On residents' concerns about longer queues stretching along Great Eastern Street, Mr Foxcroft offered to station SIA-registered staff at the back of the queue.
- 6.10 After a brief adjournment, Mr Kolvin QC proposed, in relation to TENs, if one was served for the premises and it goes beyond 01:00hours, then the closing time of the premises shall revert from 06:00hours to 04:00hours on a Friday and Saturday, for the following 12 months. The applicant also clarified that the existing premises, licence LBH-PRE-T-1005, would be replaced by the new premises licence.
- 6.11 In response to concerns raised by Ms Kuitert, Mr Kolvin QC proposed that Village Underground liaise with the residents of Fairchild Place to address issues around the low pounding bass noise. They would also set all sound limiter levels within their premises. These levels would be set in agreement beforehand with the Environmental Health/Noise Pollution Team.
- 6.12 In summary, the other person Ms Kuitert re-iterated her concerns over the low pounding bass disrupting residents sleep and the extension of the license possibly leading to more people into the area. She disputed the assertion that the 6am was a better finishing time because it was quieter and the morning public transport services. On the latter at night now there was adequate links e.g., night buses and tube.
- 6.13 In summary Mr Kolvin QC re-iterated that Village Underground was a professionally run operation with an established reputation over the last ten years. Committee members were also reminded that there had been no submissions from the responsible authorities (Environmental/noise pollution team and the Police) for this new premises licence. Mr Foxcroft had also shown that he was willing to work with the responsible authorities and local residents by proposing a number of additional conditions to address the issues raised by them.

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 outlined under paragraph 8.1 of the report along with the following additional conditions:

1. Village Underground's document titled 'Operational Management Procedures' be adopted and adhered to in full and to be regularly updated, in agreement with both Responsible Authorities, the Police and Licensing Team.
2. One Security Industry Authority (SIA) registered member of staff to be stationed at both Fairchild Place and at the eastern end of Holywell Lane on Friday to Saturday, from 30 mins before closing time until 30 minutes after.
3. The applicant will use their best endeavours to ensure patrons leaving the premises are dispersed down Great Eastern Street.
4. This premises licence shall not be used as a permission for licensable activities until the following Premises Licence LBH-PRE-T-1005 has been surrendered by the Licence Holder. Should the following Premises Licences LBH-PRE-T-1005 be reinstated for any reason, this Premises Licence shall not be used until the Premises Licences LBH-PRE-T-1005 has been surrendered.
5. All sound limiter levels set within the premises are to be agreed beforehand with the Environmental Health/Noise Pollution Team.
6. If there is a Temporary Event Notice (TEN) is served for the premises and it goes beyond 01:00hours, then the closing time of the premises shall revert from 06:00hours to 04:00hours on a Friday and Saturday, for the following 12 months.

REASONS FOR THE DECISION

The application has been approved, as members of the Licensing Sub-Committee, after listening carefully to representations from the applicant, responsible authority (Licensing Team) and other persons, in addition to taking into consideration the additional conditions and assurances made about the nature of the operation, were satisfied that the licensing objectives would not be undermined.

PUBLIC INFORMATIVE

The licensee will liaise with residents of Fairchild Place to address issues around bass music noise.

7 Temporary Event Notices - Standing Item

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

Duration of the meeting: 19:00 – 21:50 Hours

Signed

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Chair of Committee, Councillor Emma Plouviez

Contact:

Governance Services Officer:

Gareth Sykes

Tel 020 8356 1567

**MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C
TUESDAY, 7TH AUGUST, 2018**

Councillors Present: **Cllr James Peters in the Chair**
Cllr Caroline Selman and Cllr Sam Pallis

Officers in Attendance: Channing Riviere (Principal Licensing Officer), Butta Singh (Legal Officer), Robin Jones (Trading Standards), David Tuitt (Licensing), Amanda Nauth and Anisah Hilali (Legal Services) and Rabiya Khatun (Governance Services Officer)

Also in Attendance: **Kingsland Food and Wine**
Mr Abdul Wahid - Licensee
Mr S Wahid – Licensee’s son
Mr Jeremy Phillips – Legal Representative
PC Giles - Metropolitan Police Service

1 Election of Chair

1.1 Councillor Peters was duly elected as the Chair.

2 Apologies for Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Licensing Sub-Committee Hearing Procedure

4.1 The Sub-Committee noted the hearing procedure.

5 Review of Premises Licence: Kingsland Food and Wine, 77 Kingsland High Street, E8 2PB

5.1 NOTED the additional information circulated at the meeting and CCTV footage.

5.2 Channing Riviere, Principal Licensing Officer, outlined the application for a review of the premises licence for Kingsland Food and Wine store and stated that representations had been received from Environmental Enforcement, Licensing and Police. Mr Riviere referred to the written representation received from Public Health on 7th August 2018 and stated that following legal advice the late representation had been withdrawn as it did not comply with licensing regulations.

5.3 Robin Jones, Trading Standards presented the case for the review of the premises licence for Kingsland Food and Wine on the following grounds: the prevention of crime and disorder, protection of children from harm and the use of the premises for the sale or storage of smuggled tobacco and illegal sale of alcohol to a minor under Section 182 Part 11.27 of the Licensing Act 2003.

