



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

Tuesday, 15th September, 2020

at 2.00 pm

Until further notice, all council meetings will be held remotely.

The live stream link is available at:

<https://youtu.be/Avz1FrqW2IA>

Councillors sitting:

**Cllr Brian Bell (Substitute), Cllr Peter Snell and
Cllr Emma Plouviez (Substitute)**

**Gifty Edila
Corporate Director
Legal, HR and Regulatory
Services**

Natalie Williams, Governance Services Officer
020 8356 8407
natalie.williams@hackney.gov.uk

The press and public are welcome to attend this meeting

AGENDA

Tuesday, 15th September, 2020

ORDER OF BUSINESS

Title	Ward	Page No
1 Election of Chair		
2 Apologies for Absence		
3 Declarations of Interest - Members to declare as appropriate		
4 Licensing Sub-Committee Hearing Procedure		(Pages 1 - 2)
5 Variation of Premise Licence: Gigi's Italian, Unit 3, 30 Felstead Street, Hackney, London, E9 5LG	Hackney Wick	(Pages 3 - 32)
6 Variation of Premises Licence: The Stag's Head, 55 Orsman Road, Hackney, London, N1 5RA	Hoxton East & Shoreditch	(Pages 33 - 58)
7 Temporary Event Notices - Standing Item		

Licensing Sub-Committee hearings under The Gambling Act 2005

This guide details the procedure for Licensing Sub-Committee hearings under the Gambling Act 2005. Whilst this will be used in most cases, the procedure will be altered in exceptional circumstances and when for example temporary use notices and reviews are considered.

A Licensing Sub-Committee will be held if:

- The applicant has applied for a premises licence, provisional statement, or to vary their existing premises licence and has advertised this in a local newspaper and displayed a notice in a place at which it can conveniently be read by members of the public from the exterior of the premises, following which representations have been made by a responsible authority or interested party.
- A review has been requested by a responsible authority including the Licensing Authority or interested party and the review has been advertised in a local newspaper/on the Council's website and a notice displayed in a place reasonably near the premises at which it can conveniently be read by members of the public.
- An application is made to transfer or reinstate a premises licence following which representations have been made by a responsible authority only.
- The applicant has applied for a club gaming/club machine permit and sent notification of the application following which representations have been made by the Gambling Commission or the Police.
- A temporary use notice (TUN) has been received and the Council as the Licensing Authority, the Gambling Commission, the Police or Customs and Excise have issued an objection.

Prior to your item being heard:

- The Licensing Service upon receiving representations will have taken a view as to whether the representations are irrelevant, frivolous or vexatious.
- The Licensing Service will have provided written notice to all parties in advance of the hearing and will 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.

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 quasi-judicial, and the rules of natural justice shall apply.

Applicants/licensees, interested parties and responsible authorities will all be given an opportunity to put their case and the Sub-Committee will take these representations into account when making their decision. The 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, Sub-Committee Members ("Members") can grant with additional conditions attached to the licence, exclude any condition, except mandatory conditions, attached under the Gambling Act 2005 or reject the application.

Members when making decisions on variation applications regarding a premises licence 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 and not on any concerns relating to the existing terms of the licence. However, Members may consider other issues which relate to the Gambling Commission's Code of Practice and Guidance, the promotion of the licensing objectives and the Council's Gambling Policy, 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 Gambling Commission's Code of Practice and Guidance, the licensing objectives and the Council's Gambling Policy are not undermined.

Members when deciding a review application can revoke the licence, suspend the licence for a period not exceeding three months, exclude, add or remove or amend a condition/exclusion.

For transfers or reinstatements of premises licences applications Members can refuse or grant the application and may make alterations to the licence including the attachment or exclusion of conditions.

Members when deciding on an objection made against a temporary use notice will determine whether or not to issue a counter notice, which if issued will prevent the proposed event from proceeding.

Before the meeting starts:

The 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; and
- late documents delivered prior to the meeting and to ensure all the paperwork is in order.

The Members will not be considering any of the actual points raised within the report itself and no responsible authority or interested party shall be present when the Members deal with the above issues.

Attending the hearing that concerns you:

All applicants, interested parties 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 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 Committee Officer 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; or
- you wish to supply additional information such as photographs and videos/DVDs.

Please note that if you wish to provide additional relevant information, this should, where possible, 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 Licensing Service.

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.

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, responsible authorities or interested parties can appeal against the decision made by the Sub-Committee. An appeal should be made to Thames Magistrates Court and must be made within 21 days of receiving notice of the decision. However, any decision in respect of a TUN must be made no later than 14 working days of receiving notice of the decision.

Contacts

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

Governance Services
2nd Floor Maurice Bishop House
17 Reading Lane
London, E8 1HH

Telephone: 020 8356 3578
E-mail: governance@hackney.gov.uk

If your query relates to a specific application then please contact Licensing Services:

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

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

ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further Information

Advice can be obtained from Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, on 020 8356 3265 or email Gifty.Edila@hackney.gov.uk



FS 566728

Relevant Extracts from Hackney's Statement of Gambling Licensing Policy

Please find below relevant extracts from the Statement of Gambling Licensing Policy 2010.

GLP1

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

1. Applicants are encouraged to demonstrate within their application, where it is considered necessary and appropriate, measures to prevent crime and disorder on the premises by providing information on;
 - (a) use of door staff, details of SIA door supervisors and other appropriately trained staff including relevant qualifications or registrations, the number of staff, their location whilst working at the premises, and the times they will be on duty
 - (b) details of the training given to staff in crime prevention measures appropriate to those premises
 - (c) notices to be prominently displayed on the premises and visible to members of the public stating:
 - (i) CCTV is recording on the premises (where required by legislation)
 - (ii) drugs will not be tolerated and persons found possessing/dealing will be excluded from the premises
 - (iii) the age of persons allowed on the premises
 - (iv) drunkenness and those under the influence of drugs will not be tolerated on the premises
 - (d) an accurate plan of the premises confirming the design and layout of the premises, with particular attention to the ability of staff to survey entrances, exits and any dark or hidden areas. Plans should include:
 - (i) the location of lighting inside and outside the premises
 - (ii) the location of any physical security features for example CCTV equipment, its coverage of the interior and exterior of the premises
 - (iii) CCTV, which is to be recordable, kept for a minimum of 31 days and made available to the police and Licensing Authority on request.When details of security measures are provided, they will be kept out of the public domain.
 - (e) provision of adequate search facilities where applicable to the use of the premises
 - (f) measures to be taken to prevent the consumption of alcohol on the premises other than where it is legal and to ensure those under the influence of alcohol are not permitted to gamble
 - (g) measures to be taken to prevent the possession, supply or consumption of illegal drugs on the premises and to ensure that those under the influence of drugs are not permitted to gamble. Any drugs policy should cover the requirement to notify the Police
 - (h) measures to be taken to prevent the possession of offensive weapons on the premises
 - (i) details of any proof of age scheme
 - (j) details of the process to ensure that children do not have access to adult only gaming facilities
 - (k) measures aimed at discouraging anti-social behaviour
 - (l) measures aimed at preventing children and other vulnerable persons from being exposed to incidents of violence or disorder
 - (m) measures to address circumstances where there have been known instances of:

- (i) harbouring drug dealing, or there is a known association with drug dealers
- (ii) the possession of weapons on the premises, or where there is a known association with such activity
- (iii) offences against children or involving children, for example, allowing under 18s to participate in adult gambling.
- (n) adoption of the Metropolitan Police Safebet Alliance Voluntary Code of Robbery Security Standards for the Bookmaking Industry

GLP2

Ensuring that gambling is carried out in a fair and open way

The Licensing Authority encourages applicants who do not fall within the jurisdiction of the Gambling Commission (see paragraph 3.4.2) to conform to the code of practice issued by the Gambling Commission and by the conditions of their operating licence. Failure to demonstrate this may result in the application being refused. In particular:

1. For applications which do not require an operating licence or personal licence, applicants are to demonstrate how information is to be provided about the rules and terms of gambling so that:
 - (a) customers can make an informed decision as to whether and how to participate in gambling
 - (b) customers know the contractual terms and conditions of gambling
 - (c) information is displayed in a clear, accessible and intelligible way. Information should be:
 - (i) bold, precise and clearly located on or near where the game or bet is placed (e.g. machines, track etc)
 - (ii) where the customer base includes people whose first language is not English, notices should be in other languages as appropriate
 - (d) the information displayed on the premises and on promotional information should include:
 - (i) rules of the game or bet
 - (ii) the odds of winning or losing in different scenarios
 - (iii) changes in the rules which must be bold, precise and communicated to the customer so they are fully aware of them
 - (iv) the average return to the player (the payout percentage)
 - (v) the minimum and maximum stakes
 - (vi) information about the machine characteristics (for example compensated/ random)
 - (vii) how quickly the winnings will be paid out and in what form
 - (viii) the dispute and complaints procedures
 - (e) in addition:
 - (i) the operation of the games must be consistent and in line with the rules of the games
 - (ii) the layout of the premises must ensure that the games and bets can be conducted in a fair and open way
 - (iii) no advertising or other marketing tool inside or outside the premises or any part of the media which misleads the customer as to the rules of the game or encourages them not to read the rules.

GLP3

The protection of children and other vulnerable persons from being harmed or exploited by gambling.

1. Applicants are encouraged to demonstrate within their application where it is considered necessary and appropriate that:
 - (a) the design and style of their premises and any external signage, advertising or promotional material is not aimed or marketed at attracting children to premises or areas which are reserved for adult gambling
 - (b) children are not to be exposed to gambling which is legally restricted to adults
 - (c) measures have been taken to prevent children from being in close proximity to types of gambling restricted to adults for example, gaming machines of class A,B or C
 - (d) staff have been or will be appropriately trained to understand the following;
 - (i) which class of machine is restricted to adults only
 - (ii) any areas where children and young persons are not to be permitted.
 - (iii) child protection requirements
 - (iv) reporting concerns about the welfare of a child to the Duty and Assessment Team, the Council
 - (v) reporting concerns about the welfare of vulnerable persons to Safeguarding Vulnerable Adults, Adult Services, the Council.
 - (e) details of helplines and guidance are provided to those who may have alcohol, drug or gambling problems.
2. The Licensing Authority may consider specific measures to protect under 18s and vulnerable persons on certain categories of premises. These measures include:
 - (a) supervision of entrances
 - (b) segregation of gambling from areas frequented by children
 - (c) supervision of gaming machines in adult only gambling premises
 - (d) separate and identifiable entrances and exits from parts of buildings with more than one licence.
3. Where category C or above machines are available in premises to which children are admitted applicants are encouraged to demonstrate that they have taken such measures to ensure that:
 - (a) all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - (b) only adults are admitted to the area where the machines are located
 - (c) access to the area where the machines are located is supervised
 - (d) the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
 - (e) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
4. For applications that do not require an operating licence or personal licence, the Licensing Authority will consider:
 - (a) any convictions or cautions in relation to the admission of under 18 year olds
 - (b) requirement for children under 14 to be accompanied by an adult
 - (c) measures the applicant is taking to prevent children from being in close proximity to types of gambling restricted to adults (for example, category A, B or C gaming machines). Such measures may include "No Under 18s to Play" notices displayed on category A, B and C machine fronts in alcohol licensed premises, or the adoption of an effective proof of age scheme.
5. Where there have been convictions or cautions for serving alcohol to under 18s, or allowing under 18s to participate in adult gambling, applicants may be asked to demonstrate these matters have been addressed. This may give rise to particular concerns as to whether it will be appropriate to permit the admission of children to the premises during some or all of its hours of operation.

6. Where limiting access to children or young persons is considered necessary, the Licensing Authority will consider the following options:
 - (a) limiting or excluding when certain activities are taking place or at certain times
 - (b) a requirement for children under a certain age to be accompanied by an adult
 - (c) an age limitation for under 18s
 - (d) access may be limited to certain parts of the premises.

GLP4

Location of gambling premises and gaming machines

1. In considering the locations for a premises licence, permit or notice, the Licensing Authority may consider:
 - (a) the proximity of other establishments catering to children or vulnerable adults, or to places that are frequented by unaccompanied children and/or vulnerable adults or where children, young people or vulnerable persons are likely to congregate
 - (b) the size and scope of the gambling premises concerned
 - (c) the type of gambling proposed on the premises.
2. In considering the locations for gaming machines, the Licensing Authority may consider:
 - (a) the size of the premises and the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer
 - (b) the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people
 - (c) restricting the number and location of such machines in respect of applications for track betting premises licences
 - (d) the location of gaming machines at tracks
 - (e) the locations of gaming machines where the applicant holds a pool betting operating licence and wishes to apply for a track premises licence using their entitlement to four gaming machines. The applicant will need to demonstrate that these machines are located in areas from which children are excluded
 - (f) segregation of category C and D machines in family entertainment centres.

GLP5

Hours of operation

The Licensing Authority will have regard to the following, where necessary and appropriate:

- (a) Codes of Practice when determining the hours of operation
- (b) licensing hours fixed will always reflect the individual merits of the application, any relevant representations received and the requirement to uphold the licensing objectives
- (c) earlier hours may be set if the individual circumstances require it. Applicants are encouraged to demonstrate that there would be no breach of the licensing objectives if later hours are requested, especially if requests are made to go beyond midnight in residential areas
- (d) the Licensing Authority may consider the levels of relevant crime and disorder at that premises or in the vicinity of that premises and police resources available to address this late at night

- (e) Applicants' are encouraged to exclude children from premises or events where children are present by 9pm unless the applicant can demonstrate how they can operate beyond these hours without risking harm to children in these circumstances.

GLP6

Premises licences

Applicants for a premises licence are encouraged to consider GLP1 to GLP6 depending on the type of permission being sought.

- (1) In addition, applicants for a premises licence are also encouraged to demonstrate:
 - (i) that the appropriate operating and personal licences are in place from the Gambling Commission where relevant and
 - (ii) that they have a right to occupy the premises at the time of making the application
 - (iii) how the applicant will promote the licensing objectives with regard to GLP1 to GLP6.
- (2) The Licensing Authority will exclude default conditions or attach conditions where appropriate.
- (3) The Licensing Authority may only consider the grant of a licence where it is going to be ready to be used for gambling in the reasonably near future and (where necessary) the Licensing Authority and/or responsible authorities have been allowed to inspect the premises.
- (4) For multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes the Licensing Authority will in particular consider:
 - (i) the measures to prevent people "drifting" into a gambling area
 - (ii) the potential for children to gain access
 - (iii) the ability of two or more establishments to comply with the requirements of the Act.
- (5) Applicants are encouraged to provide where relevant detailed plans, to the satisfaction of the Licensing Authority, consisting of:
 - (i) entrances and exits
 - (ii) number and positions of counters,
 - (iii) number and positions of gaming machines
 - (iv) location of lighting inside and outside
 - (v) location of CCTV.

GLP7

Adult gaming centres

Applicants are encouraged to have regard to GLP1 - GLP7 when making an application for an adult gaming centre.

Applicants should where appropriate offer their own measures to meet the licensing objectives such as:

- (a) proof of age schemes
- (b) CCTV
- (c) physical and/or remote supervision of entrances / machine areas
- (d) physical separation of areas.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

GLP8

Licensed family entertainment centres

Applicants are encouraged to have regard to GLP1 - GLP6 when making an application for an FEC.

Applicants should, where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) physical separation of areas
- (d) location of entry
- (e) notices / signage
- (f) specific opening hours
- (g) self-barring schemes
- (h) provision of information leaflets / helpline numbers for organisations such as GamCare
- (i) measures / training for staff on how to deal with suspected truant school children on the premises
- (j) measures/training by way of a premises log book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

GLP9

Betting premises

Applicants are encouraged to have regard to GLP1 - GLP6 when making an application for a betting premises licence.

The Applicant should where appropriate, offer their own measures to meet the licensing objectives such as:

- (a) CCTV
- (b) supervision of entrances / machine areas
- (c) location of entry
- (d) notices / signage
- (e) specific opening hours
- (f) self-barring schemes
- (g) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

GLP10

Tracks

Applicants are also to have regard to GLP 1 – GLP 9 where relevant.

1. The applicant should where appropriate demonstrate the following measures have been addressed:
 - (a) entrances to each type of premises are distinct
 - (b) children are excluded from gambling areas where they are not permitted to enter
 - (c) children do not have access to adult only gaming facilities
 - (d) track operators ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public
 - (e) detailed plans are provided to the Licensing Authority for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (for dog tracks and horse racecourses, show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities)
 - (f) identify what authorisations are being sought under the track betting premises licence along with any other areas that may be subject to a separate application for a different type of premises licence
 - (g) where category C or above machines are on offer in premises to which children are admitted, the relevant considerations in GLP3 should be addressed.
2. This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives such as:
 - (a) proof of age schemes
 - (b) CCTV
 - (c) supervision of entrances / machine areas
 - (d) physical separation of areas
 - (e) location of entry
 - (f) notices / signage
 - (g) specific opening hours
 - (h) self-barring schemes
 - (i) provision of information leaflets / helpline numbers for organisations such as GamCare.

The above suggested measures are neither mandatory nor exhaustive and may where relevant be imposed by the Licensing Authority as conditions.

GLP11

Provisional Statements

Applicants should have regard to GLP1 – GLP 10 where relevant.

Applications for provisional statements shall be dealt with in the same way as a premises licence.

GLP12

Statement of principles for unlicensed family entertainment centres (unlicensed FECs)

Applicants for an unlicensed family entertainment centre permit are to have regard to GLP1 - GLP6 and GLP8 where relevant.

1. Applicants are required to demonstrate that;
 - (a) they have permission to occupy the premises at the time of making the application
 - (b) the premises will be used as an unlicensed FEC and
 - (c) the Chief Officer of Police for Hackney Borough has been consulted on the application.
2. Applications should normally be accompanied by an assessment of how the applicant will promote the licensing objectives with regard to GLP1 to GLP6 to demonstrate such matters as:
 - (a) numbers of staff employed and on duty at any given time
 - (b) details of opening hours
 - (c) details of Proof of Age schemes
 - (d) adoption of appropriate measures / training for staff as regards suspected truanting school children on the premises
 - (e) evidence of staff training by way of a Premises Log Book, covering how staff will deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises
 - (f) evidence that the applicant and staff are trained to have a full understanding of the maximum stake and prizes that are permissible.
3. The application must also be accompanied by detailed plans drawn up to the satisfaction of the Licensing Authority and which include:
 - (a) location of entrances and exits
 - (b) number and positions of Category D machines
 - (c) location of lighting inside and outside
 - (d) location of CCTV
 - (e) the amount of space around gaming machines to prevent jostling of players or intimidation
 - (f) location and supervision of Automated Teller Machines
 - (g) the location of appropriate clear and prominent notices and barriers, such notices to state:
 - (i) that no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school
 - (ii) no smoking on the premises
 - (iii) highlighting the need to play responsibly.
4. The application should normally also be accompanied by:
 - (a) evidence that the applicant and staff have no relevant convictions (those that are in Schedule 7 of the Act)
 - (b) insurance documents and any other such information the Licensing Authority will from time to time require.

