

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 12/09/2017	Classification DECISION	Enclosure
APPLICATION TO VARY THE PREMISES LICENCE : Essence Cuisine UK Ltd, Basement and Ground Floor, 94 Leonard Street, EC2A 4RH	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant(s) Essence Cuisine UK Limited	In SPA No
Date of Application 16 July 2017	Period of Application Permanent
Proposed variation: To add off-sales of alcohol to current licence	
Proposed hours for licensable activity	
Supply of Alcohol	Standard Hours: Mon 09:00-21:00 Tue 09:00-21:00 Wed 09:00-21:00 Thu 09:00-21:00 Fri 09:00-21:00 Sat 09:00-21:00 Sun 09:00-21:00
The opening hours of the premises: INDOOR	Standard Hours: Mon 07:00-22:30 Tue 07:00-22:30 Wed 07:00-22:30 Thu 07:00-22:30 Fri 07:00-22:30 Sat 07:00-22:30 Sun 07:00-22:30

Current activities/hours:	
Supply of Alcohol	Standard Hours:
On sales:	Mon 09:00-21:00 Tue 09:00-21:00 Wed 09:00-21:00 Thu 09:00-21:00 Fri 09:00-21:00 Sat 09:00-21:00 Sun 09:00-21:00
The opening hours of the premises	
	Standard Hours: Mon 07:00-22:30 Tue 07:00-22:30 Wed 07:00-22:30 Thu 07:00-22:30 Fri 07:00-22:30 Sat 07:00-22:30 Sun 07:00-22:30
Capacity: not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety)
List of Appendices	A – Application for variation of premises licence and supporting documents B – Representations from responsible authorities C – Representations from ‘other persons’ D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Licensing Authority • Other Persons

2. APPLICATION

- 2.1 Essence Cuisine UK Limited has made an application vary their premises licence under the Licensing Act 2003:
- To add off-sales of alcohol to current licence
- 2.2 The application is attached as Appendix A. The applicant has accepted additional measures to address the licensing objectives.

3. CURRENT STATUS / HISTORY

- 3.1 The current premises licence was granted by Licensing Sub-Committee in June 2016. The licence was transferred to the current applicant in April 2017 and a minor variation application to extend opening hours from 8.00am to 7.00am was approved in August 2017.

- 3.2 The current licence permits on sales of alcohol with the hours described in para. 1 above and is 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.

Door Supervision

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

Conditions consistent with the Operating Schedule

9. Music will be kept to background noise levels at all times.
10. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents
11. 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.
12. 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.

13. 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.
14. There shall be "CCTV in Operation" signs prominently displayed.
15. 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.
16. 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.
17. There shall be no glass, drinks or open containers taken outside of the premises except for a maximum of four customers using the designated seating area.
18. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
19. 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.
20. SIA registered door supervisors shall be employed at the venue on an operational risk assessment basis. All security staff shall be clearly identifiable at all times. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be provided. This register will be made available to police or authorised officer immediately upon request.
21. There shall be a written dispersal policy, which has been approved by police, at the premises. This policy will be kept on the premises and be made available to a police officer or other authorised officer upon request.
22. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available product, which shall be made available to the Police or Licensing Enforcement on request.

23. Notices advertising that the premises operates a 'Challenge 25' scheme will be displayed prominently at the premises entrance(s) and inside the premises.

Conditions attached after a hearing by the licensing authority

24. The outside area will not be used after 21:00hrs except for smokers.
25. The licence holder shall ensure that food is available at all times.
26. The installation of sound limiting devices (device type to be approved by the Pollution Team) to all music players. The limiting devices should be set to ensure that all music is played at background levels only and a certificate of compliance should be submitted to the Pollution Team. The device should be controlled by the Licensee and kept in a locked, tamper-proof box.
27. The noise limiter must be recalibrated annually to ensure that the music volume does not exceed the level at which a face to face conversation can be had in the premises and the methodology and copy of the calibration certificate must be submitted to the Pollution Team annually.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	Representation received on the grounds of the prevention of public nuisance
Environmental Health Authority (Environmental Enforcement)	Representation withdrawn following acceptance of proposed condition
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Have confirmed no representation on this application
Planning Authority (Appendix B1)	Informative received
Area Child Protection Officer	Representation has been withdrawn with the agreed conditions as set out in para 8.1
Fire Authority	Have confirmed no representation on this application
Police	Representation withdrawn following acceptance of proposed condition.
Licensing Authority (Appendix B2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm,
Health Authority	Representation withdrawn following acceptance of proposed condition

