

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 13/02/2018	Classification DECISION	Enclosure
Application for a Premises Licence Yellow Warbler, 9 Northwold Road, N16 7HL	Ward(s) affected Cazenove	

1. SUMMARY

Applicant(s) Yellow Warbler Ltd	In SPA Not Applicable
Date of Application 13/12/2017	Period of Application Permanent
Proposed licensable activity Recorded Music Supply of Alcohol (On and Off Premises)	
Proposed hours of licensable activities	
Recorded Music:	Standard Hours: Mon 08:00-22:00 Tue 08:00-22:00 Wed 08:00-22:00 Thu 08:00-22:00 Fri 08:00-22:00 Sat 08:00-22:00 Sun 08:00-22:00
Supply of Alcohol:	Standard Hours: Mon 08:00-19:00 Tue 08:00-19:00 Wed 08:00-19:00 Thu 08:00-19:00 Fri 08:00-19:00 Sat 08:00-19:00 Sun 08:00-19:00
The opening hours of the premises	
	Standard Hours: Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-22:30 Sat 08:00-22:30 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) and LP8 (Public Safety)
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Police • Planning Authority • Other Persons

2. APPLICATION

- 2.1 Yellow Warbler Ltd 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
 - Regulated entertainment
- 2.2 The application is attached as Appendix A. The applicant has amended the hours for sale of alcohol to those described in para. 1 above and has also removed non-standard hours. .

3. CURRENT STATUS / HISTORY

- 3.1 The premises are not currently licensed for any activity.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

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Environmental Health Authority (Environmental Protection)	Representation has been withdrawn with the agreed conditions as set out in para 8.1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

Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

From	Details
5 Representation received from and on behalf of local residents. (Appendix C1-C5)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and The Protection of Children from Harm.

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) and LP8 (Public Safety).

8. OFFICER OBSERVATIONS

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

Supply of Alcohol (On/Both)

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature
6. The responsible person must ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

Minimum Drinks Pricing

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

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

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

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

Where -

(i) P is the permitted price,

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions derived from Responsible Authority representations

8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
14. 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.
15. The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof.
16. There shall be no glass, drinks or open containers taken outside of the premises at any time.
17. The capacity of the premises will be ** tbc ** excluding staff.
18. Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated and taking substantial food from the menu and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.
19. The front of the premises shall be kept clean and swept at the close of business each day.

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which may give rise to a nuisance.
21. The applicant shall adequately ventilate the premises to allow doors and windows to remain closed during licensed entertainment.
22. The applicant shall close all entrance doors and windows when regulated entertainment takes place except for immediate access and egress of persons.
23. The applicant/premises shall only play recorded music at background level.
24. The applicant shall prominently display clearly legible signage at all patrons exits requesting that patrons leave the premises in a quiet and orderly manner that is respectful to the neighbours.
25. There shall be no deliveries or collection between 22:00 -07:00 hours Monday-Sunday (unless using Hackney Council as the service provider, in which case the applicant will fall in line with Hackney service collection).
26. The applicant shall not place rubbish including bottles in the outside areas between 22:00 – 07:00 hours (unless using Hackney Council as the service provider, in which case will fall in line with Hackney service collection).
27. The applicant shall properly present and place out all waste for collection no earlier than 30 minutes before collection times.
28. There shall be no more than three persons permitted to smoke outside the premises at any one time.
29. The applicant shall not allow patrons to take drinks or open containers outside of the premises at any time.

9. REASONS FOR OFFICER OBSERVATIONS

- 9.1 Conditions 8 to 19 have been proposed by the Police and 20 to 29 by Environmental Protection. All proposed conditions have been accepted by the applicant and Environmental Protection have withdrawn their representation accordingly.

10. LEGAL COMMENTS

- 10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance

- The Protection of Children from Harm

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

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

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

12. MEMBERS DECISION MAKING

A. Option 1

That the application be refused

B. Option 2

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

13. CONCLUSION

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

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

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: Yellow Warbler, 9 Northwold Road, N16 7HL	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

We YELLOW WARBLER LIMITED
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference on description		London Borough of Hackney Projects & Regulatory Services 13 DEC 2017	
YELLOW WARBLER 9 NORTHWOLD ROAD			
Post town	LONDON	Postcode	N16 7HL
Telephone number at premises (if any)	T.B.A.		
Non-domestic rateable value of premises	£ 9,600		

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership X please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)



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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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



SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/>		Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names		

