

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 13 September 2018	Classification DECISION	Enclosure
Application for Review of Premises Licence: Best American Pizza, 16a, Pitfield Street, N1 6EY	Ward(s) affected Hoxton East & Shoreditch	

1. SUMMARY

Applicant Licensing Authority	In SPA: Shoreditch
Date of Application 10 June 2018	
The Grounds for Review: <ul style="list-style-type: none"> Alleged Public Nuisance created by operation of the premises. Alleged non-compliance with Conditions/Authorisation of premises licence 	
Current Premises Licence Details: Premises Licence permitting Sale by retail of alcohol Provision of Late Night Refreshment See Appendix B for detail.	
Current Capacity	Unknown
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety),
List of Appendices	Appendix A– Application requesting the review of the premises licence Appendix B – Current Licence Appendix C – Representations from responsible authorities Appendix D – Location map
Relevant Representations	<ul style="list-style-type: none"> Environmental Health Authority (Environmental Protection and Environmental Enforcement) Planning Authority Police

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

2.1 The Licensing Service, as a Responsible Authority under the Licensing Act 2003, has applied for the review of the premises licences granted for the premises known as Best American Pizza at 16A Pitfield Street, N1 6EY on the grounds of prevention of public nuisance.

2.2 Representations supporting the review have been received from Police and Environmental Enforcement Team. Planning have also submitted an informative. (See Appendices C1 – C3)

3. CURRENT POSITION/ HISTORY

3.1 The premises have been in possession of a Premises Licence since 2005. The licence was transferred to Mr Millad in 2011. A recent application to extend the hours for late night refreshment was refused by Licensing Sub-Committee on 5th April 2018. A copy of the licence is attached as Appendix B

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement) (Appendix C1)	Representation received on the grounds of Prevention of Public Nuisance. Have proposed that conditions be added to the licence.
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 C2)	Have confirmed no representation on this application
Area Child Protection Officer	Have confirmed no representation on this application
Fire Authority	Have confirmed no representation on this application
Police (Appendix C3)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance,
Licensing Authority	Not Applicable
Health Authority	Have confirmed no representation on this application

5. REPRESENTATIONS: INTERESTED PARTIES

5.1 None

6. REPRESENTATIONS: LICENSEE

6.1 None

7. POLICY CONSIDERATIONS

7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing

Authority.

7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.

7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) are relevant.

8. GUIDANCE CONSIDERATIONS

8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. OFFICER OBSERVATIONS

9.1 The Licensing Service are seeking the revocation of the licence. Should the sub-committee decide not to revoke the following conditions should be added to the licence:

1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility 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.
2. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
4. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Best American Pizza. This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier

the date of commencement of trade waste contract

the date of expiry of trade waste contract

the days and times of collection

the type of waste including the European Waste Code

10. REASONS FOR OFFICER OBSERVATIONS

- 10.1 Conditions 1 to 6 above have been proposed by Environmental Health Authority (Environmental Enforcement).

11. LEGAL IMPLICATIONS

- 11.1 A legal representative will be in attendance to advise Members.

12. LEGAL COMMENTS

- 12.1 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

- 12.2 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.

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 13.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

14. MEMBERS DECISION MAKING

- 14.1 Members must, having regard to the application and any relevant representations, take such steps (if any) as it considers necessary for the

promotion of the licensing objectives.

14.2 The steps are:

- A. Option 1
Take no action**
- B. Option 2
Modify the conditions of the premises licence.**
- C. Option 3
Exclude a licensable activity from the scope of the premises licence.**
- D. Option 4
Remove the designated premises supervisor.**
- E. Option 5
Suspend the premises licence for a period not exceeding three months.**
- F. Option 6
Revoke the licence.**

15. CONCLUSION

15.1 That Members decide on the application for review of the premises licence.

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
Office File: Best American Pizza, 16a Pitfield Street, N1 6EY	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003
LBH Statement of Licensing Policy

APPENDIX A

↳ Hackney

LA 40

Application for the review of a premises licence or club premises certificate 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 Channing Riviere on behalf of the Hackney Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Best American Pizza,
16A Pitfield Street
Hackney

Post town London

Post code (if known) N1 6EY

Name of premises licence holder or club holding club premises certificate (if known)

Mr Farid Millad

Number of premises licence or club premises certificate (if known)

LBH-PRE-T-0532

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Channing Riviere on behalf of the Hackney Licensing Authority Licensing and Technical Support Service Community Safety, Enforcement and Business Regulation, Hackney Service Centre, 1 Hillman Street,
Telephone number (if any) 0208 356 4622
E-mail address (optional) channing.riviere@hackney.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

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

✓

Please state the ground(s) for review (please read guidance note 2)

The Licensing Authority have received complaints alleging that the premises gives rise to a public nuisance. The Licensing Authority are of the opinion that the Prevention of Public Nuisance licensing objective is being undermined.