GLP13

Temporary use notices (TUNs)

The Licensing Authority will expect the licensee to demonstrate that measures have been taken to promote the licensing objectives having regard to GLP1 - GLP9 where relevant. The Licensing Authority, will require 3 months and one day written notice and copies sent to the Gambling Commission, the police and HM Commissioner for Revenue and Customs prior to the gambling event taking place.

GLP14

Enforcement

The Licensing Authority will inspect premises that are the subject of a new premises licence application and reserves the right to inspect premises for which a permit or other permission has been sought from the Licensing Authority under the provisions of the Act.

- (a) Inspections will be undertaken by the Licensing Authority and/or a relevant responsible authority
- (b) Where the applicant has not allowed reasonable access permission will normally be refused.
- (c) The Licensing Authority and/or relevant responsible authority reserve the right to inspect premises at any time following the grant of a licence, permit or other permission, as permitted by the Act.

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Agenda Item 4

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:	Classification DECISION	Enclosure
Application for a Variation of Premises Licence Gigi's Italian, Unit 3, 30 Felstead Street, Hackney, London, E9 5LG	Ward(s) affected Hackney Wick	

1. SUMMARY

Applicant(s) Mr Gokhan Algur	In SPA No								
Date of Application 25/06/2020	Period of Application Permanent								
Proposed licensable activity To Authorise Supply of Alcohol (Off Premises) And to remove the following conditions : 12-Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a meal from the menu. 19-Patrons will not be allowed to take drinks, glass or open containers outside of the premises at anytime 20-Intoxicating liquor shall not be sold, supplied or consumed on the premises otherwise than to persons who are taking substantial table meals. The supply of alcohol shall be by waiter or waitress service only									
Proposed hours of licensable activities Supply of Alcohol <table style="margin-left: 400px;"> <tr><td>Standard Hours:</td></tr> <tr><td>Mon 11:00-22:45</td></tr> <tr><td>Tue 11:00-22:45</td></tr> <tr><td>Wed 11:00-22:45</td></tr> <tr><td>Thu 11:00-22:45</td></tr> <tr><td>Fri 11:00-22:45</td></tr> <tr><td>Sat 11:00-22:45</td></tr> <tr><td>Sun 11:00-22:45</td></tr> </table>		Standard Hours:	Mon 11:00-22:45	Tue 11:00-22:45	Wed 11:00-22:45	Thu 11:00-22:45	Fri 11:00-22:45	Sat 11:00-22:45	Sun 11:00-22:45
Standard Hours:									
Mon 11:00-22:45									
Tue 11:00-22:45									
Wed 11:00-22:45									
Thu 11:00-22:45									
Fri 11:00-22:45									
Sat 11:00-22:45									
Sun 11:00-22:45									
The opening hours of the premises <table style="margin-left: 400px;"> <tr><td>Standard Hours:</td></tr> <tr><td>Mon 11:00-22:45</td></tr> <tr><td>Tue 11:00-22:45</td></tr> <tr><td>Wed 11:00-22:45</td></tr> <tr><td>Thu 11:00-22:45</td></tr> <tr><td>Fri 11:00-22:45</td></tr> <tr><td>Sat 11:00-22:45</td></tr> <tr><td>Sun 11:00-22:45</td></tr> </table>		Standard Hours:	Mon 11:00-22:45	Tue 11:00-22:45	Wed 11:00-22:45	Thu 11:00-22:45	Fri 11:00-22:45	Sat 11:00-22:45	Sun 11:00-22:45
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Wed 11:00-22:45									
Thu 11:00-22:45									
Fri 11:00-22:45									
Sat 11:00-22:45									
Sun 11:00-22:45									

Current activities/hours: See current licence at Appendix D	
Capacity: Not known	
Policies Applicable	LP1 (General Principles), LP2 (Licensing Objectives), and LP4 ('Off' Sales of Alcohol)
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Current Licence D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Police Authority • Licensing Authority

2. APPLICATION

2.1 **Mr Gokhan Algur** has made an application for a premises licence under the Licensing Act 2003:

- To authorise hours for the supply alcohol for consumption Off the premises
- To remove conditions 12, 19 and 20 from the existing licence

2.2 The application is attached as Appendix A. The applicant has not proposed additional measures that could be converted to conditions.

3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted in October 2013.

3.2 No TENs have been submitted in respect of the premises in the current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	Representation has been withdrawn with the agreed conditions as set out in para 8.1
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	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application

Police Appendix B1	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Licensing Authority Appendix B2	Representation received on the grounds of The Prevention of Crime and Disorder and Prevention of Public Nuisance
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from and on behalf of local residents.	None

6. GUIDANCE CONSIDERATIONS

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

7. POLICY CONSIDERATIONS

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

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 Responsible Authority representations

8. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

9. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced

by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

10. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

11. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to. 4 The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

12. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

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

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection
- the type of waste including the European Waste Code

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 13 have been proposed by environmental enforcement. The proposed conditions have been accepted by the applicant.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

12. MEMBERS DECISION MAKING

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

13. CONCLUSION

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

Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Sanaria Hussain Senior 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: Gigi's Italian, 30 Felstead Street, Hackney, London, E9 5LG	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Gokhan Algur

(Insert name(s) of applicant)

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

Premises licence number

LBH-PRE-T-1461

Part 1 – Premises Details

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

Gigi's Italian
30 FELSTEAD STREET
HACKNEY

Post town

LONDON

Postcode

E9 5LG

Telephone number at premises (if any)

Non-domestic rateable value of premises

££11500

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

FELSTEAD STREET
HACKNEY

UK-England

Post

LONDON

Postcode

E9

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

Part 3 – Variation

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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>To be able to serve alcohol on and off the premises</p>
--

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

35

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
				Off the premises	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	11:00	22:45			
	-----	-----			
Tue	11:00	22:45			
	-----	-----			
Wed	11:00	22:45			
	-----	-----			
Thur	11:00	22:45	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) Default.LicesableActivitiesJ_plays_non_s»		
	-----	-----			
Fri	11:00	22:45			
	-----	-----			
Sat	11:00	22:45			
	-----	-----			
Sun	11:00	22:45			
	-----	-----			

K

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

None at all

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	22:45	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	11:00	22:45	
Wed	11:00	22:45	
Thur	11:00	22:45	
Fri	11:00	22:45	
Sat	11:00	22:45	
Sun	11:00	22:45	

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

The conditions

7a- Where possible alcoholic drinks are sold or supplied for consumption on the premises

12-Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a meal from the menu.