5.4 Mr Jones outlined the incidents leading to the review and requested revocation of the premises licence. The premises had been used for the sale and storage of smuggled tobacco and during a joint operation on 5 December, 2017 HMRC seized 4,260 king-sized cigarettes and 1.9 kilograms of hand rolling tobacco believed to be duty avoided. In addition, 19,967 individual cigarettes and 687.5g of hand rolling tobacco were seized in non-standardised packaging contrary to the Standardised Packaging of Tobacco Products Regulation 2015 and duty avoided foreign labelled tobacco was found under the counter and in a covert hiding place above the staff toilets. On 16 March 2018 the Metropolitan Police Child Sexual Exploitation Team carried out a test purchase proxy sale of alcohol with an undercover police officer buying alcohol for a minor. Finally, on 15 June 2018 during a test purchase one single can of alcohol was sold to an officer breaching condition 16 of the licence.

5.5 In response to a question, it was clarified that Mr S Wahid, the licensee's son had sold alcohol to the undercover officer on 16 March 2018

5.6 Mr Tuitt, Licensing, supported the review of the licence on the grounds of prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. Mr Tuitt stated that the Licensing Sub-Committee on 22 April 2014 had revoked the premises licence for Kingsland Food and Wine store following breaches of its licensing conditions including after hours sales and following an appeal the existing licence had been modified. Concern was expressed at the ongoing risks of the licensing objectives being undermined based on the history of breaches and poor management of the premises.

5.7 5.9 PC Giles played CCTV footage of the proxy sale conducted on 16 March 2018.

5.8 PC Giles, Police, supported the review on the grounds of prevention of crime and disorder, public safety and protection of children from harm. PC Giles emphasised that the licensee was not a responsible operator based on the history of the premises and consistent breaches of the licence including a review of the premises licence following out of hours sales in March 2014, sale and storage of illegal goods on 5 December 2017, unauthorised sale of alcohol to an adult on behalf of minor on 16 March 2018, sale of one single can of alcohol during a test purchase on 15 June 2018 that breached licensing condition 16 and failure to provide the police with a full copy of the premises licence on 27 June 2018. The management's policy of purchasing a minimum of two cans of alcohol was deemed irresponsible due the premises being located within Dalston special policy area (SPA) and the issues of street drinking and anti-social behaviour especially around Gillett Square. The licensee was not a responsible operator and capable of running a well-managed licensed premises based on previous and more recent breaches of the licensing conditions.

5.9 In response to questions from the Chair seeking further clarification, PC Giles stated that during a visit she had recognised and witnessed three street drinkers from Gillett Square buying two cans of alcohol at the store. The police cadet conducting the test purchase on 16 March 2018 had been 14 years old and was carrying a child oyster

card clearly identifying herself as a child. In the scenario presented at the shop the undercover officer had made it clear the alcohol was being purchased for a minor and had asked the cadet what alcoholic drink she wanted. It was emphasised that the purpose of the Child Sexual Exploitation Team's operation had been to identify the scale of child exploitation and test purchases had been undertaken at many licensed premises and hotels.

5.10 Jeremy Phillips, legal representative for the licensee, made the following points responding to the issues raised by the responsible authorities and against the revocation of the premises licence:

- The application for the review had been on the basis of the incident on 5 December 2017 relating to the sale or storage of illegal tobacco and further incidents since December 2017 had been incorporated into the review
- Mr Abdul Wahid had made a loss of £11k from the goods seized by HMRC. Over 90% of the cigarettes seized had been duty paid but were not in the standardised packages in compliance with the new rules.
- The licensee had been storing the cigarettes to swap the non- standardised packages when a tobacco representatives visited the store and denied the allegation that he had covertly stored them above the toilet door. It was explained that some tobacco representatives had been unable to swap all old stock due to insufficient packs and were expected to return with more replacement stock. Mr A Wahid had contacted the manufacturers on many occasions since the introduction of the legislation regarding the remainder swap stock. Mr Wahid accepted that he should not have stored the non-standardised packets on the premises but there was no evidence of the cigarettes being sold.
- Swap order receipts from Philip Morris Ltd and Gallaher Ltd were submitted to demonstrate that the licensee intended to swap these cigarettes and paid duty on the seized cigarettes.
- In relation to the duty-avoided stock, Mr Wahid explained that his competitors had been undercutting him by selling duty avoided illicit tobacco and he had made a commercial decision to buy some cigarettes from an individual who visited the shop. He acknowledged that he had made an error in judgement and regretted his actions. With regard to 16 March 2018, Mr S Wahid had sold the alcoholic beverage believing it would be consumed by an adult. The alcohol display area was not clearly visible from the till point where Mr S Wahid had been busy serving customers when the scenario was played.
- The licensee proposed to reconfigure the shop as outlined in the submitted plan, which included a reduction of approximately 36% of the alcohol display area and in direct line of sight from the till point. In addition, all tobacco products not stored in the dedicated cabinet in the retail area would be kept in a lockable cage shown on the plan hatched red.
- In relation to the test purchase on 15 June 2018 it was highlighted that PC Hunwick was a regular customer at the store and the licensee had assumed there would be no issues selling a single can to his colleague PC Greet. It was argued that using a known police officer for a test purchase was bad practice and did not comply with police procedures. Mr A Wahid had refused to sell a single can of alcohol to PC Greet. on 22 June 2018
- Mr A Wahid believed he had been acting as a responsible operator by introducing a 'minimum two cans' policy however, this policy did not breach any licensing conditions or legislation and believed the criticism was unfair.
- In relation to the visit on 27 June 2018, it was clarified that the full premises licence had been at the store but the licensee had been unable to locate it when requested by the Police.

- Letters from Tobacco Retail and Camelot were submitted to demonstrate that the licensee was a responsible operator operating a well-managed premises.
- Mr Wahid had agreed additional conditions with Environmental Enforcement relating to waste and believed that its representation had been withdrawn.