Upon investigation of the allegations the Licensing Authority have found the premises to be surrounded by large groups of people and non-compliant with its permitted hours. This concerns the Licensing Authority as we believe the 'Prevention of Public Nuisance' licensing objective is being undermined.

The complaints history of the premises is as follows;

- 1/04/2016 – Complainant alleges that were woken at 04:30am by the patrons of the premises.
- 9/12/2016 – Pro-active complaint by the Licensing Authority, website advertising the premises is open until 4am.
- 3/01/2017 - Complainant alleges that they were woken at 04:00am by the patrons of the premises.
- 27/08/2017 – Complainant alleges that they were continually disturbed by the premises and then woken once again at 6am.
- 13/04/2018 – Complainant alleges that the premises creating a disturbance due to, the noise from the premises, late night drunk patrons, delivery drivers using bikes creating a nuisance. Also alleges that the premises is open until 4am or 5 am.

This gives the Licensing Authority are concerned that the premises operators place the Prevention of Public Nuisance licensing objective at risk due to the poor management of the premises. This is due to the complaints received from local residents in relation to the public nuisance and anti-social behaviour that has been alleged in relation to the premises operation, this in combination with the continued allegations against the premises, lead the Licensing Authority to believe that the operators of the premises place the 'Prevention of Public Nuisance' Licensing objective at significant risk of being undermined. The operators seeming failure to adhere to the stipulations of their current premises licence, shows a disregard for the law, the various Enforcement agencies and a lack of understanding with regards to the Licensing Objectives and the requirements of the authorisation. The premises has been witnessed operating beyond its permitted hours by various Council Officers and Local Police on more than one occasion.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 2.16 states the following;

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Please provide as much information as possible to support the application
(please read guidance note 3)

Since early 2016 and most recently April 2018, the Licensing Authority were in receipt of complaints that the premises, Best American Pizza, 16a Pitfield Street, Hackney, N1 6EY, were operating in a manner that allegedly created disturbance to local residents. The residents alleged that the premises were responsible for rowdy patrons, anti-social behaviour and noisy delivery drivers, which, led to them being disturbed in their homes.

Following on from a complaint received on the 27th August 2017, on the 1st September 2017 at approx. 15:35 I (Mr Channing RIVIERE) visited the premises and spoke with a Mr Abdul WAHID. I informed him of the complaint and advised him to ensure the premises operated within the bounds of its current premises licence and not beyond the hours permitted as local residents were alleging his premises was creating a disturbance.

I also advised Mr WAHID to change the opening hours advertised on the current webpage for the business as they were beyond those permitted by the licence, the webpage was advertising that the premises was open for one extra hour each day. This is contrary to the current premises licence. A screen shot of the webpage can be viewed in exhibit CR/1. I noted that Mr WAHID made a phone call and amended the advertised opening hours to 02:00 on every day.

On the 9th September 2017, Enforcement Officers reported that the premises was open and appeared to be serving customers at approx. 03:30. This is 30 minutes beyond the permitted hours. The witness statement of Enforcement Officer Mr Steven DAVISON can be seen in exhibit CR/2. The statement of Mr DAVISON indicates that the current Licensee Mr Farid MILLAD, claimed the premises were allowed to stay open until 04:00, this is incorrect and it indicates poor management of the premises.

On the 15th September 2017, I sent a formal warning letter to the Licensee and the Premises warning the operators that, it was offence under Section 136(1) of the Licensing Act 2003 to operate a premises not in accordance with its authorisation. This letter can be seen in exhibit CR/3. It should be noted that I received no communication from the Licensee and/or Management of the premises with regards to these matters, no clarification or advice was sought.