19-Patrons will not be allowed to take drinks, glass or open containers outside of the premises at anytime

20-Intoxicating liquor shall not be sold, supplied or consumed on the premises otherwise than to persons who are taking substantial table meals. The supply of alcohol shall be by waiter or waitress service only

Please tick as appropriate

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

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

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

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

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

Since We have opened 7 years ago and, we have established to be a well-known local pizzeria while having a motto to be a local for the locals vision and slogans. We have proudly and thankfully been operating with no licensing or nuisance issues whatsoever during our normal operating life.

The reason we would like to have to sell alcohol on and off the premises that since we sell very nice pizzas, get requests from our patrons to take an alcoholic drink with it. In the summer time if someone wants to buy an alcoholic drink, we would like not to turn them down for refreshing drink that will give us the flexibility not to brake the law and we are complaint with the rules.

The patrons' safety, to respect our neighbours to prevent nuisance who I see everyday as I live above the premises, encourage our customers to drink responsibly, not to allow them to reach the point they are drunken and disorderly, to protect the children from harm by safety netting them within the premises have been the paramount of our daily activities. We have achieved this:

-Having hands on approach to make sure who gets served alcohol, only allow patrons responsibly. We have achieved this by getting to know our locals well. They also enjoy to be with us with their families, parents and children meaning a local place for locals.

-Training each member staff to be vigilant in regards who they serve to, and ask them to report any alcohol related disorderly behaviour to the management.

b) The prevention of crime and disorder

-We have installed CCTV system in line with our licensing policy. CCTV images are retained for a minimum of 30 days and be produced on the request of the police

-Our CCTV system is and will be operational at all times whilst the premises are trading.

-A4 sized warning notices are displayed in all public areas of the premises and at all entrances advising that CCTV is in operation.

-We have followed and will follow the national and local crime prevention policies, regularly get updates from local crime prevention agencies

-We have an incident book in place that will contain full details of all occurrences of disorder and refused alcohol sales. The incident book is kept on the premises at all times and is available for inspection the police.

-We do not allow and will never allow someone carrying open or sealed bottles or glasses to the premises.

c) Public safety

I have been working in the industry for the last 21 years, running a number of premises with a larger capacity with a 24 hours licence secured. The experience I have gained has been proving to be very helpful, We will therefore achieve this objective as we have been over the last seven years as below:

-To watch who is entering and leaving the premises and ensuring that once the maximum occupancy is reached, no further persons are admitted.

-Before we open to the public to ensure there are no risks to patrons and that all safety precautions are in place.

-All staff receive the appropriate training about the safety precautions and procedures, are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

-Free drinking water is always available at all times the premises to cut the effect of alcohol

-We are always to remove the rubbish from public areas on a regular and frequent basis.

-We always are safety compliant with yearly electrical safety certificate, will always make sure that we shall stay by getting a competent person will be a suitably qualified electrician. All safety certificates and inspection reports are to be available.

-We have always carried out and will always carry out of a fire risk assessment for the public safety.

d) The prevention of public nuisance

-We have always ensured and will ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.

-We have always requested and will always request our patrons to leave the premises quietly

-We have always controlled and will always control the volume of the music at the premises.
and we do not have external speakers and will never have them.

-We will place a suitable signage in areas requesting patrons to respect the

amenities of disposing and collecting of litter will be maintained.

-We have been using the council rubbish collection services and will do so as they are so efficient. We only take our rubbish out at the end of the night

e) The protection of children from harm

-We always challenge and will challenge the individuals who appear to be under the age of 18 attempting to purchase alcohol and we ask to see their IDs.

-We have always given and will always give the plastic glasses or bottles to the children to prevent them harming themselves

-We advise our patrons not to bring their children on Friday and Saturday evenings when we seem to be busier.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Gokhan Algur
Date	22/6/2020
Capacity	Owner

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

Signature	
Date	22/6/2020
Capacity	

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

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided

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 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Gigi's Italian 30 Felstead Street London E9 5LG
NAME OF PREMISES USER	Gokhan Algur

COMMENTS

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

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

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

Police make the following objections in relation to the application to vary the Premises Licence at GIGI'S ITALIAN, 30 FELSTEAD STREET, LONDON, E9 5LG for the following reason(s);

These premises are as part of a small parade of shops, cafes and restaurants in a quiet residential street. It is located on the ground floor of a residential block of apartments.

Currently this premises operates as a restaurant and has submitted this application to add off sales to the premises licence. However, the application also proposes to remove all conditions that relate to drinking outside and restaurant conditions relating to alcohol being sold ancillary to food.

This is a quiet street and it is surrounded on all sides and above by residential properties. The removal of these conditions, will essentially turn this venue into a bar and will not restrict people from taking drinks outside and consuming them on the street. This causes huge concerns for police. The behaviour of customers leaving a bar and those leaving a restaurant are very often, completely different and police fear that the residents will be cause all kinds of disturbance by patrons leaving the bar having consumed large amounts of alcohol instead of sitting down for a meal. This in turn leads to a much larger potential for ASB on the streets, such as urination, noise, disorder and drunkenness.

Police propose that the conditions that the applicant proposes to remove, should be amended to include sales of alcohol for consumption off the premises i.e. being ancillary to food and that the outside conditions be amended to include those having a meal in the designated seating area at the front of the premises.

The COVID-19 crisis has seen a change in how licensed premises will be operated and used. Social distancing will be in place for many months to come, in an attempt to control the spread of infection. How will the applicant ensure that social distancing is practised? What procedures will be in place to protect staff and the public? Are there any additional outside areas that the applicant intends to use during this changing and evolving process, as restrictions on public places become less and less?

Police look forward to hearing from the applicant to discuss a way forward with this application.

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

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

Signed
PC3691CE RYAN (By E-mail)

Name (printed)

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

APPENDIX B2

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	Gigi's Italian 30 Felstead Street London E9 5LG
NAME OF APPLICANT	Gokhan Algur

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 | x |
| 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 variation (removal of Conditions 12 and 20) could have a negative impact on the promotion of the licensing objectives as it would enable a change in the nature of the operation. Further, there appears to have been a change to the layout of the premises – see plan attached below. It appears there are tables and seating to the front of the premises and no garden area to the side nor door leading to this area.