Nationality			
Current residential address if different from premises address			
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 YELLOW WARBLER LIMITED
Address 
Registered number (where applicable) 
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
□	□	□

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

DD	MM	YYYY
□	□	□

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

The Premises is a Cafe / Restaurant and speciality coffee shop serving various foodstuffs including pastries, panini's, sandwiches etc and also serving breakfast & lunch along with alcohol for the convenience of ours customers.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)			
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed					State any seasonal variations for the performance of live music (please read guidance note 5)	
Thur						
Fri						
Sat					Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon	08.00	22.00	Please give further details here (please read guidance note 4)	
Tue	08.00	22.00		
			MAINLY A LOCAL RADIO STATION	
Wed	08.00	22.00	State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur	08.00	22.00		
Fri	08.00	22.00		
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat	08.00	22.00	CHRISTMAS EVE & NEW YEARS EVE 08.00 TIL 01.00	
Sun	08.00	22.00		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Sat					
Sun			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	X
Mon	08.00	22.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	08.00	22.00			
Wed	08.00	22.00			
Thur	08.00	22.00	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 6)		
Fri	08.00	22.00			
Sat	08.00	22.00	CHRISTMAS EVE & NEW YEARS EVE 08.00 TIL 01.00		
Sun	08.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MANREET BRAR-THOMPSON
Date of birth	[REDACTED]
[REDACTED]	[REDACTED]
Post Code	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	22.30	
Tue	08.00	22.30	
Wed	08.00	22.30	
Thur	08.00	22.30	<u>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 6)</u> CHRISTMAS EVE & NEW YEARS EVE 07.00 TIL 01.00
Fri	08.00	22.30	
Sat	08.00	22.30	
Sun	08.00	22.30	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

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 following.

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder.
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant or emergency service

c) Public safety

The premises shall install and maintain a comprehensive CCTV system. 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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period. 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. This staff member must be able to provide to the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

d) The prevention of public nuisance

Suitable signage must be prominently displayed requesting customers to leave quietly. Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hr. The criteria applied, from the boundary to the nearest residential property are;
Before 22:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise. After 22:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise. The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/ Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public. Windows will be kept shut during amplified entertainment to reduce noise break out.

e) The protection of children from harm

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 a driving Licence, passport or proof of age card with the PASS Hologram

Checklist:

Please tick to indicate agreement

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


[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.



Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	11TH DECEMBER 2017
Capacity	APPLICANTS AGENT

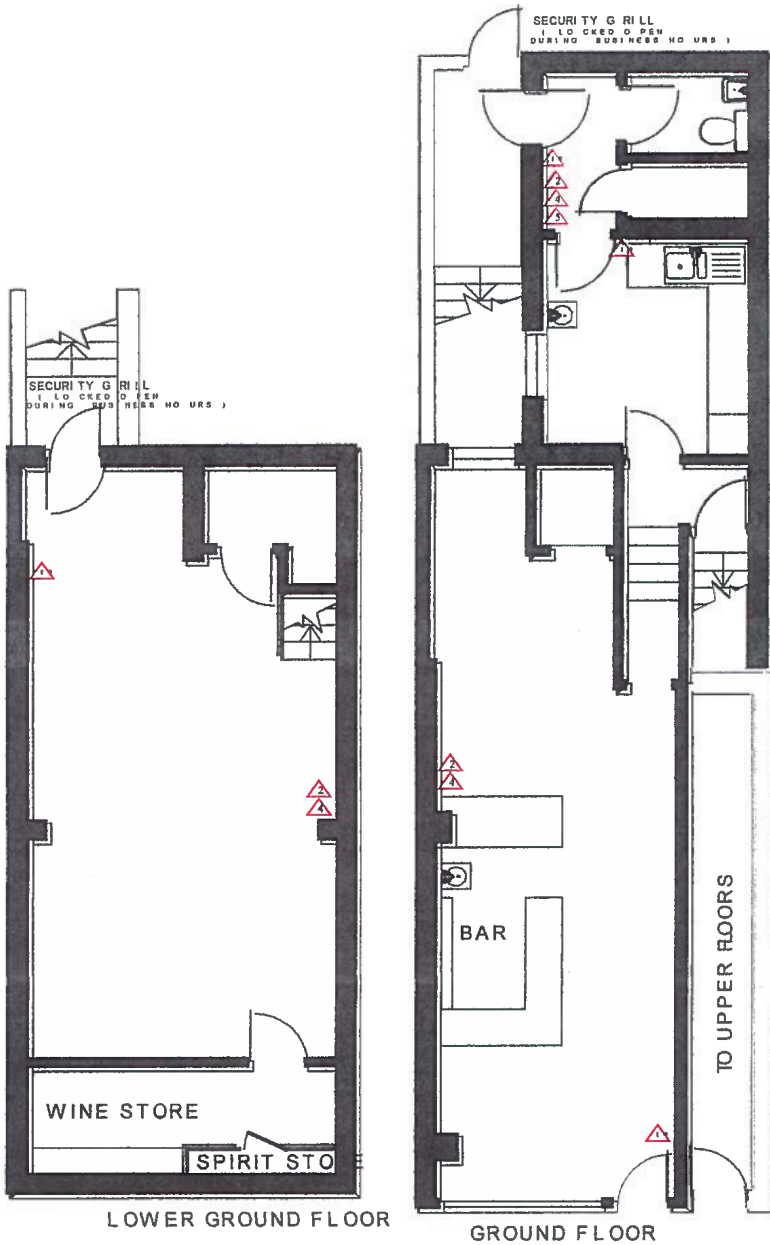
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) ANDREW D McGRATH TOTAL LICENSING SOLUTIONS HONEYSUCKLE COTTAGE 3 ST MICHAELS COURT			
Post town	ASHTON	Postcode	NN7 2PP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where