5.11 Mr Butterworth a consultant and former police officer at Greater Manchester Police gave a brief background of his experience and stated that he had undertaken a visit on Saturday 21 July 2018 from 17.00 until 23.45 hours. He had visited six licensed premises within the vicinity of this premises: M&S, Kingsland Food & Wine, Nisa Local, Best Supermarket, Tesco Express and Akin Supermarket which all had later open hours. M&S and Tesco Express were open until midnight and Akin Supermarket was open past midnight. He had observed street drinkers congregating in Gillett Square with the numbers growing from 30 to 100 at its peak and down to approximately 50 to 70 drinkers by midnight. Street drinkers were buying alcohol from all the licensed premises in the area and a further two licensed premises in Gillet Square. The issues in the area were not solely related to this premises as the area was saturated with licensed premises and no police patrols were seen enforcing the Controlled Drinking Zone order in the Square.

5.12 Mr Butterworth stated that the test purchase on 15 June 2018 should not be considered as part of the review as it was not good practice for a police officer known to the licensee to conduct test purchases. Furthermore, the website used in the sample to obtain an industry average ABV of 5.5% was unreliable as this website focused on the calorie contents of alcoholic beverages and did not contain high alcohol content products.

5.13 In response to questions from Members, Mr Butterworth stated that he had no evidence that the Controlled Drinking Zone order was not being enforced and that the licensee should not be adversely affected by the 'minimum two cans' policy, which applied uniquely to this premises.

5.14 Mr S Wahid clarified that on 16 March 2018 he and his uncle had been behind the counter during a busy day at the store. The lottery stand had obscured their view of the undercover officer buying alcohol for a cadet and the noise from outside had made it difficult to hear the conversation played within the scenarios. It was emphasised he had not sold the alcohol intentionally or deliberately for consumption by a minor and no sale would have occurred if he had been aware of the minor. He stated that many customers came into the store with their children or sister and it was a challenge to distinguish an exploited child from a close relative.

5.15 Members sought further clarification regarding the incident on 16 March 2018. Mr S Wahid confirmed that both he and his uncle had not seen or heard any of the scenarios played. He clarified that his uncle had been fixing the shelving system at the till counter and his back was towards customers, and he had been busy serving customers and the lottery stand obscured his view. There was no recording of the till counter as the CCTV system had been configured to record the inside and front of the premises only. Mr Abdul Wahid confirmed that a small quantity of Marlboro hand rolling tobacco stored for a swap had been seized.

5.16 Mr Jones confirmed that there had been a one year grace period for owners to swap non-standardised cigarette packets after new rules came into force on 20 May 2016 but this had expired in May 2017.

5.17 Mr Phillips argued that the police's representation was based on hearsay evidence as the officer involved in the operation on 16 March 2018 was not present at the meeting. Furthermore, the Sub-Committee should be satisfied from the evidence submitted that the licensee's son had intentionally sold alcohol to be consumed by a minor to meet the requirements of a proxy sale. It was emphasised that Mr S Wahid denied selling alcohol for consumption by a minor. Mr Singh responded that the evidence was not hearsay and referred to the written statement within the pack which had submitted by the police officer involved in the operation.

5.18 The Chair referred to the proposed conditions at pages 14 and 15 of the pack. Mr Phillips agreed to all the conditions except conditions 4 and 5 and requested that condition 4 be amended to include the words at the end of the sentence 'except for deliveries of bread, milk and magazines.' due to these items being delivered prior to 07.00 hours. Further, proposed condition 5 be deleted as there was no evidence or justification to support the reduction of ABV from 6.5 to 5.5 for beers, lagers or ciders. Mr Phillips added that the 'Get drunk not fat' website concentrated on calorie content and that the sample products used to obtain 5.5% ABV was flawed. This proposed condition was inappropriate and did not apply to other licensed premises within area and would adversely impact on Mr Wahid's business.

5.19 Conversely, Mr Jones argued that proposed condition 5 should remain as the premises are located within the Dalston special policy area and this area already suffered from negative cumulative impact from a high concentration of premises licence and public nuisance. He explained the process in obtaining the industry average ABV 5.5% and that the sample compared over 100 products in the marketplace. This information had been sent to the licensee prior to the hearing. Mr Jones confirmed most of the products used to obtain the average ABV had been taken from the website 'Get drunk not fat'.

5.20 In response to a question from a Member, Mr Jones confirmed that the operation undertaken in December 2017 had been based on intelligence received about illicit tobacco being sold at the shop.

5.21 Mr Jones in his closing remark reiterated that the history of the premises and consistent breaches undermined the licensing objectives of the prevention of crime and disorder and the protection of children from harm and requested that the licence should be revoked.

5.22 Mr Tuitt summarised that the licence should be revoked based on the history of poor management of the premises, the quantity of illegal tobacco seized and the nature of the local area. However, if the Sub-Committee were minded not to revoke the licence it was requested that the condition 1 be amended to remove the sale of 50ml miniature bottles of spirit.

5.23 PC Giles summarised that no evidence had been submitted of the proxy sale and there had been no prosecution. Concern was expressed regarding the history of the premises, potential sale of alcohol to an exploited child and two reviews of the premises within four years. However, if the Sub-Committee were minded not to revoke the licence it was requested that the existing CCTV system be extended to cover the till area.

5.24 Mr Phillips agreed to delete the sale of 50ml miniature bottles from condition 1 and proposed a condition in relation to extending CCTV coverage 'Sale of alcohol shall

not take place within the premises until the CCTV (and monitor within the system) is configured to the reasonable satisfaction of the Metropolitan Police.'