On the 24th September 2017, my colleague Mr David TUITT and I returned to the premises at approx. 03:15.

We found the premises to be open and the staff inside appeared to be serving customers as there were people inside waiting at the counter. There were also several persons congregated outside the premises who appeared to be in various states of intoxication, engaging in group conversations and some with what appeared to be pizza boxes. I took video footage of the premises in operation using my Council mobile phone. Still images from the video can be seen in exhibits CR/4, CR/5 and CR/6.

In order to confirm hot food was being sold, my colleague Mr David TUITT proceeded to carry out a test purchase. Mr TUITT was able to purchase a portion of garlic bread with cheese for £2.99. An image of the Garlic bread with cheese can be seen in image CR/7. The witness statement of MR TUITT can be seen in exhibit CR/8.

On the 20th October 2017, the Licensing Authority wrote to Mr Farid MILLAD in order to formally invite him to a PACE interview (Police and Criminal Evidence Act 1986, procedure for recorded interviews). This letter can be seen in exhibit CR/9.

On 21st October 2017, Senior Enforcement Officer Mr Barry FOX reported that the premises was open at approximately 03:30 and appeared to be serving customers. The witness statement of Mr FOX can be seen in exhibit CR/10.

The statement of Mr FOX raises further concerns surrounding the management of the premises, he states that when he indicated the time (which was beyond the permitted hours) to Mr MILLAD (The Licensee), that he simply "shrugged his shoulders" and continued with the operation of the premises. This raises further concerns for the Licensing Authority as the operators have seemingly

shown a disregard for the local enforcement agencies. This behaviour would also suggest a lack of understanding of the current premises authorisation and/or the licensing objectives. Again it should be noted that at this stage the Licensee/operators had already received verbal advice and a formal written warning in relation to the allegations against the premises.

On the 17th January 2018, the Licensing Authority conducted a PACE Interview with the Licensee Mr Farid MILLAD. The transcript of the interview can be seen in exhibit CR/12. During the interview Mr MILLAD alluded to the following;

Not being completely aware of the permitted hours for licensable activities, even though he and his brother took over the premises approximately 8 years ago. (Page 3 of Transcript lines 13 to 19 & Page 4 of Transcript lines 6 to 19).

Not being aware of the need for a Designated Premises Supervisor to authorise employees to sell alcohol, and the current Designated Premises Supervisor having left the business in 2014 or 2015. (Page 5 of Transcript lines 13 to 36 & Page 6 of Transcript lines 1 to 14). It should be noted that Mr MILLAD was advised by the interviewing Officer(s) to rectify this situation as soon as possible. This also suggests that any alcohol sales which have taken place since the named Designated Premises Supervisor left the business, may have been unauthorised.

Claims that the premises shutters are down and there is no access after 3am. (Page 7 of Transcript, lines 1 to 15).

This is contrary to the witness statements attached to this application. It also again suggests that Mr MILLAD has not demonstrated full awareness of the authorisation. The current premises authorisation includes opening and closing hours of the premises, the premises should be shut at 03:00 on Fridays and Saturdays not, as has been alluded to, still have patrons inside beyond the terminal hour(s) of the authorisation.

States he had persons inside the premises after the authorised closing time of 3am. (Page 8 of Transcript, lines 1 to 28).

Mr MILLAD seems to offer a viewpoint which is consistent with the attached witness statement(s).

When questioned about the failed test purchase on 24th of September 2017, Mr MILLAD claims that, hot food is only given to drunk or homeless people.

(Page 11 of Transcript, lines 1 to 16) This again is contrary to the attached statements.

States that the sale of hot food has taken place, beyond the hours permitted by the Premises Licence.

(Page 12 of Transcript, lines 5 to 8).

Mr MILLAD seems to admit that unauthorised sales of hot food have taken place at the premises.

States that he only began to take licensing matters seriously in the previous two months from the date of the interview.

(Page 12 of Transcript, lines 17 to 21).

On the 1st of April 2018, at 03:11, Enforcement Officer Kudirat MORAFa was able to conduct a test purchase of hot food from the premises beyond the hours permitted by the Premises Licence. The witness statement of Ms MORAFa can be seen in exhibit CR/13.