LOWER GROUND FLOOR

GROUND FLOOR

PAVEMENT AREA



<p>YELLOW WARBLER 9 NORTHWOLD ROAD STOKE NEWINGTON LONDON N16 7HL</p>	<p>LICENCE PLAN Scale 1 to 10 @ A4</p>
	<p>GROSS INTERNAL AREA 981 SQ. FT. / 91.1 SQ. M. GROSS EXTERNAL AREA 70 SQ. FT. / 6.5 SQ. M.</p>
<p>Produced by HCG DESIGN 46 THE BELFRY LUTON BEDFORDSHIRE LU2 7G A TEL: 07979 371771</p>	<p>09.11.2017</p>
	<p>EMERGENCY EQUIPMENT</p> <ul style="list-style-type: none"> WATER FOAM DRY POWDER CO2 FIRE BLANKET ALARM POINT SMOKE / HEAT DETECTOR WET CHEMICALS WATER with ADDITIVES FIRE EXIT SIGN EMERGENCY LIGHTING SELF CLOSING DOOR PUSH BAR DOOR

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	Yellow Warbler 9 Northwold Road London N16 7HL
Applicant name	Yellow Warbler Limited

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 application proposes a license for an existing café. The following licensable activities are proposed.

Recorded Music: 08:00 – 22:00 Monday – Sunday;
Supply of alcohol: 08:00 – 22:00 Monday – Sunday; and
Hours of operation: 08:00 – 22:30 Monday – Sunday.

A search of Council records has found planning approval TP/82947/D/MM, dated 14 June 1991, which granted the retention of ground floor as a shop unit and conversion of first and second floors to provide two, two room (1 bedroom) flats involving the erection of rear extension at ground floor and second floor levels and alterations to the shopfront to provide separate entrance to upper floors.

No planning approval can be found for the usage of the premises as a restaurant (use class A3). Licensing approval does not grant planning approval for the usage of the premises. The applicant is advised to lodge a lawful development certificate for the usage of the premises. Operation of the premises without appropriate planning approval is unlawful and may result in planning enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
Permitted use	A1 (Shop)
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.

No planning approval can be found for the usage of the premises as a restaurant (use class A3). Licensing approval does not grant planning approval for the usage of the premises. The applicant is advised to lodge a lawful development certificate for the usage of the premises. Operation of the premises without appropriate planning approval is unlawful and may result in planning enforcement action.

The applicant is advised that these comments do not represent a formal decision of the Local Planning Authority as to the acceptability or otherwise of the proposed use and that the decision of the Licensing Authority is not prejudicial to the determination of any subsequent planning application.

APPENDIX B2

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	Yellow Warbler 9 Northwold Road London N16 7HL
NAME OF PREMISES USER	Yellow Warbler 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 objections in relation to the application for a Premises Licence at YELLOW WARBLER, 9 NORTHWOLD ROAD, LONDON, N16 7HL for the following reason(s):

This venue is situated just off the A10 on a one way street in Stoke Newington.

Police have viewed this application and would like further information as follows:

- Is the café currently operating?
- If so, what time does it currently close?
- Will there always be a member of staff on duty that has a personal licence?
- What alcoholic beverages does you intend to sell?
- Will licensable activity be taking place on the ground floor only or is the lower ground included?
- What is the capacity of the café?
- What experience does the DPS have of running and/or managing licensed premises?
- Is there any outside space to be utilised?