5.25 Mr Phillips summed up that the breaches relating to the sales after opening hours were minor licensing breaches and no further breaches had occurred since the review held in 2014. The issues of public nuisance experienced in the area could not be solely attributed to this premises as many licensed premises within the vicinity were open past 23.00 hours. The licensee had not been criminally charged for the proxy sale on 16 March 2018 and he came from a culture that did not challenge the police especially regarding the incident on 15 June 2018. The licensee would implement measures including reconfiguring the store in particular the alcohol display area and have a secure area to store tobacco. Mr Wahid acknowledged his error in judgement, which had resulted in his financial loss. His family and extended family were dependent on the business for their livelihood and offered to replace the DPS. It was emphasised that a revocation of the licence would be inappropriate in the circumstances but if the Sub-Committee were minded to suspend the licence for six weeks that would allow the licensee to reconfigure the premises and submit a variation application.

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 Kingsland Food and Wines, 77 Kingsland High Street, E8 2PB is suspended for a period of six (6) weeks, this suspension being effective from 19th August 2018 (as agreed with the Licensee and his legal representation) and that the current premises licence be modified to include the conditions as detailed in paragraph 9.1 of the report, subject to the following modifications: -

- Condition 1 - be amended to read 'No 50ml miniatures bottles of spirit to be sold.'
- Condition 4 - to add the following words at the end of the sentence 'except for deliveries of bread, milk and magazines.'
- Condition 5 be deleted (with the following existing conditions on the licence to remain, condition 16, as to no single sales and condition 17, relating to no sales of beer, lager or cider with an alcohol content above ABV of 6.5%)

Along with the following additional conditions or amendments to the existing conditions outlined either before the hearing by the applicant or agreed at the hearing;

- The shelving and chiller cabinets given over to the display of alcohol in the shop will be reduced from the current 17.05 linear metres to 11.08 linear metres. A reduction of approximately 36%.
- All alcohol will henceforth be displayed in a position where it is in a direct line of sight from the till point.
- The alcohol display, existing and as it will be after the adoption of this condition is shown on the attached plan.

- Other than those tobacco products contained in the dedicated cabinet in the retail area, all tobacco products will only be stored in the area shown on the attached plan hatched red. This area for the storage of tobacco products will be surrounded by a lockable cage.
- Sale of alcohol shall not take place within the premises until the CCTV (and monitor within the system) is configured to the reasonable satisfaction of the Metropolitan Police.
- Condition 5 within the existing licence be amended to read 'All public areas and all entry and exit points'
- Condition 7 within the existing licence be amended to include (as f to i);
 1. lost property
 2. All ejections of customers
 3. Any complaints received
 4. Any seizure of drugs or offensive weapons
- Condition 17 be amended to include lager, so that it reads; 'There shall be no sales of beer, lager or cider with alcohol content above 6.5% save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
- Notices will be prominently displayed by the entry I exit door and point of sale advising customers of the following:
 - a) That CCTV and challenge 25 are in operation
 - b) Advising customers of the provisions of the licensing Act regarding underage and proxy sales
 - c) Of the permitted hours for licensable activities and the opening times of the premises
 - d) Not to drink in the street
 - e) To respect residents leave quietly, not to litter outside the premises or in the vicinity and to dispose of litter legally
 - f) 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 under the age of 18 years

Reasons for the decision

The Sub-Committee, having heard representations from the licensee, Trading Standards and other Responsible Authorities, are satisfied that the suspension of six weeks together with the additional conditions are both necessary and appropriate to ensure that the licensing objectives are not undermined.

The suspension imposed serves not only as a punishment to the licensee for having undermined the licensing objectives, but is also to allow adequate and sufficient time for the Licensee to reconfigure the premises in accordance with the additional conditions. This should ensure that the Licensee and staff does not undermine the licensing objectives in their future operation.

In making this decision the Sub-Committee were extremely concerned by what they heard, as outlined in the representations, particularly given the previous breach of

conditions of the premises licence, dating back to February 2014, when the licence holder was previously referred to a Licensing Sub-Committee for a Review.

The Sub-Committee having had regard to the recent concerns raised and the history of the premises felt that the licensing objectives had been undermined, given that those responsible for the management of the premises had not taken the effective steps to uphold the licensing objectives, especially that of the protection of children from harm.

It was also felt that the licence holder did not consider the seriousness of the previous Review and the decision of the Sub-Committee in 2014, relating to the unauthorised sales on the premises. The failure to take his responsibility seriously, was demonstrated by the repeated breaches which has resulted in the licensing objectives being undermined.

These recent breaches of the licence, coupled with the history, was so serious that the Sub-Committee considered revocation of the licence as a suitable and appropriate option given that the Licensing Authority's primary consideration is to look after the interests of the wider community and in particular to promote the Licensing Objectives.

However, the Sub-Committee have decided to give the licence holder one final opportunity to diligently comply with the conditions of their licence and to work with the Licensing Authority and the Police to improve the management of the premises so as to ensure that they do not undermine the licensing objectives going forward.

