

REPORT OF GROUP DIRECTOR, NEIGHBOURH	IOODS AND HOU	JSING
LICENSING SUB-COMMITTEE: 20/04/2017	Classification DECISION	Enclosure
Application for a Premises Licence	Ward(s) affected	
Tortilla, 16 Kingsland High Street E8 2JP	Dalston	

1. SUMMARY

Applicant(s) Mexican Grill Limited	1. SUMMARY		
Permanent Permanent	Applicant(s) Mexican Grill Limited	In SPA Dalston Area	
Proposed licensable activity		Period of Application	
Late Night Refreshment Supply of Alcohol (On and Off Premises) Proposed hours of licensable activities Late Night Refreshment BOTH: Standard Hours: Mon 23:00-23:30		Permanent	
Supply of Alcohol (On and Off Premises)			
Proposed hours of licensable activities			
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		Sun 08:00-22:30	

Capacity: Not known		
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety), LP14 (Special Policy Area - Dalston)	
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	 Environmental Health Authority (Environmental Protection and Environmental Enforcement) Police Licensing Authority Other Persons 	

2. APPLICATION

- 2.1 **Mexican Grill Limited** has made an application for a premises licence under the Licensing Act 2003:
 - To authorise the supply alcohol for consumption on and off the premises
 - To provide late night refreshment
- 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	Representation received on the grounds of the
Health Authority	prevention of public nuisance
(Environmental Protection)	
Environmental	Representation received on the grounds of the
Health Authority	prevention of public nuisance
(Environmental Enforcement)	
(Appendix B1)	
Environmental Health	Have confirmed no representation on this application
Authority (Health & Safety)	
Weights and Measures	Have confirmed no representation on this application
(Trading Standards)	
Planning Authority	No representation received
Area Child Protection Officer	No representation received
	·
Fire Authority	Have confirmed no representation on this application

Police	Representation received on the grounds of
(Appendix B2)	Prevention of Crime and Disorder, Prevention of
	Public Nuisance and Special Policy Area
Licensing Authority	Representation received on the grounds of
(Appendix B3)	Prevention of Crime and Disorder, Prevention of
	Public Nuisance and Special Policy Area
Health Authority	No representation received
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5. REPRESENTATIONS: OTHER PERSONS

From	Details
1 representation received from	Representation received on the grounds of The
and on behalf of local	Prevention of Crime and Disorder, Public Safety,
residents.	Prevention of Public Nuisance, The Protection of
(Appendix C)	Children from Harm and Special Policy Area

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 LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) and LP14 (Special Policy Area Dalston) 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 customers 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+(DxV) Where -
- (i)P is the permitted price,
- (ii)D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii)V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol:
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions derived from operating schedule

- 8. Alcohol shall not be consumed on the premises otherwise than to persons who are taking a substantial table meal and that the consumption of alcohol by such persons is ancillary to taking such meals.
- 9. The supply of alcohol for consumption off the premises shall only be sold in sealed containers to customers purchasing a substantial takeaway meal.
- 10. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

- 11. A 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.
- 17. 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.

- 18. There shall be no drink, glass or open containers taken outside the premises at any time.
- 19. 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 is can be referred to at all times by staff.
- 20. 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.
- 21. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
- 22. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- 23. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
- 24. Notices must be prominently displayed at the exits reminding patrons to depart in an orderly manner.

Conditions derived from Responsible Authority representations

25. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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.

- 26. A 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 shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
- 27. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
- a. all crimes reported to the venue
- b. any complaints received
- c. any incidents of disorder
- d. any faults in the CCTV system
- e. any refusal of the sale of alcohol
- f. any visit by a relevant authority or emergency service.
- 28. All instances of crime or 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.
- 29. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
- 30. There shall be no glass, drinks or open containers taken outside of the premises at any time.
- 31. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor or duty manager.
- 32. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
- 33. 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 records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
- 34. Intoxicating liquor 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 shall be by waiter/waitress service only.
- 35. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.
- 36. Any music played at the venue shall be at background level only, allowing a face to face conversation at normal speech level.