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

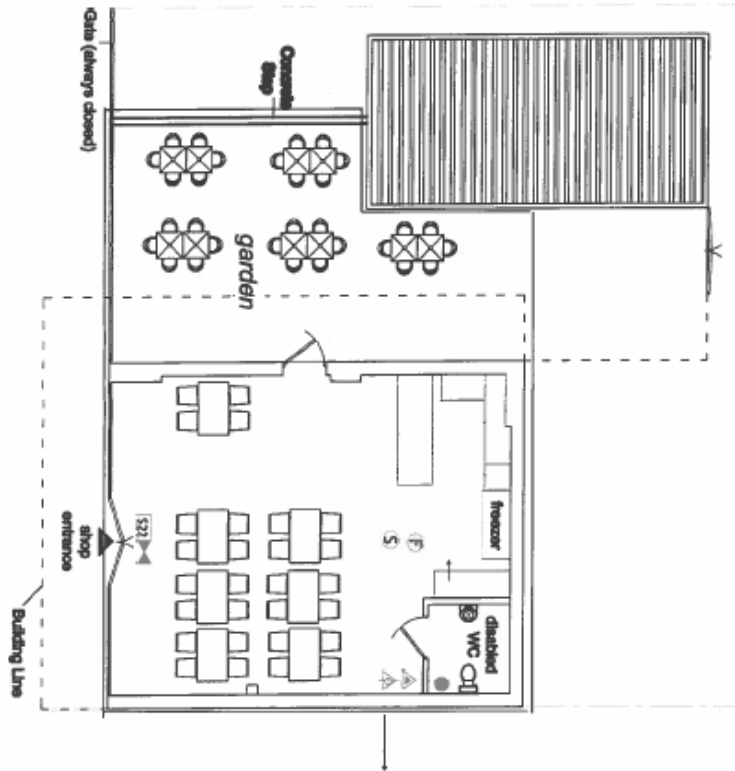
The Licensing Act 2003, Statement of Licensing Policy 2018-2023 and S182 Guidance issued by the Home Office.

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

Discussion with the applicant in relation to the concerns raised above and submission of a revised plan which is an accurate reflection of the premises.

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

Date: 20/07/2020



Planning Application	Date:	Drawn:	Scale:
	31/10/2009	ST	400
Project: UNIT 3, 30 FELSTEAD STREET, LONDON, E9 6LG	Drawing no.:	A4/ST/04-001/A	

APPENDIX C



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-1461

Part 1 – Premises details

Gigi's Italian
Unit 3
30 Felstead Street
Hackney
London
E9 5LG

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol Standard Hours:

Premises:	Mon 11:00-22:45
	Tue 11:00-22:45
	Wed 11:00-22:45
	Thu 11:00-22:45
	Fri 11:00-22:45
	Sat 11:00-22:45
	Sun 11:00-22:45

The opening hours of the premises

Premises Standard Hours:

Mon 09:00-23:00
Tue 09:00-23:00

Wed 09:00-23:00
Thu 09:00-23:00
Fri 09:00-23:00
Sat 09:00-23:00
Sun 09:00-23:00

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

On Premises

Part 2 –

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

Mr Gokhan Algur
421 Dallow Road
Luton
Beds
LU1 1UL

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

Not Applicable

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

Mr Gokhan Algur

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

Date of Grant: 15 October 2013

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.

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

6. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 – Conditions consistent with the Operating Schedule

Not Applicable

Conditions derived from Responsible Authority representations

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
9. Any staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage when requested.
10. Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.
11. There shall be no promotional sales of alcohol on the premises where alcohol is sold at a lower price than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
12. Intoxicating liquor shall not be sold, supplied or consumed otherwise than to persons who are taking a meal from the menu and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol will be by waiter/waitress service only.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following.
 - a. All crimes reported:
 - b. All ejections of patrons
 - c. Any complaints received.
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system or searching equipment or scanning equipment. Any refusal of the sale of alcohol.
 - g. Any visit by a relevant authority or emergency service.
15. Premises to operate zero tolerance policy to drugs and comply with Hackney Police and Council Community safety unit drugs and weapons policy where appropriate.
16. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
17. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons.
18. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.
19. Patrons will not be allowed to take drinks, glass or open containers outside of the premises at any time.
20. Intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.

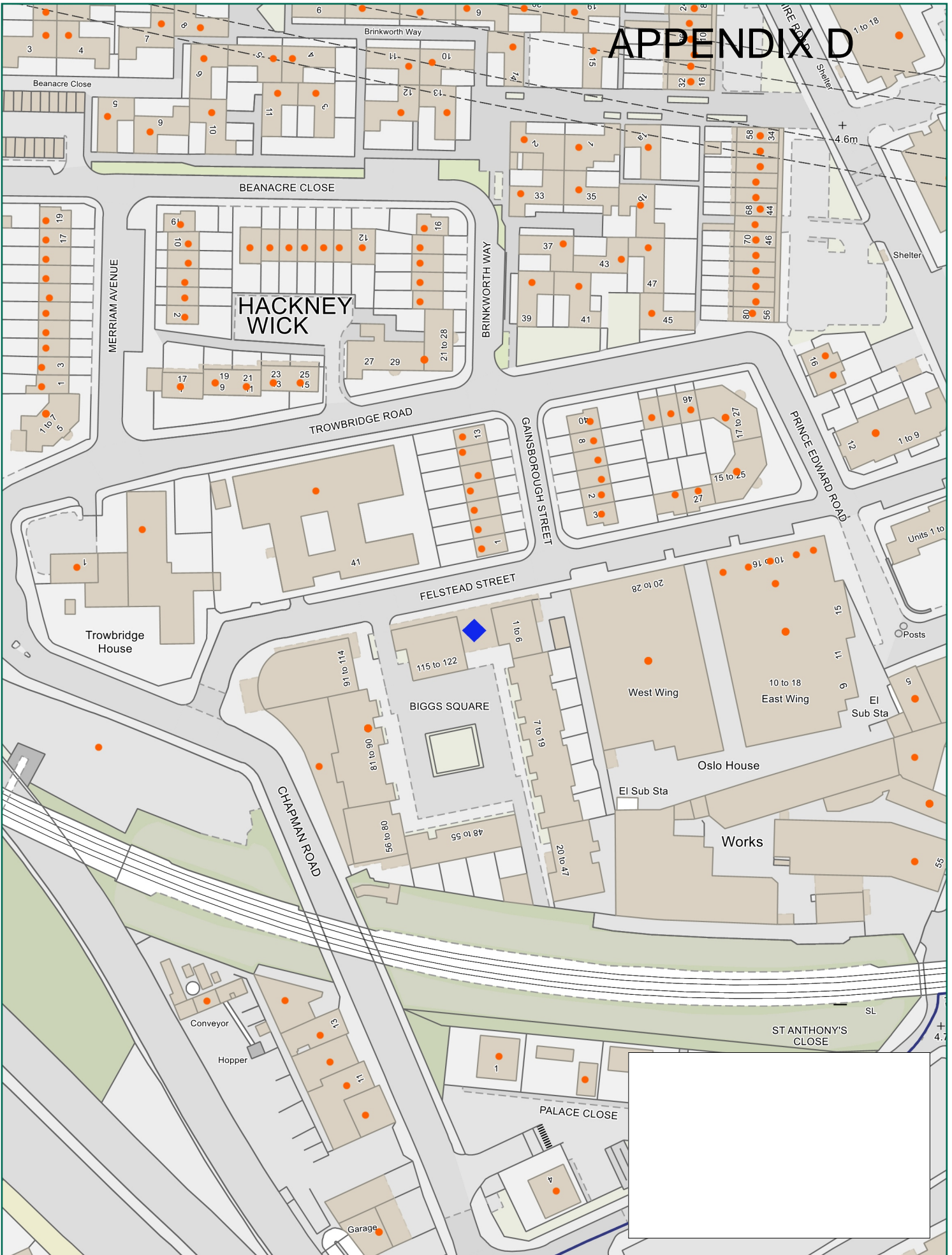
Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 – Plans

PLAN/LBH-PRE-T-1461/16/102013

APPENDIX D



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REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE:	Classification DECISION	Enclosure
Application for a Variation of Premises Licence The Stag's Head, 55 Orsman Road, Hackney, London, N1 5RA	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant(s) The Artist Bar&Kitchen Limited	In SPA No								
Date of Application 26/06/2020	Period of Application Time-limited								
Proposed licensable activity 1) To extend the operation hours for the rear garden on Fridays and Saturdays from 23.00 to 00.00 2) To remove condition 25 until after lockdown.									
Proposed hours of licensable activities licensable activities to remain as existing									
The opening hours of the premises: <table style="width: 100%; margin-left: 60%;"> <tr> <td>Standard Hours:</td> </tr> <tr> <td>Mon 10:00-23:00</td> </tr> <tr> <td>Tue 10:00-23:00</td> </tr> <tr> <td>Wed 10:00-23:00</td> </tr> <tr> <td>Thu 10:00-23:00</td> </tr> <tr> <td>Fri 10:00-01:00</td> </tr> <tr> <td>Sat 10:00-01:00</td> </tr> <tr> <td>Sun 12:00-00:00</td> </tr> </table>		Standard Hours:	Mon 10:00-23:00	Tue 10:00-23:00	Wed 10:00-23:00	Thu 10:00-23:00	Fri 10:00-01:00	Sat 10:00-01:00	Sun 12:00-00:00
Standard Hours:									
Mon 10:00-23:00									
Tue 10:00-23:00									
Wed 10:00-23:00									
Thu 10:00-23:00									
Fri 10:00-01:00									
Sat 10:00-01:00									
Sun 12:00-00:00									
Current activities/hours: See current licence at Appendix C									
Capacity: Not known									
Policies Applicable	LP1 (General Principles) and LP2 (Licensing Objectives)								
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Current Licence D – Location map								
Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority 								

2. APPLICATION

2.1 **The Artist Bar&Kitchen Limited** have made an application to vary a premises licence under the Licensing Act 2003:

- To extend the operation hours for the rear garden on Fridays and Saturdays from 23.00 to 00.00
- To remove condition 25 until after lockdown.

2.2 The application is attached as Appendix A.

3. CURRENT STATUS / HISTORY

3.1 The current premises licence was granted in January 2006. The licence was transferred to the current licensee in November 2013.

3.2 The premises have been given TENs for the following dates in the current calendar year:

Date of the event(S)	Hours
31/12/2019 -01/01/2020	20.00 – 04.00

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

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

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from and on behalf of local residents.	None

6. GUIDANCE CONSIDERATIONS

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

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.

- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives)

8. OFFICER OBSERVATIONS

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

None.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 No additional conditions have been suggested.

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	Ajman Ali
Lead Officer (holder of original copy):	Sanaria Hussain Senior 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: The Stag's Head, 55 Orsman Road, Hackney, London, N1 5RA	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Zsuzsanna Hatvani The Artist Bar & Kitchen Limited
(Insert name(s) of applicant)

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

Premises licence number
LBH-PRE-T-0567

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Stag's Head 55 ORSMAN ROAD HACKNEY			
Post town	LONDON	Postcode	N1 5RA

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£6450

Part 2 – Applicant details

Daytime contact telephone number	██████████		
E-mail address (optional)	██████████		
Current postal address if different from premises address	■ FAIRFIELD ROAD UK-England		
Post	LONDON	Postcode	E3 ████████

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

Part 3 – Variation

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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Due to the Covid-19 situation the re-opening of the pubs will leave us vulnerable to use the space inside the premises, I would like to extend the opening hours of our rear garden (Appendix 3) on Fridays and Saturdays by 1 hour, so until midnight. Please consider this application as a deal breaker for the survival of our business until the restrictions have been lifted.</p>

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

200

Part 4 Operating Schedule

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

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

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).
None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	01:00	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Sat	10:00	01:00	
Sun	12:00	00:00	

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

Removal of Condition 25 (Annex 3) until end of lockdown

Please tick as appropriate

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

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

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

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

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

b) The prevention of crime and disorder

Security guard constantly monitoring the premises on Fridays and Saturdays.

c) Public safety

d) The prevention of public nuisance

Security guard constantly monitoring noise levels.

e) The protection of children from harm

No underage past 20:00 unless special occasion or performing. Has to be requested and approved prior by the management.

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	25/6/2020
Capacity	General Manager/DPS

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

Signature	
Date	25/6/2020

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 3691CE Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Stags Head 55 Orsman Road London N1 5RA
NAME OF PREMISES USER	Zsuzsanna HATVANI

COMMENTS

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

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

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

Police make the following objections in relation to the application to vary the Premises Licence at THE STAGS HEAD, 55 ORSMAN ROAD, LONDON, N1 5RA for the following reason(s);

These premises are located on a residential street. There is an outside area situated at the rear of the premises where customers can choose to sit. This outside area is currently available to patrons until 2300hrs. This application seeks to extend those hours until 000hrs on Fridays and Saturdays.

On Saturday 18th July 2020 police licensing officers attended the premises as part of local patrols in the area. Having entered the premises police were directed to the outside area where there were numerous customers drinking. There was also a DJ outside playing music. This music was so loud that a conversation could not be had outside. The applicant, who was at the premises at the time, asked the DJ to turn the music down, but it was still above 'background level'. Police did explain that all music that is played should currently only be played at background level to allow a face to face conversation at normal speech level – this will help prevent people having to shout at each other or coming too close together and spreading infection.