The Sub-Committee in reaching their decision had regard to the Council's Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

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

6.1 This application was deferred to a future meeting.

7 Temporary Event Notices - Standing Item

7.1 There were no temporary event notices.

Duration of the meeting: 7.00 - 10.40 pm

Signed

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Chair of Committee

Contact:

Governance Services Officer:

Tel 020 8356 8407

Agenda Item 5

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

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

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

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| REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING | | |
| LICENSING SUB-COMMITTEE: 15/11/2018 | Classification DECISION | Enclosure |
| Application for a Premises Licence Guafa, 87 Shacklewell Lane, E8 2EB | Ward(s) affected Shacklewell | |

1. SUMMARY

| | |
|--|---|
| Applicant(s) Kemal Mert | In SPA No |
| Date of Application 24/09/2018 | Period of Application Permanent |
| Proposed licensable activity Late Night Refreshment Supply of Alcohol (On and Off Premises) | |
| Proposed hours of licensable activities | |
| Late Night Refreshment BOTH: | Standard Hours: Mon 23:00-02:00 Tue 23:00-02:00 Wed 23:00-02:00 Thu 23:00-02:00 Fri 23:00-02:00 Sat 23:00-02:00 Sun 23:00-02:00 Non-Standard Hours: Bank Holidays, Christmas eve, New Years Eve and Boxing day from 23:00 to 04:00 |
| Supply of Alcohol INDOOR: | Standard Hours: Mon 11:00-01:30 Tue 11:00-01:30 Wed 11:00-01:30 Thu 11:00-01:30 Fri 11:00-01:30 Sat 11:00-01:30 Sun 11:00-01:30 Non-Standard Hours: Bank Holidays, Christmas eve, New Years Eve and Boxing day from 11:00 to 03:30 |

| | |
|--|--|
| The opening hours of the premises | |
| INDOOR | <p>Standard Hours: Mon 06:00-02:00 Tue 06:00-02:00 Wed 06:00-02:00 Thu 06:00-02:00 Fri 06:00-02:00 Sat 06:00-02:00 Sun 06:00-02:00</p> <p>Non-Standard Hours: Bank Holidays, Christmas eve, New Years Eve and Boxing day from 23:00 to 04:00</p> |
| Capacity: Not known | |
| Policies Applicable | LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours), LP4 ('Off' Sales of Alcohol), LP6 (External Areas and Outdoor Events) |
| List of Appendices | A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map |
| Relevant Representations | <ul style="list-style-type: none"> • Police • Licensing Authority • Other Persons |

2. APPLICATION

2.1 Kemal Mert has made an application for a premises licence under the Licensing Act 2003 to authorise:

- The supply alcohol for consumption on and off the premises
- Regulated entertainment
- Late night refreshment

2.2 The application is attached as Appendix A. The applicant has reduced the proposed hours of operation on a Friday and Saturday to 02.00 in response to local resident concerns.

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

3.2 No Temporary Event Notices have been given for the premises in 2018.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

| From | Details |
|--------------------------------|--|
| Environmental Health Authority | Have confirmed no representation on this application |

| | |
|--|--|
| (Environmental Protection) | |
| Environmental Health Authority (Environmental Enforcement) | No representation received |
| 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 | Have confirmed no representation on this application |
| Area Child Protection Officer | Have confirmed no representation on this application |
| Fire Authority | Have confirmed no representation on this application |
| Police (Appendix B1) | Representation received on the grounds of LP1 (General Principles), LP2 (Licensing Objectives) and LP3 (Core Hours) |
| Licensing Authority (Appendix B2) | Representation received on the grounds of LP1 (General Principles), LP2 (Licensing Objectives) and LP3 (Core Hours), |
| Health Authority | No representation received |

5. REPRESENTATIONS: OTHER PERSONS

| From | Details |
|---|---|
| 1 representation received from and on behalf of local residents. (Appendix C) | Representation received on the grounds of LP1 (General Principles), LP2 (Licensing Objectives), LP3 (Core Hours) and Cumulative Impact. |

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) and LP4 ('Off' Sales of Alcohol) are relevant.

8. OFFICER OBSERVATIONS

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

Supply of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or

(b) an ultraviolet feature

6. The responsible person must ensure that:

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

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

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

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

Minimum Drinks Pricing

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

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

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

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

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions derived from operating schedule

8. The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.

9. a) A CCTV system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.

b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

c) All staff who may work front of house shall be trained to operate the CCTV system and download images.

d) At least one member of staff trained to operate the CCTV system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a usb stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request

10. Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving license, hm forces photographic ID card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.

11. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:

- a) All crimes reported,
- b) Lost property,
- c) All ejections of customers,
- d) Any complaints received,
- e) Any incidents of disorder,
- f) Any seizure of drugs or offensive weapons,
- g) Any faults in the CCTV,
- h) Any refusal in the sale of alcohol.
- i) Any visit by a relevant authority or emergency service

12. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:

- a) That CCTV and Challenge 25 are in operation;
- b) Advising customers of the provisions of the licensing act regarding underage and proxy sales;
- c) Of the permitted hours for licensable activities and the opening times of the premises;
- d) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

13. The front of the premises shall be kept tidy at all times and be swept at close.

14. No deliveries will be received or rubbish removed from the premises between 22.00 and 07.00.

15. Any music played will only be played at background level.

16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

17. All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorized council officers on request. Training will include identifying persons Under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

18. All alcohol shall be ancillary to the operation of the premises as a takeaway restaurant. Alcohol may only be supplied with a substantial food order.