- 37. There shall be SIA registered door supervisors employed at the premises on a risk assessment basis with identity badges displayed at all times. All door supervisors will enter their full details in a 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 supplied by an agency, the name, business address and contact details of that agency shall also be recorded.
- 38. 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 is can be referred to at all times by staff.
- 39. 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.
- 40. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
- 41. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- 42. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
- 43. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen. This should remain unobstructed at all times and should clearly identify:-
- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract

• the days and times of collection • the type of waste including the European Waste Code

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 24 above are derived from the applicant's operating schedule. Conditions 25 to 37 have been proposed by the Police and 38 to 43 by Environmental Enforcement.

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 individual's 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	Kim Wright
Housing	
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:	Licensing Service
Tortilla, 16 Kingsland High Street,	2 Hillman Street
Hackney, London, E8 2JP	London E8 1FB

Printed matter

Licensing Act 2003 LBH Statement of Licensing Policy

APPENDIX A

⇔Hackney

LA01

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We	Mr Mexican Grill Limited
	Insert name(s) of applicant)
desc	for a premises licence under section 17 of the Licensing Act 2003 for the premises ibed in Part 1 below (the premises) and I/we are making this application to you as levant licensing authority in accordance with section 12 of the Licensing Act 2003
Part	- Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Tortilla
16 KINGSLAND HIGH STREET

16 KINGSLAND HIGH STREET HACKNEY LONDON

Post town LONDON Post code E8 2JP

Telephone number at premises (if any)	tbc
Non-domestic rateable value of premises	£not currently rated (construction)

Part 2 - Applicant Details

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

a)	an individual or individuals *		please
		••	complet
			e section
			(A)
b)	a person other than an individual *		

,	.,	,		,,
	i.	as a limited company	Ø	please complet e section (B)
	ii.	as a partnership		please complet e section (B)
	iii	as an unincorporated association or	-	please complet e section (B)
	iv	other (for example a statutory corporation)		please complet e section (B)
c)	a re	ecognised club	-	please complet e section (B)
d)	a cl	narity		please complet e section (B)
e)	the	proprietor of an educational establishment		please complet e section (B)
f)	a h	ealth service body		please complet e section (B)
g)		erson who is registered under Part 2 of the Care Standards Act 00 (c14) in respect of an independent hospital in Wales	-	please complet e section (B)
ga	anc	erson who is registered under Chapter 2 of Part 1 of the Health I Social Care Act 2008 (within the meaning of that Part) in an ependent hospital in England		please complet e section (B)
h)	the	chief officer of police of a police force in England and Wales	-	please complet e 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
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Title Mr						
Surname		First names				
I am 18 year	rs old o	r ove	er	" Please tick yes		
Current postal address if different from premises address		UK-England				
Post Town				Postcode		
Daytime contact telephone number						
E-mail address (optional)						

SECOND INDIVIDUAL APPLICANT (if applicable)

Title	Mr				
Surname		First names			
I am 18 year	rs old or ove	er		" Please	tick yes
Current postal address if different from premises address		UK-England			
Post Town				Postcode	
Daytime contact telephone number					

E-mail address	
(optional)	

(B) OTHER APPLICANTS

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

Name Mexican Grill Limited
Address 142 - 144 NEW CAVENDISH STREET
LONDON
W1W 6YF UK-England
Registered number (where applicable) 05553988
Description of applicant (for example, partnership, company, unincorporated association) private limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?	28-03-2017
If you wish the licence to be valid only for a limited period, when do you want it to end?	
Please give a general description of the premises (please read guidance n	ote 1)
Speciality Mexican food premises	
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	n/a

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
	V	apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)□□	
c)	indoor sporting events (optional, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (optional, fill in box E)□	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (optional, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box L)	Ø
Supply of alcohol (if ticking yes, fill in box J)	☑

Complete boxes K, L and M (optional)

Α

Plays Standard days and timings (please read guidance note 6)		read	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the performance of plays at different times to column on the left, please list (please read guid	those listed in the
Sat				,
Sun				

Late night refreshment Standard days and		nd	Will the provision of late night refreshment take place indoors or outdoors or both –	Indoors	
timings (please read guidance note 6)		read	please tick (please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	Ø
Mon	23:00	23:30	Please give further details here (please read gu	idance note 3)	
			The provision of hot food and drink.		
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)		
Thur	23:00	23:30			
Fri	23:00	00:00	Non standard timings. Where you intend to u	_	
			for the provision of late night refreshment at those listed in the column on the left, please list		
Sat	23:00	00:00	guidance note 5)	<u>se</u> (prease read	
Sun					