The level of music has concerned police and police feel that the extended time will cause disturbance to the residents. The manager did, however, explain that there is an agreement in place with the local residents that states that loud music will not be played after 2100hrs, however, as music is de regulated until 2300hrs, it is not conditioned as so on the licence.

The COVID-19 crisis has seen a change in how licensed premises will be operated and used. Social distancing will be in place for many months to come, in an attempt to control the spread of infection. How will the applicant ensure that social distancing is practised? What procedures will be in place to protect staff and the public?

Police look forward to hearing from the applicant to discuss a way forward with this application.

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

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

Signed
PC3691CE 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	The Stag's Head 55 Orsman Road London N1 5RA
NAME OF APPLICANT	The Artist Bar&Kitchen Ltd

COMMENTS

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

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

Representation in relation to:

I write to make a representation in relation to this application. The application seeks to amend the condition restricting the hours of use of the garden from closing at 23:00 to enable a 00:00 on Fridays and Saturdays only. However due to residential premises being in close proximity, this change could lead to public nuisance as a result of the customers using the garden later at night.

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 applicant in relation to measure that could mitigate negative impacts on the licensing objectives.

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

Date: 21/07/2020

APPENDIX C



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0567

Part 1 – Premises details

The Stag's Head
55 Orsman Road
Hackney
London
N1 5RA

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films
Live Music
Recorded Music
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Films

Standard Hours:

Tue 19:00-20:00
Sun 17:00-18:00

Live Music

Standard Hours:

Mon 11:00-23:00
Tue 11:00-23:00
Wed 11:00-23:00
Thu 11:00-23:00
Fri 11:00-00:00
Sat 11:00-00:00
Sun 11:00-22:00

Recorded Music**Standard Hours:**

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-01:00
Sat 10:00-01:00
Sun 12:00-00:00

Non-Standard Hours:

St. Patrick's Day, Christmas Eve, Boxing Day falling on Monday to Thursday: 10:00 to 00:00
St. Patrick's Day, Christmas Eve, Boxing Day falling on Friday or Saturday: 10:00 to 02:00 the day following
St. Patrick's Day, Christmas Eve, Boxing Day falling on a Sunday: 12:00 to 01:00 the day following
New Year's Eve falling on Monday to Saturday: 10:00 to 03:00 the day following
New Year's Eve falling on a Sunday: 12:00 to 03:00 the day following
Bank Holiday Saturdays: 10:00 to 02:00 the day following
Bank Holiday Sundays: 12:00 to 01:00 the day following

Supply of Alcohol**Standard Hours:**

Mon 10:00-23:00
Tue 10:00-23:00
Wed 10:00-23:00
Thu 10:00-23:00
Fri 10:00-01:00
Sat 10:00-01:00
Sun 12:00-00:00

Non-Standard Hours:

St. Patrick's Day, Christmas Eve, Boxing Day falling on Monday to Thursday: 10:00 to 00:00
St. Patrick's Day, Christmas Eve, Boxing Day falling on Friday or Saturday: 10:00 to 02:00 the day following
St. Patrick's Day, Christmas Eve, Boxing Day falling on a Sunday: 12:00 to 01:00 the day following
New Year's Eve falling on Monday to Saturday: 10:00 to 03:00 the day following
New Year's Eve falling on a Sunday: 12:00 to 03:00 the day following
Bank Holiday Saturdays: 10:00 to 02:00 the day following
Bank Holiday Sundays: 12:00 to 01:00 the day following

The opening hours of the premises

Standard Hours:

Mon 10:00-23:30
Tue 10:00-23:30
Wed 10:00-23:30
Thu 10:00-23:30
Fri 10:00-01:30
Sat 10:00-01:30
Sun 12:00-00:00

Non-Standard Hours:

St. Patrick's Day, Christmas Eve, Boxing Day falling on Monday to Thursday: 10:00 to 00:30
St. Patrick's Day, Christmas Eve, Boxing Day falling on Friday or Saturday: 12:00 to 02:30 the day following
St. Patrick's Day, Christmas Eve, Boxing Day falling on a Sunday: 12:00 to 01:30 the day following
New Year's Eve falling on Monday to Saturday: 10:00 to 03:30 the day following
New Year's Eve falling on a Sunday: 12:00 to 03:30 the day following
Bank Holiday Saturdays: 10:00 to 02:30 the day following
Bank Holiday Sundays: 12:00 to 01:30 the day following

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

On and Off Premises

Part 2 –

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

The Artist Bar&Kitchen Limited
Marie Lloyd 24
Chart Street
London
N1 6DD

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

08368751

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

Zsuzsanna Hatvani

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

Date of Grant: 6 January 2006

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

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

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

Minimum Drinks Pricing

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

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

Where -

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

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

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

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

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

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

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

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

Exhibition Of Films

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

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

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

Door Supervision

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

Annex 2 – Conditions consistent with the Operating Schedule

10. Keep fire extinguishers in place and have them maintained by a qualified professional.
11. A strict "Zero Tolerance" policy in respect of illegal drugs and anyone found dealing in or using such drugs will be reported to the police.
12. Identification bearing a photo card will be required for anyone looking under 21 years old.

Conditions derived from Responsible Authority representations

13. The applicant shall ensure that all amplified music and voices are inaudible at 1m from the facade of the nearest residential building.
14. No regulated entertainment to take place in any external area(s).
15. All windows and doors shall remain closed at all times when amplified music is being played.
16. Charging of bins with bottles and glasses shall not occur after 23.00 hours.
17. The responsible person shall clearly display signs at all exits requesting patrons to leave the area quietly and as quickly as possible.
18. Children shall not be allowed on the premises.
19. The installation and maintenance of Residual Circuit Devices (RCD) for all electrical appliances involved in entertainments carried out in the Public House for which this variation applies.
20. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in

writing and displayed in a prominent place where it can be referred to at all times by staff.

21. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by its registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by its waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
22. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.
23. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
24. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip

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

25. The beer garden at the rear of the premises shall close at 23.00 hours.
26. To minimise disturbance to neighbours SIA door staff to be employed at the premises after 22.00 hours when the premises are open after midnight to control and regulate patrons at the front of the premises.
27. Smoking by patrons after 22.00 hours to be permitted only on Orsman Road.

Annex 4 – Plans

PLAN/LBH-PRE-T-0567/281005

APPENDIX D



30 Felstead Street



Scale: 1:1250 at A4



Ref:

04 September 2020

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Product by: unspecified

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