



REPORT OF THE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES		
LICENSING SUB-COMMITTEE: 09/02/2016	Classification DECISION	Enclosure
Application for a Premises Licence Basement, 422 Mare Street, E8 1HP	Ward(s) affected Hackney Central	

1. SUMMARY

Applicant(s) Art Emporium	In SPA Not Applicable
Date of Application 12/10/2015	Period of Application Permanent
Proposed licensable activity Late Night Refreshment Supply of Alcohol (On and Off Premises)	
Proposed hours of licensable activities	
Late Night Refreshment Primary:	Standard Hours: Fri 23:00-23:30 Sat 23:00-23:30
Supply of Alcohol Primary:	Standard Hours: Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:30 Sat 11:00-23:30 Sun 11:00-22:30
The opening hours of the premises	
Primary	Standard Hours: Mon 11:00-23:30 Tue 11:00-23:30 Wed 11:00-23:30 Thu 11:00-23:30 Fri 11:00-00:00 Sat 11:00-00:00 Sun 10:00-23:00

Capacity: Not known	
Policies Applicable	LP1 (Planning), 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 – Representations from other persons D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority (Pollution) • Planning Authority • Other Persons

2. APPLICATION

- 2.1 **Art Emporium** has made an application for a premises licence under the Licensing Act 2003:
- To supply alcohol for consumption on and off the premises
 - Late night refreshment
- 2.2 The application is attached as Appendix A. The hours described in para. 1 above reflect amendments agreed with responsible authorities.

3. CURRENT STATUS / HISTORY

- 3.1 The premises are not currently licensed for any activity. There have been no TENs at the premises within the last 12 months.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution) (Appendix B1)	Representation received on the grounds of the prevention of public nuisance
Environmental Health Authority (Environmental Enforcement)	Representation has been withdrawn with the agreed conditions as set out in para 8.1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 (Appendix B2)	Representation received on the grounds of the prevention of public nuisance & LP1 (Planning)
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	No representations received
Police	Representation has been withdrawn with the agreed conditions as set out in para 8.1

Licensing Authority	Representation has been withdrawn with the agreed conditions as set out in para 8.1
Health Authority	Representation has been withdrawn with the agreed conditions as set out in para 8.1

5. REPRESENTATIONS: OTHER PERSONS

From	Details
Representation received from local resident. (Appendix C)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance.

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 (Planning), LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 (Public Safety) are relevant.

8. OFFICER OBSERVATIONS

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

Supply Of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark or
- (b) an ultraviolet feature

6. The responsible person must ensure that:

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

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

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

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

Minimum Drinks Pricing

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

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

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

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

(i) P is the permitted price,

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Door Supervision

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

Conditions derived from operating schedule

9. The holder of the premises licence shall subscribe and participate fully in the local pubwatch scheme.

10. Customers shall not be allowed to take drinks outside the premises after 23:00 hours.

11. Staff shall monitor the pavement area directly outside the premises to ensure customers are not blocking the area and / or causing a nuisance to local residents.

12. The premises shall prominently display clear, legible notices at the exits of the premises requesting customers to leave the premises quietly.

13. Staff shall be provided with training on offences and refusals with regards to sales of alcohol to persons under 18 years of age.

14. The premises shall operate a 'Challenge 25' proof of age scheme. Only photocard driving licences and passports will be accepted as proof of age.

Conditions derived from Responsible Authority representations

15. 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.

16. 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.

17. The Licensee's premises are situated in an area within which refuse may only be left on the public highway during certain time bands. If the Licensee's waste carrier cannot or does not comply by collecting the refuse during the present or any future time bands imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as its waste carrier arrives to collect the refuse.

18. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. The collection and removal of litter should include satisfactory disposal of spilled food and similar materials so as to leave the footway in a clean, safe and wholesome condition.

19. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside, either on the wall or close to the wall of the building so as not to cause an obstruction or trip, for the use of customers.

20. There shall be no off sales of alcohol after 10pm.

21. Before 10pm, any off sales of alcohol will be ancillary to a cold food platter /artisanal sandwich or tapas style snack, where the food sales must be over £10.

22. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

23. 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.

24. There shall be a staff member from the premises who is conversant with the operation of the CCTV system 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.

25. There shall be "CCTV in Operation" signs prominently displayed.

26. Signs will be prominently displayed at all entrance and exit points reminding customers to leave quietly and respect local residents.

27. 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.

28. Tapas and other warm or cold food will always be available whenever alcohol is being sold.

29. 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.
- g. Any refusal of the sale of alcohol.
- h. Any visit by a relevant authority or emergency service

30. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs and Weapons policy where appropriate.

31. All instances of crime and disorder to be reported by the Designated Premises Supervisor or responsible member of staff to an agreed police contact point, as agreed with the police.

32. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint and shall be advertised at the premises or on its website.

33. All staff receives training on the legislation relating to the sales of alcohol to underage persons and drunken persons. There shall be written records kept of this training and kept on the premises. They will be made available to police or other authorised officer upon request.

34. Patrons will not be allowed to take drinks, glass or open containers outside of the building at any time, except for those customers sat in the designated outside seating area.

35. After 9pm there shall be a maximum of 5 people outside smoking at any one time.

36. SIA registered door staff will be employed at the premises when required on the basis of an operational risk assessment with identity badges displayed at all times. SIA numbers, full names, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded.

37. The capacity of the venue will be 60. All customers will be seated and served by staff at the table.

38. Except for smokers, the outside area shall not be used after 10pm.

39. Background music only will played at all times when this licence is in force.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 9 to 14 above are derived from the applicant's operating schedule. Conditions 15 to 19 have been proposed by environmental enforcement, 20 to 22 by public health, 23 to 38 by the police and 39 by Licensing. The proposed conditions have been accepted by the applicant, and representations have been withdrawn as a result.

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: Basement, 422 Mare Street, E8 1HP	Licensing Service 2 Hillman Street London E8 1FB

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

↳ Hackney
LA01

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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



I/we ART EMPORIUM
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
BASEMENT AT 422 MARRE ST,			
Post town	LONDON	Postcode	E8 1HP
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ 8547		

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

London Borough of Hackney
↳ Hackney
LICENSING SERVICE

08 OCT 2015

Duty Officer <i>W</i>	Acknowledged
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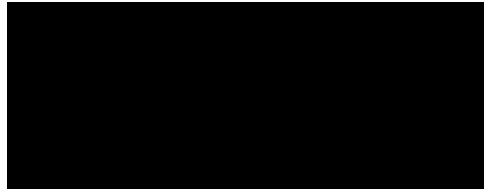

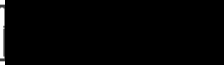
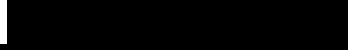
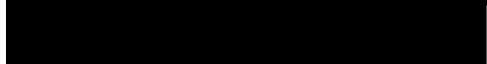
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname EMPORIUM			First names ART		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
27	10	2015

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

DD	MM	YYYY

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

Cafe, restaurant + bar
A3.

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

--

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

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

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- 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)
- 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)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	23:30			
Tue	11:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	11:00	23:30			
Thur	11:00	23:30	NEW YEARS EVE UNTIL 04:00 ONLY		
Fri	11:00	00:00			
Sat	11:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	10:00	23:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23:30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NEW YEARS EVE UNTIL 04:00 ONLY		
Thur	23:00	23:30			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun	23:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	11:00	23:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) NEW YEARS EVE UNTIL 04:00 ONLY		
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	23:30			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	10:00	23:00			
			<u>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</u> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	LONZI Calder-keuork		
Address	[REDACTED]		
Postcode	[REDACTED]		
Personal licence number (if known)	[REDACTED]		
Issuing licensing authority (if known)	HACKNEY		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	11:00	23:30
Tue	11:00	23:30
Wed	11:00	23:30
Thur	11:00	23:30
Fri	11:00	00:00
Sat	11:00	00:00
Sun	10:00	23:00

State any seasonal variations (please read guidance note 4)

NEW YEARS EVE ONLY UNTIL 04:00

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 5)

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

AS DETAILED BELOW IN B), C), D) + E)

b) The prevention of crime and disorder

- The holder of the premises licence shall subscribe to and ensure a member of staff participates fully in the local pubwatch scheme.
- No drinks allowed outside after 11pm.

c) Public safety

- ① The premises at basement @ 422 Moret, will continue to comply with all relevant legislation including fire safety, pest control, health + safety and so forth.
- ② our local minicab details will be provided if public transport not available - ensuring a safe + efficient journey home.

d) The prevention of public nuisance

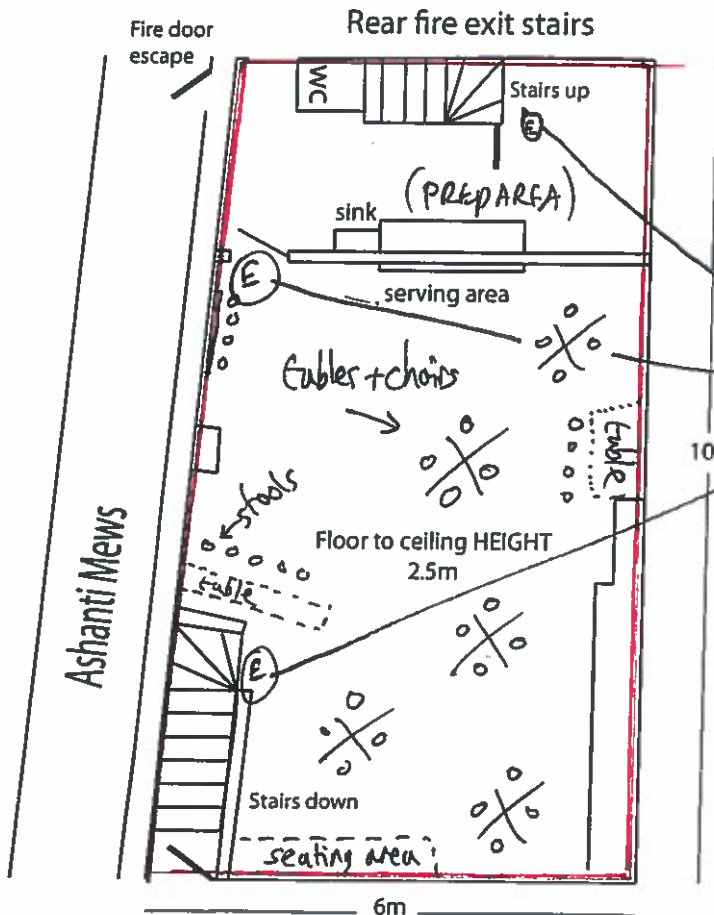
- ① staff @ basement 422 shall monitor / supervise the street + pavement area - ensuring customers not blocking the pavement or causing nuisance to neighbours.
- ② immediate area outside premises will be kept clear, tidy + constantly maintained in a clean + satisfactory manner.
- ③ prominent, clear + legible exit notices - requesting customers leave quietly -
see attached risk assessment.

e) The protection of children from harm

- ① staff training on details of any offences, including sale + supply of alcohol - especially to under 18's + 25's.
- ② any doubt regarding age - valid photographic 'challenge 25' scheme to be used.
- ③ acceptable I.D to validate only with holographic mark of British drivers licence or current passport.

RECEIVED IN CORPORATION
BUSINESS SUPPORT
- 6 OCT 2015

FLOORPLAN (2 / 2)
BASEMENT at 422 MARE ST
HACKNEY
E8 1HP



Main basement front entrance

Basement approx floor area 678 sqft

- FRA completed
- emergency lights + fire exit signs at each point + change of direction.
- smoke / fire alarm
- x 3
- 4 x fire extinguishers
- 1 x CO2 + 1 x foam in Main area
- +
- 1 x CO2 / 2 x foam in prep area.

EXISTING & PROPOSED
BASEMENT FLOOR PLAN
SCALE 1:100

Red outline indicates application site

Drg no. 2/2
page size: A4
20/08/15
drawn by: Chou
@ Design Access

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

previously given.



Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Lewis Dodd

From: Stephen Collingwood
Sent: 19 October 2015 11:36
To: 'ART@glowresin.com'
Cc: Licensing
Subject: WK/201507295

Dear Sir/Madam,

Thank you for your application for a premises licence in the Basement 422 Mare Street E8 1HP.
I am not inclined to recommend this be approved as the facilities in the kitchen appear inadequate and no WC facilities are provided for patrons unless you expect them to use Ashanti Mews.

Please contact me if you have further information concerning these matters which you want to bring to my attention.

Best regards,

Stephen Collingwood
Specialist Noise and Advice Officer
Community Safety Team,
London Borough of Hackney,
2nd Floor Maurice Bishop House,
17 Reading House,
London E8 1HH
020 8346 4675

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

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Laraine Rolt
Officer telephone number	020 8356 8076
Officer's email address	laraine.rolt2@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Basement 422 Mare Street London, E8 1HP
Applicant name	Art Emporium

COMMENTS

I make the following relevant representation in relation to the above application at the above address.

- Prevention of crime on disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Please supply any relevant evidence/information to support the above representation.

Planning ref. 2014/0534 granted permission for a "Change of use of basement unit from minicab office (Use Class Sui Generis) to a Café/Tapas bar (Use Class A3)". Therefore the use of the basement at 422 Mare Street as a café/restaurant is authorised.

Condition 5 of 2014/0534 limits the opening hours to between 11:00 and 23:30 hours Mon to Thurs, 11:00 to 00:00 hours on Fri and Sat and 10:00 to 23:00

hours on Sun and Bank Holidays. The opening hours proposed in the premises licence application fall within those permitted.

It is noted that there are two pre-commencement conditions contained in planning permission ref. 2014/0534 that have yet to be discharged:-

Condition 3 states that, prior to commencement of the A3 use, a premises management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of management of waste and deliveries to the premises, management of customers outside of the premises and management of any external operations related to the premises.

Condition 8 states that details of a scheme for sound insulation between the basement and the remainder of the building shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be installed before the commencement of the Class A3 use.

These pre-commencement conditions have been incorporated into the planning permission to safeguard the amenity of the adjoining occupiers and the area generally. The fact that they have not been discharged could result in a public nuisance and is contrary to policy LP1.

Please provide the following information (if applicable)

Area (that permission applies to)	Basement
Permitted use	Class A3 (café/restaurant)
Permitted hours	11:00 to 23:30 hours Mon to Thurs, 11:00 to 00:00 hours Fri and Sat and 10:00 to 23:00 hours on Sun and Bank Holidays.
Specific/restrictive conditions	<p>2014/0534 - Condition 5 (opening hours)</p> <p>2014/0534 - Condition 4 - The use of the land to the east and south of the site (Ashanti Mews) shall at no time be used for any activity in relation to the operation of the Class A3 use, including use as a smoking area.</p> <p>2014/0534 - Noise levels associated with the Class A3 use shall at all times remain 5dB(A) or more below the existing background levels when measured from the nearest residential window.</p>
Recent applications	2014/0534 - Change of use of basement unit from minicab office (Use Class Sui Generis) to a Café/Tapas bar (Use Class A3)
Decisions	2014/0534 - granted
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	<p>2014/0534 - Condition 3 (Management Plan)</p> <p>2014/0534 - Condition 8 (Sound Insulation)</p>

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

The use of the basement premises at 422 Mare Street as a café/restaurant is authorised, and the opening hours proposed in the premises licence application fall within those permitted under planning permission ref. 2014/0534 Condition 5.

However, there are two pre-commencement conditions contained within 2014/0534 (Condition 3 - Management Plan, and Condition 8 - Sound insulation) that have yet to be discharged. The licensing applicant would need to apply for planning

permission to discharge these conditions prior to the commencement of the Class A3 (café/restaurant) use.

Signed	
Name	
Date	

Lewis Dodd

From: [REDACTED]
Sent: 30 October 2015 09:38
To: Licensing
Subject: Licensing Application - Basement, 422 Mare St, E8.

Dear Sir / Madam,

I am writing to you regarding the application of a bar of off licence in the basement of the Marina Café, 422 Mare St, E8. I am a resident of the building on [REDACTED].

I have been a resident at [REDACTED] for over five years and I strongly oppose the opening of a bar in the basement space.

Firstly, the space used as a bar will undoubtedly increase noise levels through music being played. I have little doubt that after a while the owner will also offer liver music in the bar – as per his previous application for the space and in line with his current premises on Chatsworth Rd, E5.

Secondly, people entering and leaving the bar in the evening while inebriated will lead to further noise. Although the bar owner may plan to use security to reduce this problem, the consumption of alcohol undoubtedly leads to drunkenness, noise and anti-social behaviour. In particular, the alley to the side of the property – already used as something of a public toilet, especially when there are events at the St. John Of Hackney Church – will only become more abused. My property runs the length of this alley with the living room and kitchen above where the entrance would be and both bedrooms and bathrooms above the alley so there would be no escape from the disruption.

