



REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 09/02/2016	Classification DECISION	Enclosure
Application for a Premises Licence Healthy Stuff, 168 Dalston Lane, E8 1NG	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s) Healthy Stuff Ltd	In SPA No
Date of Application 14/12/2015	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (Off Premises)	
Proposed hours of licensable activities	
Supply of Alcohol	Standard Hours:
INDOOR:	Mon 08:00-19:00 Tue 08:00-19:00 Wed 08:00-19:00 Thu 08:00-19:00 Fri 08:00-19:00 Sat 10:00-18:00 Sun 10:00-18:00
The opening hours of the premises	
INDOOR	Standard Hours: Mon 08:00-19:00 Tue 08:00-19:00 Wed 08:00-19:00 Thu 08:00-19:00 Fri 08:00-19:00 Sat 10:00-18:00 Sun 10:00-18:00
Capacity: Not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)

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

2. APPLICATION

2.1 **Healthy Stuff Ltd** has made an application for a premises licence under the Licensing Act 2003:

- To supply alcohol for consumption off the premises

2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	Have confirmed no representation on this application
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority	Have confirmed no representation on this application
Area Child Protection Officer	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, Public Safety, Prevention of Public Nuisance,
Licensing Authority (Appendix B2)	Representation received on the grounds of Prevention of Public Nuisance
Health Authority	Have withdrawn representation following acceptance of proposed conditions

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, LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 are relevant.

8. OFFICER OBSERVATIONS

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

Supply Of Alcohol (Off)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 3.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
3.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

4. 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 4.2 For the purposes of the condition set out in paragraph 4.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Conditions Proposed by Responsible Authorities

- 5. Any sales of alcohol to be consumed off site shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.
- 6. The age verification policy operated at the premises shall be 'Challenge 25', where any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Forms of ID that may be accepted shall be
 - a) A proof of age card bearing the PASS hologram logo
 - b) A passport
 - c) A UK photo driving licence
- 7. Notices advertising that the premises operates a 'Challenge 25' scheme will be displayed prominently at the premises entrance(s) and inside the premises

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer 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 upon request.
10. 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.
11. 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. Any complaints received.
 - c. Any ejections
 - d. Any incidents of disorder.
 - e. Seizure of drugs or offensive weapons.
 - f. Any faults in the CCTV system
 - g. Any refusal of the sale of alcohol.
 - h. Any visit by a relevant authority or emergency service.
12. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written or electronic records shall be kept and produced to police or an authorised officer upon request.
13. 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.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 5 to 7 above have been proposed by Public Health and have been accepted by the applicant. Conditions 8 to 13 have been proposed by the Police.

10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

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

12. MEMBERS DECISION MAKING

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

13. CONCLUSION

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

Corporate Director of Legal, HR and Regulatory Services	Gifty Edila
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 2 Hillman Street E8 1FB 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: Healthy Stuff, 168 Dalston Lane, Hackney, E8 1NG	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy