



REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 21/07/2016	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Il Cudega Enogastronomy and Bar, Railway Arch 358 To 359, Westgate Street, E8 3RL	Ward(s) affected London Fields	

1. SUMMARY

Applicant(s) Cingetrivott Ltd	In SPA No
Date of Application 26 May 2016	Period of Application Permanent
Proposed variation: Late Night Refreshment Supply of Alcohol (On Premises)	
Proposed hours for licensable activity	
Late Night Refreshment	Standard Hours: Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-23:30 Fri 23:00-00:00 Sat 23:00-00:00
Supply of Alcohol on sales	Standard Hours: Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:30 Fri 11:00-23:30 Sat 11:00-23:30 Sun 11:00-22:30 Non-Standard Hours: Until 23:30 on any day followed by a bank holiday New Year's Eve from 10:00 until 02:00 New Year's Day

<p>Supply of Alcohol off sales</p>	<p>Standard Hours: Mon 10:00-22:30 Tue 10:00-22:30 Wed 10:00-22:30 Thu 10:00-22:30 Fri 10:00-22:30 Sat 10:00-22:30 Sun 10:00-22:00</p> <p>Non-Standard Hours: Until 23:30 on any day followed by a bank holiday New Year's Eve from 10:00 until 02:00 New Year's Day</p>
<p>The opening hours of the premises:</p>	<p>Standard Hours: Mon 07:00-23:30 Tue 07:00-23:30 Wed 07:00-23:30 Thu 07:00-00:00 Fri 07:00-00:00 Sat 08:00-00:00 Sun 08:00-23:00</p> <p>Non-Standard Hours: Until 00:00 on any day followed by a bank holiday New Year's Eve until 02:30 New Year's Day</p>
<p>Current activities/hours:</p> <p>The times the licence authorises the carrying out of Licensable activities</p> <p>Plays</p> <p>Standard Hours: Mon 14:00-18:00 Tue 14:00-18:00 Wed 14:00-18:00 Thu 14:00-18:00 Fri 11:00-18:00 Sat 11:00-18:00 Sun 11:00-18:00</p> <p>Films</p> <p>Standard Hours: Mon 14:00-18:00 Tue 14:00-18:00 Wed 14:00-18:00 Thu 14:00-18:00 Fri 14:00-18:00 Sat 11:00-18:00 Sun 11:00-18:00</p>	

Supply of Alcohol On:	Standard Hours: Mon 11:00-18:00 Tue 11:00-18:00 Wed 11:00-18:00 Thu 11:00-18:00 Fri 11:00-18:00 Sat 11:00-18:00 Sun 11:00-18:00
Supply of Alcohol Off:	Standard Hours: Mon 10:00-18:00 Tue 10:00-18:00 Wed 10:00-18:00 Thu 10:00-18:00 Fri 10:00-18:00 Sat 10:00-18:00 Sun 10:00-18:00
The opening hours of the premises	Standard Hours: Mon 07:00-18:00 Tue 07:00-18:00 Wed 07:00-18:00 Thu 07:00-18:00 Fri 07:00-18:00 Sat 08:00-18:00 Sun 08:00-18:00
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), LP12 (Licensing Hours),
List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority (Environmental Enforcement) • Planning Authority • Licensing Authority

2. APPLICATION

- 2.1 Cinqetrivott Ltd has made an application vary their premises licence under the Licensing Act 2003:
- To extend hours for supply of alcohol for consumption **on and off** the premises
 - To include late night refreshment
- 2.2 The application is attached as Appendix A. The applicant has proposed some additional measures to address the licensing objectives.

3. CURRENT STATUS / HISTORY

- 3.1 The current premises licence was granted in August 2015, with the hours described in para 1 and subject to the following conditions:

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).

Conditions consistent with the Operating Schedule

9. There shall be no sale of draught or cans of beers, larger or ciders. Only selected premium bottled craft beers, ciders, wines and some spirits to be on sale.
10. The recorded music to be played at the background level only.
11. All sales of alcohol for consumption off the premises to be in a sealed containers.
12. 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.

13. 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.
14. There shall be "CCTV in Operation" signs prominently displayed.
15. 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.
16. All music will be kept at background level to allow a face to face conversation.
17. 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.
18. Premises to operate zero tolerance policy to drugs and comply with Hackney Police Drugs, Weapons policy where appropriate.
19. 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.
20. All patrons will be seated with waiter/waitress service.
21. All staff receive training on the legislation relating to the sales of alcohol to underage persons and drunken persons. There shall be written records of this training and they shall be made available to police or other authorised officer upon request.
22. All staff to be trained, as part of their General Induction, with regard to the business' legal requirements of Waste Disposal and Sustainable Environmental Management and Recycling. The procedure for handling and preparing for disposal of the waste shall be in writing and, as far as it is reasonably possible, displayed in a prominent place where it can be referred to at all times.
23. 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.

24. The premises' staff shall make regular checks of the area immediately outside the premises and remove any litter, empty bottles, glasses and any other items originating from the business and likely to create any nuisance or public inconvenience. A further final check shall be made at close of business.
25. Alcohol shall not be sold, supplied or consumed otherwise than to persons who are taking a substantial meal from the menu and that the consumption of alcohol by such persons is ancillary to taking such meals. The supply of alcohol will be by waiter/waitress service only.
26. Alcohol may only be consumed whilst seated.
27. A maximum of 40 persons may be seated in the outside area.

3.2 TENs have been submitted in respect of the premises in the current calendar year as follows:

31/12/15 – 01/01/16	18:00 to 23:59
29/01/16	18:00 to 23:59
13/02/16	18:00 to 23:59
25/02/16 – 26/02/16	18:00 to 23:59
03/03/16 – 04/03/16	18:00 to 23:59
17/03/16	18:00 to 23:59
19/03/16	18:00 to 23:59
29/04/16	18:00 to 23:59
07/05/16 – 08/05/16	18:00 to 23:59
26/05/16 – 27/05/16	18:00 to 23:59
04/06/16	18:00 to 23:59
12/06/16	18:00 to 23:59
16/06/16 – 17/06/17	18:00 to 23:59

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Pollution)	No representation received
Environmental Health Authority (Environmental Enforcement) (Appendix B1)	Representation received on the grounds of public safety the prevention of public nuisance
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)	The proposed hours exceed those permitted under current planning consent
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police	No representation received
Licensing Authority (Appendix B3)	Representation received on the grounds of Prevention of Public Nuisance
Health Authority	Have confirmed no representation on this application

5. REPRESENTATIONS: OTHER PERSONS

Representation received from and on behalf of local residents.	None
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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), LP8 (Public Safety) and LP12 (Licensing Hours) are relevant.

8. OFFICER OBSERVATIONS

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

Conditions derived from operating schedule

- The opening times for the Courtyard are:
Monday to Thursday to 23:00
Friday and Saturday to 23:30
Sunday to 22:00

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 The above additional condition derives from the applicant's operating schedule.

10. LEGAL COMMENTS

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

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

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

12. MEMBERS DECISION MAKING

A. Option 1

That the application be refused

B. Option 2

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

13. CONCLUSION

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

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 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
Il Cudega Enogastronomy and Bar Railway Arch 358 To 359, Westgate Street, E8 3RL	Hackney Service Centre Licensing Service 2 Hillman Street London E8 1FB

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 CINQETRIVOTT Ltd (trading as IL CUDEGA)

(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

070929

Part 1 – Premises Details

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

IL CUDEGA ENOGASTRONOMY, DELI & BAR

ARCHES 358 AND 359, WESTGATE STREET

Post town

LONDON

Postcode

E8 3RL

Telephone number at premises (if any)

██████████

Non-domestic rateable value of premises

£16000

Part 2 – Applicant details

Daytime contact telephone number

██████████

E-mail address (optional)

Current postal address if different from premises address

██████████

Post town

LONDON

Postcode

██████████

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1) VARIATION OF THE CLOSING TIMES

2) VARIATION OF THE TIMES FOR THE SALE OF ALCOHOL

Please note: that the timings to the left in Section J refer to:

ON SALES UPPER ROWS (e.g. Sat. 11:00 / 23:30)

OFF SALES LOWER ROWS (e.g. Sat. 10:00 / 22:30)

3) INTRODUCTION OF LATE NIGHT REFRESHMENTS

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:

N.A.

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 tick all 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	23:30			
Tue	23:00	23:30			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	23:30			
Thur	23:00	23:30			
			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)		
Fri	23:00	24:00			
			UNTIL 24:00 ON ANY DAY FOLLOWED BY A BANK HOLIDAY		
Sat	23:00	24:00			
			NEW YEAR'S EVE - FROM 23:00 OF THE 31st OF DECEMBER UNTIL 02:00 ON 1st OF JANUARY, NEW YEAR'S DAY.		
Sun					

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"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NO SEASONAL VARIATIONS Please note: the timings here on the left refer to: ON SALES UPPER ROWS (e.g. Sat. 11:00 / 23:30) OFF SALES LOWER ROWS (e.g. Sat. 10:00 / 22:30) Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) UNTIL 23:30 ON ANY DAY FOLLOWED BY A BANK HOLIDAY NEW YEAR'S EVE FROM 10:00 OF THE 31st OF DECEMBER UNTIL 02:00 ON 1st OF JANUARY, NEW YEAR'S DAY.		
Mon	11:00	23:00			
	10:00	22:30			
Tue	11:00	23:00			
	10:00	22:30			
Wed	11:00	23:00			
	10:00	22:30			
Thur	11:00	23:30			
	10:00	22:30			
Fri	11:00	23:30			
	10:00	22:30			
Sat	11:00	23:30			
	10:00	22:30			
Sun	11:00	22:30			
	10:00	22:00			

K

<p>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).</p> <p>NOT APPLICABLE</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:30	<p>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)</p> <p>UNTIL 24:00 ON ANY DAY FOLLOWED BY A BANK HOLIDAY</p> <p>NEW YEAR'S EVE UNTIL 02:30 ON 1st OF JANUARY</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	24:00	
Fri	07:00	24:00	
Sat	08:00	24:00	
Sun	08:00	23:00	

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.

EXCEPT FOR THE AMENDMENT / VARIATION OF THE CLOSING TIMES AND THE EXTENSION OF THE TIMES FOR THE SALE OF ALCOHOL, THIS APPLICATION DOES NOT SEEK THE REMOVAL OF ANY OF THE CONDITIONS ATTACHED TO THE CURRENT LICENCE AS THESE CONDITIONS WERE AGREED WITH THE RELEVANT AUTHORITIES WHEN THE LICENCE WAS APPLIED FOR IN JUNE 2015.

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 9)

ALL THE STEPS TO PROMOTE THE FOUR LICENSING OBJECTIVES WERE CONSIDERED AND DISCUSSED WITH THE RELEVANT AUTHORITIES IN THE OCCASION OF THE ORIGINAL APPLICATION.

ONLY THE IMPOSITION BY PLANNING OF A RESTRICTION ON THE OPENING TIMES OF THE COMPOUND OF ARCHES 358, 359 AND 360 DID NOT ALLOW THE IMPLEMENTATION OF THE ORIGINAL BUSINESS PLAN (OPENING UNTIL 23:30 / 24:00) TO WHICH THIS APPLICATION STILL REFERS.

THIS APPLICATION ALSO REFERS TO DISCUSSIONS ORIGINALLY INTERVENED BETWEEN THE APPLICANT AND THE AUTHORITIES WHICH WERE INFORMED THAT AN APPLICATION FOR THE REMOVAL OF THE RESTRICTIVE CONDITION FROM PLANNING WAS GOING TO BE SERVED AT THE BEGINNING OF 2016 (THE APPLICATION WAS SERVED TO PLANNING IN APRIL 2016: THE DECISION IS STILL PENDING)

b) The prevention of crime and disorder

SINCE SEPTEMBER 2016 THE PREMISES HAVE OPERATED DURING SOME OF THE EVENINGS ON THE BASIS OF T.E.Ns.

15 T.E.NS WERE SERVED BETWEEN MID SEPTEMBER AND END OF DECEMBER 2015 FOR A TOTAL OF 21 DAYS.

8 T.E.NS HAVE BEEN SERVED IN 2016 BETWEEN JANUARY AND MAY, FOR A TOTAL OF 11 DAYS.

ALL THE EVENTS, WITH OPENING TIMES UP TO 24:00 (MIDNIGHT) OR 02:00am, HAVE NOT GIVEN REASONS FOR CONCERNS IN TERMS OF SECURITY AND NO INCIDENTS HAVE BEEN RECORDED.

NO COMPLAINTS FOR NOISE HAVE BEEN RECEIVED.

WE BELIEVE THAT THIS COULD BE CONSIDERED AS GOOD EVIDENCE THAT THE PREMISES HAS BEEN AND WILL BE MANAGED IN A RESPONSIBLE FASHION WITH ATTENTION TO GOOD PRACTICES AND RESPECT FOR THE SURROUNDING NEIGHBOURS

c) Public safety

ORIGINALLY, THE BUSINESSES USING AND MANAGING THE ARCHES AND THE FRONT YARD HAD RECEIVED PERMISSION FROM PLANNING FOR THE CREATION OF 2 PARKING SPACES. IT HAS NOW BEEN DECIDED THAT, DUE TO SAFETY CONCERNS FOR THE PEOPLE VISITING THE ENOGASTRONOMY AND BAR AND THE ADJACENT NURSERY, THESE 2 SPACES BE SUPPRESSED.

HACKNEY'S PLANNING DEPT. HAS BEEN INFORMED OF THIS DECISION

d) The prevention of public nuisance

DURING THE EVENTS MENTIONED ABOVE (please see point 'b') NO COMPLAINTS FOR NOISE WERE RECEIVED. PRE-APPLICATION CONSULTATIONS WITH NEIGHBOURS WERE HELD BEFORE THIS APPLICATION WAS MADE AND HAD, IN GENERAL, POSITIVE RESPONSES FROM THE NEIGHBOURS WHO ACCEPTED TO DISCUSS THE PLANS FOR LONGER OPENING HOURS.

THIS PROPOSAL WILL EXTEND THE USE OF THE LICENSED OUTDOOR AREA ACCORDING TO THE NEW SCHEDULE.

THE PROPOSED OPENING TIME FOR THE COURTYARD ARE:

MONDAY TO THURSDAY 23:00 - FRIDAY AND SATURDAY 23:30 - SUNDAY 22:00

e) The protection of children from harm

THE BUSINESS, FOR ITS VERY NATURE, IS A FAMILY FRIENDLY BUSINESS USED OFTEN BY THE MOTHERS AND PARENTS USING THE ADJACENT NURSERY.

A STRICT CHALLENGE 25 POLICY IS IMPLEMENTED AT THE PREMISES AND ALL THE STAFF ARE TRAINED IN THE RESPONSIBLE SALE OF ALCOHOLIC BEVERAGES.

A PERSONAL LICENCEE WILL BE ALWAYS ON DUTY WHEN THE PREMISES ARE OPEN FOR THE SALE OF ALCOHOL.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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, 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 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]
Date	25 th of May 2016
Capacity	Duly Authorised Agent of CINQETRIVOTT Ltd

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 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

[REDACTED]

[REDACTED]

[REDACTED]

Post town	LONDON	Post code	[REDACTED]
-----------	--------	-----------	------------

Telephone number (if any)	[REDACTED]
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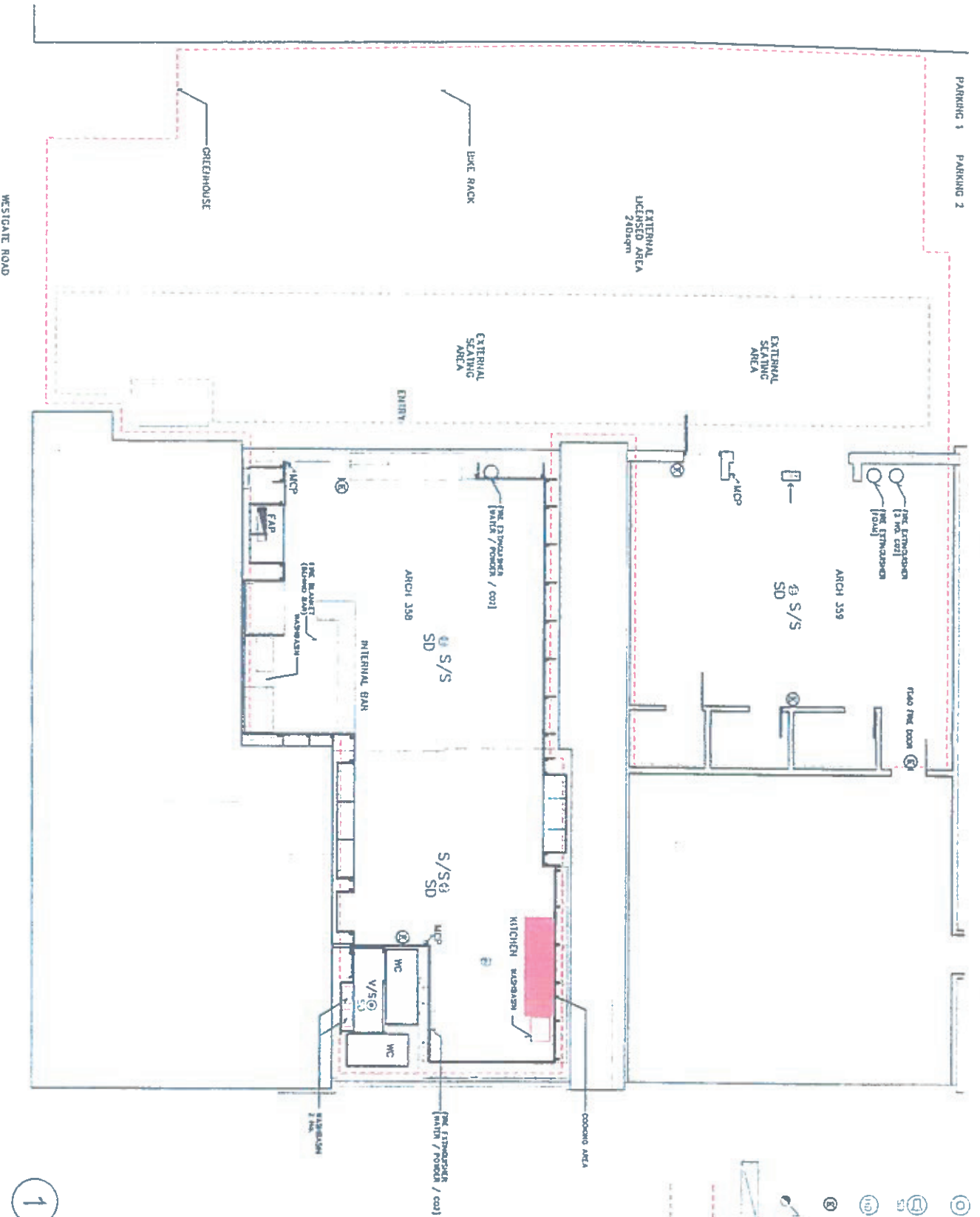
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

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. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.



- ① Visual smoke alarm
- ② Smoke sounder / detector surface mounted
- ③ Heat detector
- ④ Emergency light fitting
- ⑤ Manual call point
- ⑥ Fire alarm main panel
- - - Extent of licensed area
- - - Extent of external seating area

1 SITE PLAN - 1
1:100 @ A3

APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Environmental Health (Environmental Enforcement)
ADDRESS OF AUTHORITY	Keltan House, 89-115 Mare Street, London E8 4RU
CONTACT NAME	
TELEPHONE NUMBER	0208 356 4875
E-MAIL ADDRESS	justice.awe@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	IL Cudega Enogastronomy Arches 358 and 359 Westgate Street London E8 3RL
NAME OF PREMISES USER	Director, Cinquetrivott Lid t/a IL Cudega

COMMENTS

I make the following relevant representations in relation to the above application in respect of licensable activities.