19. All alcohol will be displayed and kept and will be sold from behind the counter and to be dispensed by a member of staff only

20. The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.

21. The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.

22. 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

23. 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

24. All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 24 above are derived from the applicant's operating schedule.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

12. MEMBERS DECISION MAKING

A. Option 1

That the application be refused

B. Option 2

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

13. CONCLUSION

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

| | |
|---|---|
| Group Director, Neighbourhoods and Housing | Kim Wright |
| Lead Officer (holder of original copy): | Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973 |

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

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

| Description of document | Location |
|---|--|
| Office File: Guafa, 87 Shacklewell Lane, E8 2EB | Licensing Service 1 Hillman Street London E8 1DY |

APPENDIX A

Hackney
LA01

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We [REDACTED] -----
(Insert name(s) of applicant)

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

Part 1 – Premises details

| | | | |
|---|--------|-----------------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description Guafa | | | |
| 87 SHACKLEWELL LANE HACKNEY LONDON | | | |
| Post town | LONDON | Postcode | E8 2EB |

| | |
|---|-------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £6600 |

Part 2 - Applicant details

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

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

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | |
|---|------------------------|---|---|
| Title Mr | | | |
| | | First names | |
| | | | |
| I am 18 years old or over | | | <input checked="" type="checkbox"/> |
| Date of birth ██████████ | | | |
| Nationality British | | | |
| Current residential address if different from premises address | | ████████████████████ HACKNEY UK-England | |
| Post town | LONDON | Postcode | E9 7 ██ |
| Daytime contact telephone number | | | |
| E-mail address (optional) | licensing@narts.org.uk | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

(B) OTHER APPLICANTS

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

| |
|---|
| Name |
| Address |
| UK-England |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| 17 | 10 | 2018 |

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

DD MM YYYY

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

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

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

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

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

In all cases complete boxes K, L and M

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | |
|--|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | |
| Mon | 23:00 | 02:00 | Please give further details here (please read guidance note 4) | Both | <input checked="" type="checkbox"/> |
| Tue | 23:00 | 02:00 | | | |
| Wed | 23:00 | 02:00 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) N/A | | |
| Thur | 23:00 | 02:00 | | | |
| Fri | 23:00 | 04:00 | Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) Bank Holidays, Christmas eve, new years eve and Boxing day from 23:00 to 04:00 | | |
| Sat | 23:00 | 04:00 | | | |
| Sun | 23:00 | 02:00 | | | |

J

| | | | | | |
|--|-------|--------|--|---------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | |
| | | | | Off the premises | |
| Day | Start | Finish | | Both | <input checked="" type="checkbox"/> |
| Mon | 11:00 | 01:30 | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Tue | 11:00 | 01:30 | | | |
| Wed | 11:00 | 01:30 | | | |
| Thur | 11:00 | 01:30 | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) Bank Holidays, Christmas eve, new years eve and Boxing day from 11:00 to 03:30 | | |
| Fri | 11:00 | 03:30 | | | |
| Sat | 11:00 | 03:30 | | | |
| Sun | 11:00 | 01:30 | | | |

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

| | | |
|---|----|--|
| Name | | |
| Date of birth | | |
| Address | | |
| HACKNEY LONDON | | |
| UK-England | | |
| Postcode | E9 | |
| Personal licence number (if known) in progress | | |
| Issuing licensing authority (if known) Hackney | | |

K

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

N/A

L

| | | | |
|---|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) N/A |
| Day | Start | Finish | Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) Bank Holidays, Christmas eve, new years eve and Boxing day from 23:00 to 04:00 |
| Mon | 06:00 | 02:00 | |
| Tue | 06:00 | 02:00 | |
| Wed | 06:00 | 02:00 | |
| Thur | 06:00 | 02:00 | |
| Fri | 06:00 | 04:00 | |
| Sat | 06:00 | 04:00 | |
| Sun | 06:00 | 02:00 | |

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

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

Please see below

b) The prevention of crime and disorder

- 1) The dps, a personal licence holder or trained member of staff nominated in writing by the dps shall be on duty at all times the premises are open to the public.
- 2) a) A cctv system covering the interior & exterior of the premises will be installed to current metropolitan police / Home office standards and shall be kept operational at all times the premises are open to the public.
b) It shall be capable of taking a head & shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
c) All staff who may work front of house shall be trained to operate the cctv system and download images.
d) At least one member of staff trained to operate the cctv system & download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a usb stick, cd or other acceptable means as soon as possible and in any case within 24 hours of the request
- 3) challenge 25 shall be operated as the proof of age policy.
- 4) all staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 5) An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
 - A) All crimes reported,
 - B) Lost property,
 - C) All ejections of customers,
 - D) Any complaints received,
 - E) Any incidents of disorder,
 - F) Any seizure of drugs or offensive weapons,
 - G) Any faults in the cctv,
 - H) Any refusal in the sale of alcohol.
 - I) Any visit by a relevant authority or emergency service
- 6) Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 - A) That cctv & challenge 25 are in operation;
 - B) Advising customers of the provisions of the licensing act regarding underage & proxy sales;

- C) Of the permitted hours for licensable activities & the opening times of the premises;
- D) To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally.

c) Public safety

A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.

d) The prevention of public nuisance

- 1) The front of the premises shall be kept tidy at all times and be swept at close.
- 2) Relevant notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate)
- 3) No deliveries will be received or rubbish removed from the premises between 22.00 & 07.00.
- 4) Any music played will only be played at background level.
- 5) An incident book shall be kept at the premises and made available to the police or authorized council officers –see box b condition 5 for full details of the information to be recorded.
- 6) A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

e) The protection of children from harm

- 1) Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving license, hm forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
- 2) All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorized council officers on request –see section b condition 5 for full details.
- 3) Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate– see section B condition 6 for full details.
- 4) All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorized council officers on request. Training will include identifying persons Under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
- 5) All alcohol shall be ancillary to the operation of the premises as a takeaway restaurant. Alcohol may only be supplied with a substantial food order.
- 6) All alcohol will be displayed and kept and will be sold from behind the

counter and to be dispensed by a member of staff only

7) The delivery of alcohol to be made only to a residential or business address, where it is clearly evident that the customer is a resident or occupies the business.

8) The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.

9) 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

10) 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

11) All serving and delivery staff shall receive regular training, a minimum of twice a year on the prevention of underage sales and on Challenge 25 scheme.