5. REPRESENTATIONS: OTHER PERSONS

Representation received from and on behalf of local residents. (Appendices C1-C2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm.
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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 Responsible Authority representations

1. All off sales of alcohol shall be sold in sealed containers to be consumed away from the premises
2. Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18 years
3. Staff making the deliveries which include alcohol must be at least 18 years old
4. Alcohol can only be delivered to a residential or business address and not to a public place, and delivery staff will not deliver to any person anywhere other than at the residential or business address given when the order was placed
5. ID verification will be made when orders containing alcohol are delivered (no ID no delivery) – acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure

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

(A unit of alcohol is 10ml of ethanol. The number of units is calculated by multiplying the % Alcohol By Volume x Volume in centilitres. Thus a half-litre of beer at 5% ABV contains 2.5 units: $(5/100 \text{ ABV}) \times 50\text{cl}$ and would be price at a minimum of £1.25)

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

8. 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.

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

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

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

8.2 In order to allay their concerns, the Licensing Authority would be seeking the following amendments to the application;

- All 'Off Sales' will be made from sealed containers and not for consumption within the immediate Vicinity/external area of the premises.

- Condition '17'. There shall be no glass, drinks or open containers taken outside of the premises except for a maximum of four customers using the designated seating area. Should be removed from the current Premises Licence or amended to omit any glass and/or open containers in the external seating area.

- Condition '24'. The outside area will not be used after 21:00hrs except for smokers. Should be removed from the Licence.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Additional condition 1 has been proposed by the police, 2 to 6 by Public Health and 7 to 11 by Environmental Enforcement. All have been accepted by the applicant. The Licensing Authority have proposed amendments described in para 8.2.

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 Housing	Kim Wright
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Essence Cuisine UK Ltd Basement And Ground Floor, 94 Leonard Street, EC2A 4RH	Hackney Service Centre Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA07

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Essence Cuisine UK Limited
(Insert name(s) of applicant)

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

Premises licence number
077380

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Essence Cuisine UK Ltd. (name change in progress, used to be The Shoreditch Arts Club)
94 LEONARD STREET
HACKNEY

Post town	LONDON	Postcode	EC2A 4RH
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Telephone number at premises (if any)

[REDACTED]

Non-domestic rateable value of premises

£19500

Part 2 – Applicant details

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

Current postal address if different from premises address

[REDACTED]
[REDACTED]

Post LONDON

Postcode [REDACTED]

town			
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Part 3 – Variation

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

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>Our license currently only permits sale of Alcohol on site. We wish to be able to sell Alcohol that can be taken off site as well.</p>

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

35

Part 4 Operating Schedule

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

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

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	
					Off the premises	
Day	Start	Finish			Both	<input checked="" type="checkbox"/>
Mon	09:00	21:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)			
	-----	-----				
Tue	09:00	21:00				
	-----	-----				
Wed	09:00	21:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) Default.LicesableActivitiesJ_plays_non_s»			
	-----	-----				
Thur	09:00	21:00				
	-----	-----				
Fri	09:00	21:00				
	-----	-----				
Sat	09:00	21:00				
	-----	-----				
Sun	09:00	21:00				
	-----	-----				

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	22:30	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) PLEASE NOTE: We have recently submitted an application for minor variation so amend our opening times to 7:00 every day (Monday to Sunday). Right now our license times are as listed to the left, but this will hopefully have changed to 7:00am by the time this variation is processed, so if there is any discrepancy here on timings, that is why.
Tue	08:00	22:30	
Wed	08:00	22:30	
Thur	08:00	22:30	
Fri	08:00	22:30	
Sat	08:00	22:30	
Sun	08:00	22:30	

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.

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.

Please note that we have had some issues with our printer/scanner so although all the pages of our license are included above, the order is not linear. Apologies for the inconvenience.