Supply of alcohol Standard days and timings (please read guidance note 6)		nd read	Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises Off the	
guidan	re note o	<i>)</i>		premises	
Day	Start	Finish		Both	V
Mon	10:00	23:00	State any seasonal variations for the supply of	alcohol (plea	se
			read guidance note 4)		
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00	Non standard timings. Where you intend to u		
			for the supply of alcohol at different times to t column on the left, please list (please read guide		<u>the</u>
Fri	10:00	23:30	(please read guida	unce note 3)	
Sat	10:00	23:30			
Sun	10:00	22:00			

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

Name :
Mr McCarthyEoin
Address
c/o (for private address see consent form)
LONDON
UK-England
Postcode Postcode
Personal licence number (if known)
Issuing licensing authority (if known)

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).

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
			Non standard timings. Where you intend the premises to be
Thur	08:00	23:30	open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	22:30	
3.5 -			
MI De	escribe the	e steps yo	u intend to take to promote the four licensing objectives:
a) Gen	neral – al	l four lice	ensing objectives (b,c,d,e) (please read guidance note 9)
		an experi as 'Torti	ienced and responsible operator with 33 existing Mexican food lla'.
All sal	es of alco	hol will b	be ancillary to meals and there will be no regulated entertainment.
Please see attached proposed conditions to ensure the promotion of all four licensing objectives.			
b) The prevention of crime and disorder			
Please	refer to b	ox a) abo	ve
c) Public safety			
Please refer to box a) above			

d) The prevention of public nuisance

Please refer to box a) above					
e) The protecti	on of children from harm				
Please refer to box a) above					
Checklist:					
Please tick to in	ndicate agreement				
	the plan of the premises.	$\overline{\checkmark}$			
	I have sent copies of this application and the plan to responsible authorities and others where applicable.				
I have enclosed	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 rejected.	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 – Signatu	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	Thomas & Thomas Partners LLP				
Date	27/2/2017				
Capacity	Capacity Solicitors on behalf of Applicant				
For joint applications, signature of 2 nd applicant or 2 nd 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	27/2/2017
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)				
Thomas & Th	omas Partners LLP			
38a MONMO	38a MONMOUTH STREET			
UK-England				
Post town	LONDON	Postcode	WC2H 9EP	
Telephone number (if any)				
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)				

Notes for Guidance

- 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 the 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

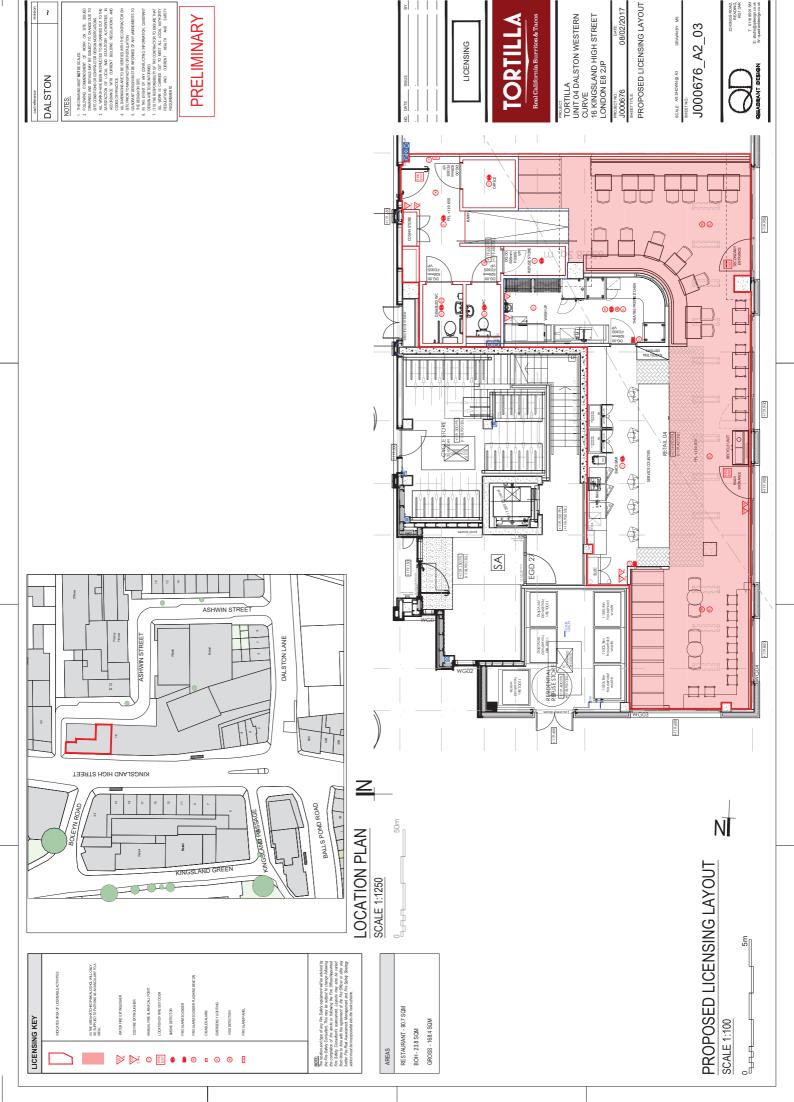


Application for Premises Licence Tortilla 16 Kingsland High Street, London E8 2JP

Proposed Conditions

- 1. Alcohol shall not be consumed on the premises otherwise than to persons who are taking a substantial table meal and that the consumption of alcohol by such persons is ancillary to taking such meals.
- 2. The supply of alcohol for consumption off the premises shall only be sold in sealed containers to customers purchasing a substantial takeaway meal.
- 3. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 4. A 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 5. 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.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. There shall be no drink, glass or open containers taken outside the premises at any time.
- 12. 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 is can be referred to at all times by staff.
- 13. 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.
- 14. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
- 15. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- 16. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
- 17. Notices must be prominently displayed at the exits reminding patrons to depart in an orderly manner.



APPENDIX B1

Subject:

FW: Application for a premises licence - 16 Kingsland High Street, E8 2JP

From: Justice Awe

Sent: 13 March 2017 13:38

To:

Cc: Ashton Liburd <Ashton.Liburd@Hackney.gov.uk>

Subject: RE: Application for a premises licence - 16 Kingsland High Street, E8 2JP

Dear Ms Burton,

I write further to our conversation.

Please find below, the list of guidelines we (Enforcement) do encourage premises to adhere to.

Enforcement Guidelines

- 1. 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 is can be referred to at all times by staff.
- 2. 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.
- 3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
- 4. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
- 5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
- 6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen. This should remain unobstructed at all times and should clearly identify:-

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

Regards,

Justice A.K Awe

Principal Environmental Enforcement Officer Environment and Waste Strategy
Public Realm
Neighbourhoods & Housing Directorate
Hackney Council
Hackney Service Centre
1 Hillman Street
London. E8 1DY
Justice.awe@hackney.gov.uk
www.hackney.gov.uk

D/L 0208 356 4875

P-Save the planet: do you really need to print this e-mail?

From: Ashton Liburd

Dear all,

An application, dated 27/02/2017, has been received from Thomas & Thomas Partners LLP on behalf of Mr Mexican Grill Limited who wish to apply for a premises licence in respect of the following location:

Tortilla
16 Kingsland High Street
Hackney
London
E2 2JP

Tel: 020 7042 0415 (Contact: Tilly Burton at Thomas & Thomas Partners LLP)

Can you please confirm that you are in receipt of this application and your comments on the application are received by **27/03/2017**.

Thank you for your assistance.

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

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

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Tortilla 16 Kingsland High Street London E8 2JP
NAME OF PREMISES USER	Mexican Grill Limited

COMMENTS

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

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

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

Police make the following representations in relation to the application for a Premises Licence at TORTILLA, 16 KINGSLAND HIGH STREET, LONDON, E8 2JP for the following reason(s);

This venue is situated within the Dalston Special Policy Area. This area currently has a high concentration of licensed premises and the streets are extremely busy during the night and early hours of the morning. There are numerous incidents of ASB related to drunkenness and the consumption of alcohol

Police would like further information about the premises as follows:

- What is the capacity of the venue?
- Will there be any outside space used?
- Is the premises currently open?
- Police do not have the plans that accompany the application, is the application for the ground floor only?

The police have attached a set of conditions to ensure the promotion of the licensing objectives.