Checklist:

Please tick to indicate agreement


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

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

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

Part 4 – Signatures (please read guidance note 11)

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

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature |  |
| Date | 19/9/2018 |
| Capacity | Licensing Consultant |

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

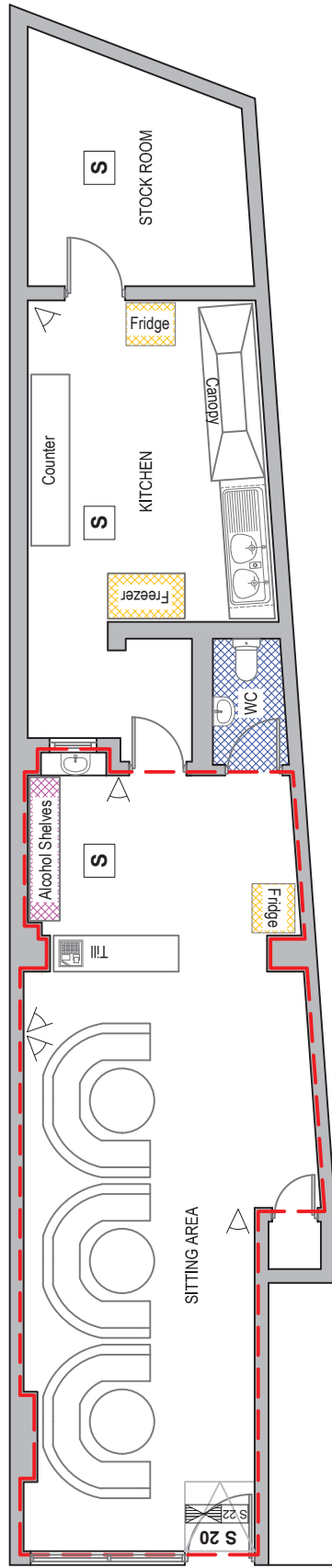
| | |
|-----------|-----------|
| Signature | |
| Date | 19/9/2018 |
| Capacity | |

| | | | |
|---|--------|----------|---------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) | | | |
| NARTS | | | |
| 53 STOKE NEWINGTON HIGH STREET HACKNEY | | | |
| UK-England | | | |
| Post town | LONDON | Postcode | N16 8EL |

| | | | |
|---|-------------|--|--|
| | | | |
| Telephone number (if any) | 02072413636 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |
| licensing@narts.org.uk | | | |

Notes for Guidance













1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local



GROUND FLOOR
(75 sqm)



LEGEND

-  **AMBIT OF LICENSED PREMISES**
-  **WC AREA**
-  **FRIDGES**
-  **ALCOHOL**
-  **SAFETY LIGHTS**
-  **SMOKE DETECTOR**
-  **CCTV**
-  **S 20**
-  **INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)**
-  **CARBON DIOXIDE FIRE EXTINGUISHER**
-  **9 LT. WATER FIRE EXTINGUISHER**
-  **FIRE ESCAPE KEEP CLEAR**

GENERAL NOTES:

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| | | |
|-----------------------------------|----------------------------|----------------------|
| 87 Shacklewell Lane London E8 2FB | DRAWING DATE 20.08.2018 | TOTAL AREA 75 sqm |
| Ground Floor Plan | SCALE: 1:100 @A4 | SHEET: 1 |
| | DRAWN BY: OZ | CONTROL BY: MHR |

APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

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

APPLICATION PREMISES

| | |
|----------------------------|--|
| NAME & ADDRESS OF PREMISES | Guafa 87 Shacklewell Lane London E8 2EB |
| NAME OF PREMISES USER | Mr Kemal MERT |

COMMENTS

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

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

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

Police make the following objections in relation to the application for a Premises Licence at GUAFA, 87 SHACKLEWELL LANE, LONDON, E8 2EB for the following reason(s):

This application seeks to authorise the sale of alcohol for consumption on and off the premises for their restaurant. The premises is located on a smaller road which is mostly made up of residential properties with further residential streets off it. The hours requested are very late for a residential area - 0200hrs during the week and 0400hrs at weekends is very late for those residents living a few metres away that have young families and are being disturbed by customers who are coming and going late into the night. The application also mentions a delivery service, so motorcycles used by various food delivery companies will also be noisy for local residents during the early hours of the morning. Police propose that the hours be reduced to the core hours as set out in Hackney Council's Statement of Licensing Policy

The application states that the premises is a restaurant and the request for the sale of alcohol is for on and off the premises, yet condition 5 of Section M(e) of the applications states;

All alcohol shall be ancillary to the operation of the premises as a takeaway restaurant. Alcohol may only be supplied with a substantial food order'

Does this mean that alcohol will, in fact, not be sold on the premises? Further clarification is required on this point.

Police request the following information;

- How many covers can be served at any one time?
- When is the restaurant expected to be ready to open and operate?
- What experience does the proposed DPS have of running a licensed premises in a busy night time economy area?
- How many of the staff have a personal licence?

Police would like to know how the applicant will demonstrate that they will not undermine the licensing objectives and what policies and procedures are in place to prevent that happening.

We 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 DETAILS

| | |
|----------------------|--|
| NAME OF AUTHORITY | Licensing Authority |
| ADDRESS OF AUTHORITY | Hackney Service Centre 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 | Guafa 87 Shacklewell Lane London E8 2EB |
| NAME OF APPLICANT | Mr Kemal Mert |

COMMENTS

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

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

Representation in relation to:

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

The applicant is advised to refer to the Councils Statement of Licensing Policy and note the following extract from Policy LP3 (Core Hours)

“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 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.