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

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

We are not going to be open as late as the license allows- we will be closing at 7pm so we don't anticipate there being a huge amount of alcohol being sold. However, we do wish to be able to let customers buy a bottle of beer or wine to take with them should they choose to do so.

b) The prevention of crime and disorder

All staff will be trained on how to deal with customers should they get rowdy or aggressive. We will not tolerate any criminal activity inside or around our restaurant and will be swiftly contacting the police should there ever be such an incident. Our premises will be fitted with CCTV and a state of the art alarm system.

c) Public safety

We will have a number of trained first aiders on site, as well as a full first aid kit. Our staff will be well trained on health and safety, as well as food safety measures to make sure that we are not doing anything that could jeopardise public safety in any way.

d) The prevention of public nuisance

Staff will be fully trained on how to deal with customers who are overly inebriated. We will under no circumstances serve alcohol to anyone who appears to be drunk. We will also be closing at 7pm, so there won't be anyone sitting outside or customers outside smoking. There will be no loud music or events, only background music.

e) The protection of children from harm

We will be using the Challenge 25 system, and absolutely will forbid any sale of alcohol to anyone who appears under 25 and is not carrying a valid ID.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	Nolan Luijten
Date	21/6/2017
Capacity	Authorised Agent

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

Signature	
Date	21/6/2017

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

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the

APPENDIX B1

Planning Authority Representation: Application under the Licensing Act 2003

Details of Authority	2 Hillman Street, Hackney, London, E8 1FB
Officer contact name	Merryn McGregor
Officer telephone number	020 8356 8076
Officer's email address	merryn.mcgregor@hackney.gov.uk

APPLICATION PREMISES

Name and address of premises	Essence Cuisine UK Ltd 94 Leonard Street London EC2A 4RH
Applicant name	Essence Cuisine UK Ltd

COMMENTS

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

- Prevention of crime and 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 allowing for the sale of alcohol on and off the premises, between the hours of 9:00 – 21:00, with operating hours of 8:00 – 22:30.

Planning Ref. South/724/00 for the change of use of basement and ground floor from B1 (office) to A1 (retail) was approved.

Planning ref. 2012/2174 for the change of use of basement and ground floor from B1 (office) to A1 (shop) was refused by Council on 28 September 2012.

Planning ref. 2012/3072 for the change of use of basement and ground floor from B1 (office) to A1 (shop) was withdrawn by the applicant on 4 December 2012

In July 2015, a licensing application was lodged for usage of the premises as a café. A planning objection was raised against the application as the premises did not have planning permission for the use of the premises as a café.

Subsequently, the licensing applicant notified the Local Planning Authority of his intention to temporarily change the use of the ground floor premises at 94 Leonard Street from Class B1 (business) use to Class A3 (café) use as from the 27th August 2015 under Schedule 2, Part 4, Class D of the General Permitted Development Order 2015. This allows for a temporary change of use for a period of two years only effective from the date of notification.

A licensing application was made in August 2015 for usage of the premises as a cafe to which the planning department raised no objection.

A further licensing application was submitted in October 2015 for the use the ground floor and basement as a pop up hire space during the day and early evening, showcasing art works by local artists and designers, and as a social space/bar late evenings and weekends. This was objected to as the proposed use does not fall within the authorised Class B1 use, or temporary Class A3 (café) use. The licensing applicant was advised they would need to apply for planning permission for a change of use from Class B1 (office) use to sui generis use.

In 2016, a licensing application was submitted for the usage of the basement and ground floor as a café. No objection was raised to this application.

The applicant is informed that the usage of the premises as a café is only permitted until 26 August 2017. Therefore applicant is required to gain planning permission for usage of the premises as A3 (café) to continue to trade after this date.

Please provide the following information (if applicable)


Area (that permission applies to)	Basement and Ground floor
Permitted use	Class A3
Permitted hours	N/A
Specific/restrictive conditions	N/A
Recent applications	N/A
Decisions	N/A
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.

No representation with informative

The applicant is advised that the usage of the premises as a café is only permitted until 26 August 2017. The applicant is therefore required to gain planning permission for the usage of the premises as A3 (café) to continue to trade after this date.