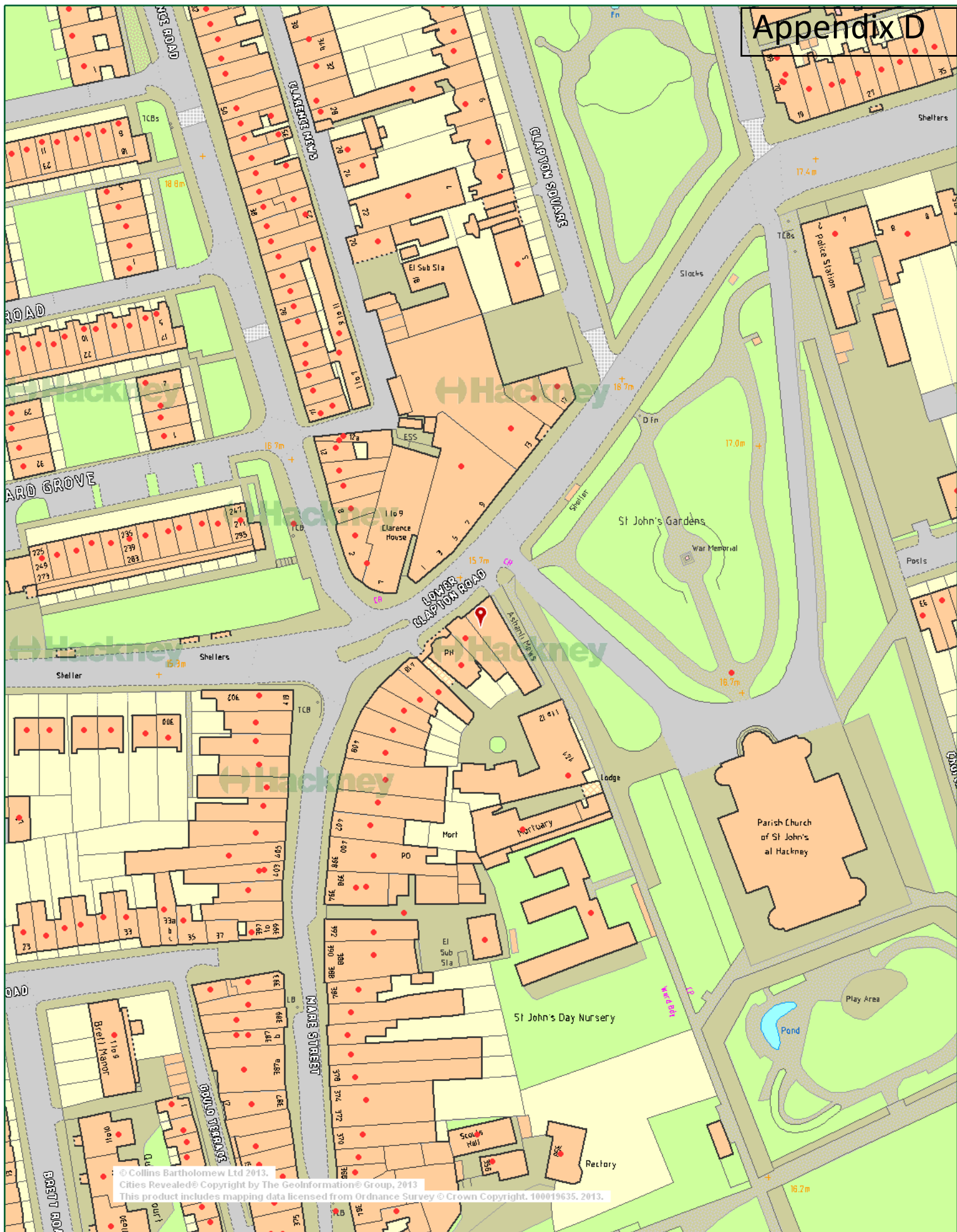
I also want to point out that as there is a florist now using a space in the building to the back of the property, the alley is already in use with deliveries from 6am on most mornings. This means that with the bar opening until 11pm or 12pm (and customer leaving the bar after that) it leaves a very short space of time during the night for residents to actually be able to sleep without disruption.

The basement space has previously been used to house an (illegal) bar which, after several weeks of experiencing all of the problems outlined above, was eventually closed down by the police.

If you would like any further information or I can help in any way at all, please feel free to contact me via email or by phone.

Many thanks,

[REDACTED]
[REDACTED]



422 Mare Street, Basement

Scale 1/1250 at A4



Date 29/11/2015

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