Police would like to visit the applicant on site to discuss the application.

Police have attached a full set of conditions to ensure the promotion of the licensing objectives. These conditions may duplicate those listed in the operating schedule.

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)

Proposed Conditions for Yellow Warbler
9 Northwold Road, London, N16 7HL

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.
2. 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 prominent signage requesting customers to leave the premises quietly and respect local residents.
7. 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.
8. The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof.
9. There shall be no glass, drinks or open containers taken outside of the premises at any time.

10. The capacity of the premises will be ** tbc ** excluding staff.
11. Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated and taking substantial food from the menu and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.
12. The front of the premises shall be kept clean and swept at the close of business each day.

**FURTHER CONDITIONS MAY BE ADDED AFTER DISCUSSIONS
WITH THE APPLICANT.**

APPENDIX C1

Licensing
Hackney Service Centre
1 Hillman Street
London
E8 1DY



08/01/18

Dear Sir/Madam

RE: Objection against License Application for Yellow Warbler at 9 Northwold Road,
London, N16 7HL

I am the landlord for the above property and the applicant who is my tenant, has made this license application without my prior knowledge or consent.

The lease does not allow for the tenant to sell alcohol at the premises and furthermore the lease strictly forbids the premises from playing loud music that will cause a nuisance to the above flats and neighbours.

Any such practice will be a violation of the lease and the tenants will be evicted if such a license is granted and practiced.

The ground floor premises practicing such a license will lead to disturbance and nuisance to the surrounding residential dwellings, which will ultimately lead to rental value loss for the above flats and a property value loss for the building as a whole, including the adjacent buildings and flats which I also own.

To prevent such factors from occurring including the possibility of the tenants getting evicted I suggest that this license application is refused on the basis that it can never get used and will be pointless..

Regards



APPENDIX C2

Shan Uthayasangar

From: [REDACTED]
Sent: 09 January 2018 09:14
To: Licensing
Cc: [REDACTED]
Subject: Yellow Warbler 9 Northwold Road London N16 7HL

Dear Sir or Madam

We act for [REDACTED], the freeholder of 9 Northwold Road London N16 7HL. Our client wishes to oppose the application for a premises licence submitted by Yellow Warbler Ltd for both the supply of alcohol for consumption on and off the premises and for the playing of recorded music.

The premises are let under a lease dated 28.02.17. This lease authorises the use of the premises as a coffee shop. There are residential flats above the premises which [REDACTED] lets. He is concerned that the supply of alcohol and the playing of recorded music and the proposed licensing hours will change the nature of the business from that of a coffee shop and lead to an increase in crime and disorder in the area and would be a nuisance.

The use of the premises as a licence venue with music will also be a disturbance to his residential tenants and lead to a reduction in the quality of life for this tenants, the possible loss of the lettings, and a reduction in the rental income from the residential parts.

He is concerned also as to the hours of operation proposed for the licence which again will be a significant impact on the quality of life for the residential occupiers and will be a public nuisance.

Yours faithfully

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]



Shan Uthayasangar

From: [REDACTED]
Sent: 10 January 2018 17:16
To: Licensing

9 nhortwould road n16 2hl that name of bussnis yellow werbler cafffe my name is [REDACTED] i i live on top of cafffe i don't like they opening late alcohol linces loudly muzic late times I hope counselling stoping linces thankfully [REDACTED]

APPENDIX C4

Licensing
Hackney Service Centre
1 Hillman Street
London
E8 1DY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

06/01/2018

Dear Sir/Madam;

I objection to the license application made by 9 Northwold road, n16 7hl.

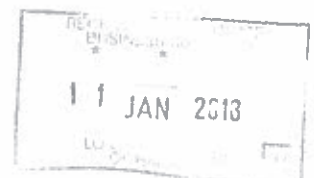
It will cause disturbance and nuisance to me and my family, as well as other people living around.

I can already hear the music played by the cafe and if they are allowed to play it louder and later, then this will affect me and my son who has to attend school.

If they start selling alcohol then people are going to get drunk and they will shout, fight and other anti-social behaviour right next to me.

Yours faithfully

[REDACTED]



APPENDIX C5

Licensing
Hackney Service Centre
1 Hillman Street
London
E8 1DY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

07/01/2018

To whom it may concern;

I live at [REDACTED] Northwold road and I believe that the café in 9 Northwold Road has applied for an alcohol & music license.