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	Graham Callam	
Date	19/07/2017	

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

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 1 Hillman Street London E8 1FB
CONTACT NAME	Channing Riviere
TELEPHONE NUMBER	020 8356 4622
E-MAIL ADDRESS	Channing.riviere@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Essence Cuisine UK Ltd. 94 Leonard Street, EC2A 4RH
NAME OF APPLICANT	Essence Cuisine UK Ltd.

COMMENTS

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

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

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

Having considered the application, the Licensing Authority object to the grant of this Premises Licence Variation for the following reasons.

LP5 Public Nuisance & LP15 Cumulative Impact – General

The premises is located very close to the Shoreditch Special Policy Area and any additional 'Off Sales' may increase the probability of Public Nuisance occurring which, in turn would undermine the Licensing Objective '**Prevention of Public Nuisance**'.

The location of the premises is very close to the Shoreditch Special Policy Area which has already been Identified as suffering from the negative effects of having so many licensed premises in close proximity. The Licensing Authority are concerned that further the alcohol off sales in this area may undermine the licensing objectives due to the **Cumulative Impact** of so many licensed premises.

The premises has an external seated area mentioned specifically on the current conditions.

On the current Premises Licence, Condition 17 states;

17. *There shall be no glass, drinks or open containers taken outside of the premises except for a maximum of four customers using the designated seating area.*

The addition of 'Off Sales' would make this condition unenforceable, but the applicant has not requested its removal.

Further to the comments above, 'Off Sales' were removed from the application when the Licence was determined by the Licensing Sub-Committee on 9th June 2016, I have attached a copy of the decision for your convenience.

In part 'M' of the application, the applicant states '*We are not going to be open as late as the license allows- we will be closing at 7pm*' Yet no reduction in hours have been offered on the application.

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

The Licensing Act 2003, Statement of Licensing Policy 2016 and 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.

In order to allay the concerns of the Licensing Authority, the Licensing Authority would be seeking the following amendments to the application;

- A significant reduction in the hours for Licensable activity to reflect the new operation taking place (As suggested by the applicant in section 'M' (a) and again in section 'M' (d) of the application). The supply of Alcohol to cease at 18:30hrs and the closing time of the premises to be reduced to 19:00hrs.
- All 'Off Sales' will be made from sealed containers and not for consumption within the immediate Vicinity/external area of the premises.

In conjunction with reduced hours, the following conditions should be amended/removed.

- Condition '17'. *There shall be no glass, drinks or open containers taken outside of the premises except for a maximum of four customers using the designated seating area.* Should be removed from the current Premises Licence or amended to omit any glass and/or open containers in the external seating area.
- Condition '24'. *The outside area will not be used after 21:00hrs except for smokers.* Should be removed from the Licence.

Name: Channing Riviere (Principal Licensing Officer)

Date: 10/07/2017



London Borough of Hackney – Decisions taken by the Licensing Sub Committee A on Thursday, 9 June 2016

Agenda Item No	Topic	Decision
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Part A – Items considered in public

6	Premises Licence: The Shoreditch Arts Club, Basement and Ground floor, 94 Leonard Street, EC2A 4RH	<p>The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:</p> <p>the application has been approved in accordance with the Council's licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none">• The Supply of Alcohol (Off Sales) to be removed from the application.• Non Standard Hours to be removed from the application.• The opening hours of the premises: Monday – Sunday 08:00 – 22:30• Condition 17 be amended to read – 'There shall be no glass, drinks or open containers taken outside of the premises except for a maximum of four customers using the designated seating area'. <p>and the following additional conditions:-</p> <ul style="list-style-type: none">• The outside area will not be used after 21:00hrs except for smokers.• The licence holder shall ensure that food is available at all times.• The installation of sound limiting devices (device type to be approved by the Pollution Team) to all music players. The limiting devices should be set to ensure that all music is played at background levels only and a certificate of compliance should be submitted to the Pollution Team. The device should be controlled by the Licensee and kept in a locked, tamper-proof box.• The noise limiter must be recalibrated annually to ensure that the music volume does not exceed the level at which a face to face conversation can be had in the premises
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London Borough of Hackney – Decisions taken by the Licensing Sub Committee A on Thursday, 9 June 2016