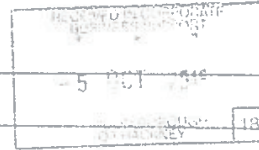
Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

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: 22/10/2018

APPENDIX C



[REDACTED]
[REDACTED] SCAL STREET
LONDON E8 [REDACTED]

30th September 2018

TO WHOM IT MAY CONCERN

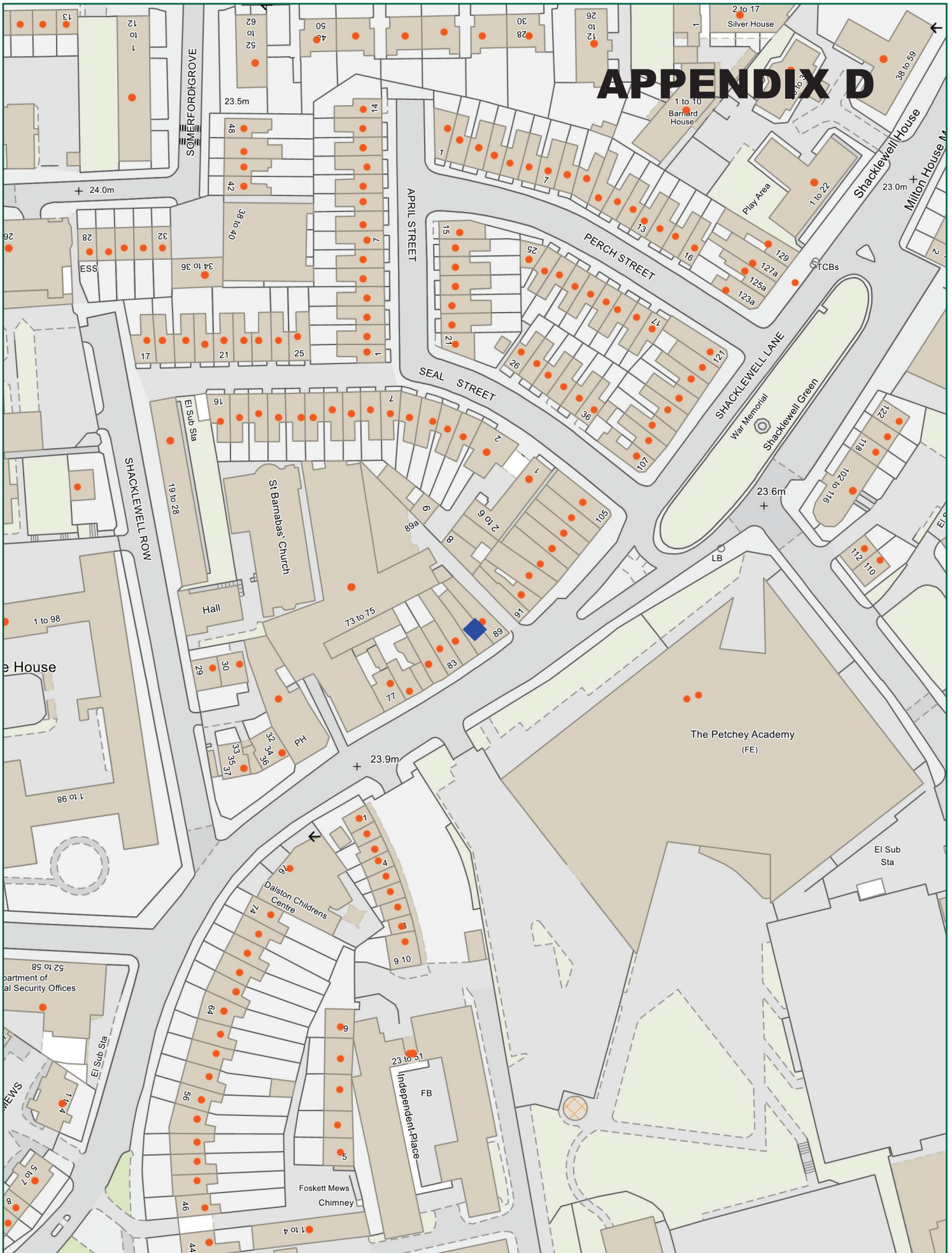
I AM WRITING TO OPPOSE GRANTING A LICENCE TO OPEN TIL 4AM AND SERVE ALCOHOL TIL 3.30AM TO CUAPA.

THE COUNCIL HAS RESTRICTED LICENCE HOURS ON KINGSLAND ROAD AND THIS WOULD MEAN AN OVERFLOW OF LATE NIGHT BOOZING IN OUR RESIDENTIAL AREA, WHICH IS ALREADY PLAGUED BY PROSTITUTION

THE RESTAURANT IN QUESTION IS CUAPA IN NO. 87 SHACKLEWELL LANE, LONDON E8 2GB.

PLEASE CONSIDER THE DETRIMENTAL EFFECT OF A POSSIBLE DECISION TO GRANT SUCH LICENCE. SHACKLEWELL LANE AND STREETS OFF IT ARE DENSELY POPULATED AND GIVEN THE NUMBERS OF ALREADY EXISTING PUBS AND RESTAURANTS ON THAT LITTLE STRETCH OF ROAD, THE REAL RISK OF GRANTING THE LICENCE IS TO OPEN THE FLOODGATES TO OTHERS DOING THE SAME AND TURNING IT INTO THE NEW KINGSLAND

APPENDIX D



Scale: 1:1250 at A4



Ref:

05 November 2018

Page 44

Drawn by: unspecified

email:

please specify copyright statement