The Enforcement Officer reported that they were able to enter the premises and successfully purchase hot food from the premises, this is contrary to Mr MILLAD's earlier comments in the PACE interview where he states that the "Shutters are down" at the reported time of the purchase.

Additionally, a formal warning letter was sent by the Licensing Authority to the Licensee and their Legal Representative via email and recorded delivery on the 4th April 2018. This letter can be seen in exhibit CR/14.

On the 29th April 2018, the Licensing Authority were in receipt of further complaint that the premises was operating in a manner that gives rise to a nuisance.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 11.10 states the following;

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Revised Guidance issued under section 182 of the Licensing Act 2003 part 11.22 states the following;

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

The Licensing Authority are of the opinion that the poor management of the premises, has led to complaints from local residents and places the Licensing Objectives and in particular the Prevention of Public Nuisance Licensing Objective at risk.

The fact that the webpage of the business was advertising operational hours with an additional hour everyday suggests that, the management were either unaware or wilfully operated outside the current premises authorisation, this is an indication of poor management in the opinion of the Licensing Authority.

In the signed statement of Mr Steven DAVISON, he indicates that Mr MILLAD(The Licensee) was unaware of the actual closing time of the premises 03:00 (Friday and Saturday), which, in the opinion of the Licensing Authority has given rise to the allegations of a public nuisance and places the Prevention of Public Nuisance Licensing Objective at risk.

With regards to the first formal warning letter, no communication or clarification was sought by the Licensee/Operator(s) of the premises. This leads the Licensing Authority to believe that, the operators of the premises understood the contents of the letter and/or chose to disregard the formal warning.

In the signed statement of Mr Barry FOX, he mentions that Mr MILLAD “shrugged his shoulders” and “Turned away from his direction of view” when it was indicated to him the premises should be closed. It is difficult for the Licensing Authority to see how this behaviour, what appears to be a lackadaisical management style, can in any way promote the Licensing Objectives.

This behaviour suggests a disregard for the law, the enforcement agencies and responsible authorities.

During the PACE Interview Mr MILLAD did not seem totally aware of what the premises authorisation did and didn't permit.

This again raises concerns for the Licensing Authority with regards to the standard of the management and their ability to promote the Licensing Objectives. Has the Licensee not considered what the activities the authorisation of the premises licence permits in approximately the past 8 years in which they have operated the premises? Or is the Licensee operating in wilful breach of the authorisation?

As stated previously in this review application, during the PACE interview Mr MILLAD seemed unaware of the needs or requirements for a designated premises supervisor

The Licensing Authority are concerned that the seemingly poor standard of the management may place the Licensing objectives at risk of being undermined. The named Licensee, Mr MILLAD, who, in his own words, has been involved in the operation of the premises for approximately 8 years, seems to be unaware of the need for a designated premises supervisor to authorise alcohol sales. This indicates a lack of understanding of the requirements of the licensee and perhaps the authorisation itself, this raises further concerns for the Licensing Authority as the premises is permitted to sell alcohol from 11:00 to 23:00 on Monday to Saturday and 11:00 to 22:30 on Sundays.

During the PACE Interview Mr MILLAD seems to admit that hot food sales have taken place beyond the hours permitted by the premises authorisation.

This again raises concerns regarding the support of the Licensing Objectives, if the premises have been operated in a manner not in accordance with the current authorisation, how are the Licensing Objectives being supported by the Licensee.

During the PACE Interview Mr MILLAD indicated that he only began taking Licensing matters seriously recently. This raises further concerns for the Licensing Authority with regards to the support of the Licensing Objectives, if the Licensee, in his own words, has only begun to take these matters seriously in the previous two months, whilst occupying the premises for approximately 8 years, how were the licensing objectives being upheld during the previous years of operation. This again suggests poor management of the premises by the licensee.

Furthermore, despite Mr MILLAD's claim to be taking Licensing matters seriously, the Licensing Authority were still in receipt of complaint in the months following the conclusion of the interview. This leads the Licensing Authority to believe that the premises is operating in a way that undermines the Prevention of Public Nuisance Licensing Objective.