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

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

Conditions for Tortilla, 16 Kingsland High Street, London, E8 2JP

- 1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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.
- A 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 shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
- 3. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
- 4. All instances of crime or 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.
- 5. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
- 6. There shall be no glass, drinks or open containers taken outside of the premises at any time.
- 7. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor or duty manager.
- 8. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
- 9. 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 records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
- 10. Intoxicating liquor 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 shall be by waiter/waitress service only.
- 11. The premises shall adhere to Hackney Police Theft, Weapons and Drugs Policies and any updates thereof.
- 12. Any music played at the venue shall be at background level only, allowing a face to face conversation at normal speech level.
- 13. There shall be SIA registered door supervisors employed at the premises on a risk assessment basis with identity badges displayed at all times. All door supervisors will enter their full details in a 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 supplied by an agency, the name, business address and contact details of that agency shall also be recorded.

ADDITIONAL CONDITIONS MAY BE ADDED AFTER DISCUSSIONS WITH THE APPLICANT.

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 2 Hillman St London E8 1FB
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Tortilla 16 Kingsland High Street London E8 2JP
NAME OF APPLICANT	Mexican Grill Limited

COMMENTS

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

- the prevention of crime and disorder **x**
- public safety
- the prevention of public nuisance **x**
- the protection of children from harm

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

I write to make a representation in relation to this application as the premises is located within the boundary of the Dalston Special Policy Area (SPA). The SPA is area that has been identified as suffering from the negative cumulative impact of the concentration of licensed premises in the area. LP14 (Special Policy Area - Dalston) of the Council's Statement of Licensing Policy states: *All new or variation* applications within the Dalston SPA will have to show:

- High standards of management, (an example would include a Management Strategy)
- The quality and track record of the management
- The good character of the applicant

I am satisfied that the proposed hours are consistent with those for restaurants as set out in LP14. However the applicant should demonstrate high standards of management as set out in the Council's Policy.

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

The Licensing Act 2003, Statement of Licensing Policy 2016 and S182 Guidance issued by the Home Office.

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

The applicant should supply examples of the training material as referred to in the proposed conditions (9) and (12) which can then be reviewed and considered by officers.

Name: David Tuitt, Team Leader – Licensing (Policy and Operations)

Date: 27/03/2017

Mike Smith

APPENDIX C

From: Sent:22 March 2017 17:04

To: Licensing

Cc: choshun8@hotmail.com

Subject: OBJECTION - Grill Limited Tortilla 16 Kingsland High Street London E2 2JP

Dear Licensing,

I would like to make several objections to the licence application made by Mexican Grill Limited Tortilla 16 Kingsland High Street London E2 2JP on the ground of public nuisance, crime and disorder.

The application seeks to provide on and off sales of alcohol within the SPA, together with late night refreshments and extended terminal hours. I am a resident who lives behind the site and believe the Off sales of alcohol, would cause problems of anti social behaviour to the resident living above and behind the premises. This would exasperate the area if there were also outside seating.

I would suggest off sales are removed from this application in the first instance and that the business is operated for several months before any off sales are considered.

This would enable residents myself, and interested parties, to can make a fair assessment of the occupiers potential to promote the licensing objectives.

Secondly, all on sales of alcohol should be subject to the same scrutiny as recent applications within the Dalston SPA, and if any licence is granted, there should be restrictions.

One of those restrictions being, alcohol only consumed with a substantial table meal and by seated table service only. There should also be a minimum pricing unit applied, no promotional sale of alcohol.

I also believe that the operating hours are too excessive for a new operator in the area, and that weekend hours should be restricted to 11pm. Once again, in order for residents to assess the impact of an new restaurant. This three story parade is made residential occupiers on all floors, a new selection of commercial units on the ground floor. I also doubt the new operators have any experience dealing with police, licensing and environmental health on SPA issues within hackney, and should therefore be approached with caution.

We residents welcome new restaurants within the area but we must take a cautions approach when permitting operators seeking late hours with the SPA. For this reason, I object to the application, but if it were granted, than there should be <u>no outside seating</u>, no off sales of alcohol, and the weekend terminal hours should be 11pm and last orders of alcohol terminating 30 minutes before close.

I would like my personal details to be kept confidential and to be kept in formed of any subcommittee hearing date.

Kind regards,

Laurel Street London

E8