I will like to raise an objection to this application because it will cause loads of disturbance and nuisance to me and my neighbours.

Not only will the music mean there will be loud music coming from the café but the sale of alcohol and late opening times will mean there will be more people hanging outside the premises having a smoke.

The sale of alcohol will also mean more arguments and fights in the vicinity which I will have to hear and see on a constant basis.

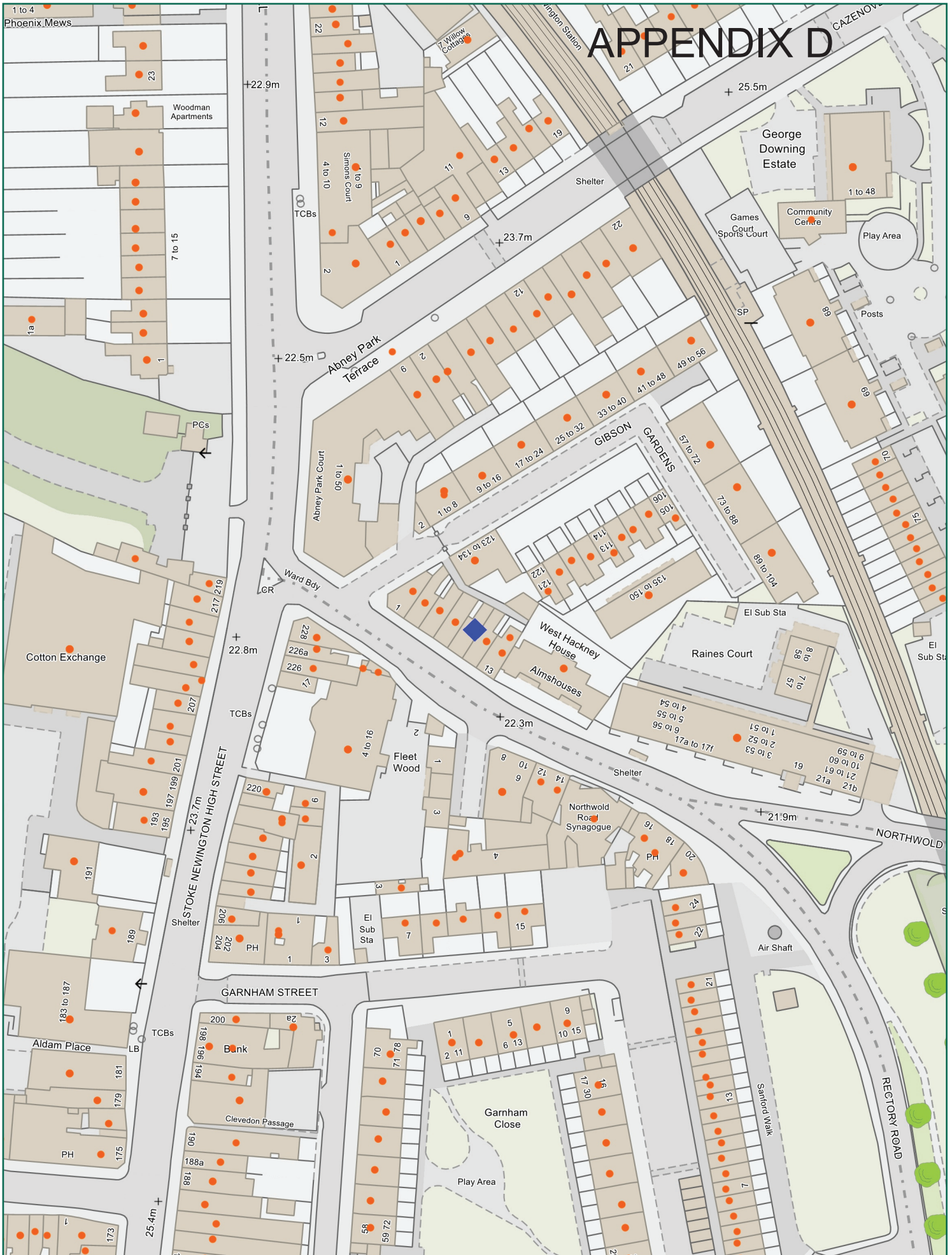
Thank you

[REDACTED]

[REDACTED]

11 JAN 2018

APPENDIX D



Scale: 1:1250 at A4

Yellow Warbler, 9 Northwold Road, N16 7HL



Ref:
02 February 2018

Produced by: unspecified
email:

please specify copyright statement