Agenda Item No	Topic	Decision
		<p>and the methodology and copy of the calibration certificate must be submitted to the Pollution Team annually.</p> <p><u>Reasons for the decision</u> The application has been approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.</p> <p><u>Public informative</u> The applicant is reminded of the need to operate the premises according to any current planning permission relating to its user class, conditions and hours.</p> <p>It also should be noted for the public record that the local planning authority should draw no inference or be bound by this decision with regard to any future planning application which may be made.</p>
7	Premises Licence: East 5, Unit J2, The Tram Depot, 38-40 Upper Clapton Road, E5 8BQ	<p>The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:</p> <p>the application has been approved in accordance with the Council’s licensing statement and the proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"> • The Supply of Alcohol (Off Sales) to be removed from the application. • Condition 24 be amended to read – ‘There shall be no glass, drinks or open containers taken outside the premises at any time except for in the designated seating area’. <p>and the following additional conditions:-</p>

APPENDIX C1

Sanaria Hussain

Subject: FW: 94 LEONARD ST

From: [REDACTED]
Sent: 16 July 2017 11:03
To: Sanaria Hussain <Sanaria.Hussain@Hackney.gov.uk>; Licensing <Licensing@Hackney.gov.uk>; Mike Smith <Mike.Smith@Hackney.gov.uk>; kerrie.l.ryan <kerrie.l.ryan@met.police.uk>
Subject: 94 LEONARD ST

Dear Sir/Madam,
With regard to the above application
Has the enforcement team been out to look at the Notices and display?
First notice seen on 30 June on WHITE paper for variation asked for change in operation hours ,

"Allow us to serve food at 8.30 "

No mention that the hours were to be extended for ALL licence able activity and extension in hours of closure
representation date as 12 July
This was then changed to 16 July by overwriting

Second notice on blue
seeking a permission to trade and change to off licence sales

again NO MENTION OF OPERATING HOURS

deadline date as 16 July
I also did not see any ads in local paper please confirm which paper it was advertised

I strongly object to both variations until proper notice is given and due to the number of licensed premise in close locality
and potential for public safety and disorder,increaser in volume of people and noise pollution
I also strongly object to change in licensing hours for sale of alcohol

More strongly know since the incident at nearby BOOK club
Regards

[REDACTED]

██████ Leonard Street,
London
Shoreditch
EC2A ██████

London Borough of Hackney,
Licensing Service
1 Hillman Street
London E8 1DY

14th July 2017

Dear Sirs,

Re; Licence application 94 Leonard Street, London, EC2A 4RH

I wish to strongly object to the application for a premises licence to allow 'off sale of alcohol'.

My understanding is this is wanted purely to allow the premises to sell alcohol which the premises patrons can then open and drink outside the premises, creating a further outside drinking location!

We have long ago reached a tipping point within the Leonard street area, where the number of licensed premises and revellers these attract to the area seriously disturb our residential amenities and those of the numerous residential properties in Leonard Street.

My husband has shared numerous photo's with Hackney Council licensing in recent weeks of the disturbance that already and regularly exists within the area.

Residents already find it difficult to achieve reasonable peace, quiet and the undisturbed sleep required to live a normal, functioning life. Noise and nuisance is created by customers simply leaving any premises, slamming car doors or conversing into the early hours of every morning. We regularly have to deal with broken glass on our door step, people urinating feet from our front door, piles of sick on the pavement close to our home and abuse being shouted as us as we leave or return to our flat in the evening.

Any further noise, disturbance or increase in the number of people being brought into the area will create a living environment untenable for the numerous residents on Leonard Street.

Increased presents of inebriated individuals will also significantly increase the likelihood of petty crime – vandalism (such as was recently experienced with our own car), theft etc....It will also significantly increase the likelihood of more serious crime – narcotics, assault etc... Both common occurrences induced by late night drinking.

Yours faithfully,

██████████

APPENDIX D



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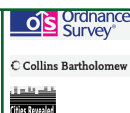


Scale 1/1250

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Date 1/9/2017



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