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

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

**ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF
IL Cudega Enogastronomy
Arches 358 and 359 Westgate Street
London
E8 3RL**

This is a minor variation and license can be processed.

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

No previous complaint/problem received relation to the business/premises, however experience has also shown that there is the probability that there will be cigarette litter outside these premises due to the smoking ban, it is possible that glasses and bottles may be left outside by patrons

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

Applicant should contact Justice Awe to discuss via email or phone to discuss how the concern will be allayed

Signed – justice.awe@hackney.gov.uk

Name - Justice Awe

APPENDIX B2

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	Il Cudega Enogastronomy, Deli and Bar Arches 358 and 359 Westgate Street London, E8 3RL
Applicant name	Cinqetrivott Ltd. (trading as Il Cudega)

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.

The licensing applicant is applying to vary the current premises licence by varying the closing times, varying the times for the sale of alcohol and introducing late night refreshments.

Planning ref. 2014/2386 granted permission for the "Conversion of three railway arches to nursery (Use Class D1) and cafe (Use Class A3) and office (Use Class B1) together with works of conversion, external alterations and landscaping". The proposed use of Arches 358 and 359 as an enogastronomy, deli, wine shop, bar, with commercial pop up space and cultural activities (films, performances, training and conferences etc.) falls within Classes D1, A3 and B1 and, therefore, the use is authorised. Condition 3 of planning permission 2014/2386 restricts the hours of the A3 use to between 07:00 hours and 18:00 hours Mon to Fri and 08:00 hours and 18:00 hours Sat and Sun. The proposed opening hours within the premises licence application (07:00 hours to 23:30 hours Mon to Wed, 07:00 to 00:00 hours Thurs and Fri, 08:00 hours to 00:00 on Sat and 08:00 hours to 23:00 hours on Sun) exceed those permitted and the use is therefore considered to be unauthorised.

Please provide the following information (if applicable)

Area (that permission applies to)	Arches 358-360 Westgate Street
Permitted use	Classes D1 (nursery), A3 (café) and B1 (office).
Permitted hours	Between 07:00 hours and 18:00 hours Mon to Fri and 08:00 hours and 18:00 hours on Sat and Sun (for the A3 café and nursery uses)
Specific/restrictive conditions	N/A
Recent applications	2014/2386 - Conversion of three railway arches to nursery (Use Class D1) and cafe (Use Class A3) and office (Use Class B1) together with works of conversion, external alterations and landscaping.
Decisions	Granted
Pending decisions	N/A
Reasons for refusal	N/A
Relevant Conditions/discharges	N/A

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

The use of the premises at Arches 358 and 359 Westgate Street as a café/deli is authorised. However, the proposed opening hours exceed those permitted under Condition 3 of 2014/2386. The applicant is advised that before commencing any use authorised in connection with this premises licence application, planning permission must be sought and approved for the proposed use. The applicant is also advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.'

Signed	
Name	
Date	

APPENDIX B3

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing
ADDRESS OF AUTHORITY	Licensing Service Legal, HR and Regulatory Services Directorate 2 Hillman St London E8 1FB
CONTACT NAME	Derek Fergus
TELEPHONE NUMBER	0208 356 3496
E-MAIL ADDRESS	derek.fergus@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Arches 358 & 359 Westgate Street, E8 3RL
NAME OF APPLICANT/PREMISES USER	Cinqetrivott Ltd

COMMENTS

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

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

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

This premises is located in close proximity to a number of residential premises. Licensing have concerns about the risk of public nuisance and its associated problems. Therefore I believe that LP12/LP5 (as specified in the Licensing policy) applies.

Further discussion is required to assess whether possible changes to the application and/or conditions being agreed could allay concerns.

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

The Licensing Policy and Licensing Objectives

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

Applicant should contact Licensing to discuss.

Name: Derek Fergus - Principal Licensing Enforcement Officer

Date: 27/06/16

APPENDIX C



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Il Cudega

Scale 1/1250

at A4



Date 13/7/2016



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