Since the receipt of the complaint at the end of August 2017, the Licensing authority have sought to engage with the operators of the premises. This has been done verbally and via letter, in the months that have followed from the initial contact, the operators have not alleviated the concerns of the Licensing Authority regarding the support of the 'Prevention of Public Nuisance' Licensing Objective. This is due the receipt of complaints and the operators having failed every test of compliance undertaken by the Licensing Authority. This is despite verbal advice and written warnings to the Licensee and the Premises. This suggests that the standard of the management is not adequate to promote the Licensing Objectives and places them at risk of being undermined.

Despite intervention by the Licensing Authority and other Enforcement Agencies, an Enforcement Officer was able to purchase hot food, at a time that was beyond the permitted hours of the premises on the 1st April 2018.

This leads the Licensing Authority to believe that the operators of the premises are not familiar or concerned with the Licensing Objectives. The operators have failed to comply with the stipulations of their current premises licence on no less than 4 occasions in the last 7 months, the Licensing Authority consider this to be a persistent failure to comply with the current authorisation. This suggests that the premises is poorly managed, and as such, places the Licensing Objectives at risk of being undermined.

The operation of the premises in this manner has led to complaints from Local Residents, which, in our opinion, reinforces our belief that the 'Prevention of Public Nuisance' Licensing Objective is being undermined.

The matters that have been outlined above, lead the Licensing Authority to believe that the any amendments to the current licence may be inadequate to promote the support of the Licensing Objectives. For this reason the Licensing authority are of the opinion that the Licence should be revoked.

Please tick ✓

yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

On the 8th November 2017, the Licensing Authority received an application to vary the Premises Licence.

On the 4th December 2017, I made a representation on behalf of the Licensing Authority in objection to the application for a variation made by the licensee. The text from the representation can be seen below.

The premises is located in the Shoreditch Special Policy Area (SPA) therefore Policy LP13 applies. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises in the area. And as part of a review of the Council's Statement of Licensing Policy a study was carried out by the Council's Corporate Policy Team to look at the impact of the night time economy in the locality. This study was used to formulate the report which was presented to the Licensing Committee on 25th March 2015. The study made a number of findings, however the following are particularly notable:

- 342 premises were granted across Hackney between 1st January 2011 and 31st December 2014.
- 33% of all current licences granted between 1st January 2011 and 31st December 2014 were in the Special Policy Area and the wider Shoreditch area.
- Shoreditch contained 28% of the alcohol licences in Hackney.
- Where areas containing the top 50% of crimes [robbery, violence and thefts] have been singled out, the pattern of crime also appears to follow the trajectory of commercial premises locations.
- Figures from the London Ambulance Service show that between 2011 and 2014, 15% of alcohol related ambulance call outs were in the Hoxton East and Shoreditch ward, a trend which is increasing.

LP13 of the Council's Statement of Licensing Policy states the following:

LP13 Special Policy Area – Shoreditch

It is the Council's policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. This policy is to be strictly applied. The Council expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to:

- The quality and track record of the management
- The good character of the applicant
- The extent of any variation sought.

With reference to the aforementioned Shoreditch Special Policy Area, the Licensing Authority does not consider any part of the application to be exceptional as required by the policy.

Furthermore, the Licensing Service are in receipt of allegations that licensable activities have been carried on beyond the hours authorised by the premises licence. Despite intervention by the Licensing service via verbal on-site advice and written warning(s) the Licensing service still have outstanding concerns about the operation of the premises Licence. The applicant has been invited

to attend a formal interview under the conditions set out in the Police and Criminal Evidence (PACE) Act 1984 (procedure for recorded interviews).

The Licensing Sub-Committee considered the application on the 5th April 2018, the application was refused by the Licensing Sub-Committee. The reasons for the decision can be seen in Exhibit CR/11.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 10th June 2018

Capacity Principal Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

List of Exhibits

<i>Exhibit Number</i>	<i>Description</i>
CR/1	Image of Best American Pizza Webpage
CR/2	Statement of Mr Steven DAVISON
CR/3	Formal warning letter to Farid MILLAD
CR/4	Image of Best American Pizza 24/09/17 (1)
CR/5	Image of Best American Pizza 24/09/17 (2)
CR/6	Image of Best American Pizza 24/09/17 (3)
CR/7	Image of Best American Pizza 24/09/17 (4)
CR/8	Statement of Mr David TUITT
CR/9	Invitation to PACE Interview Letter
CR/10	Statement of Mr Barry FOX
CR/11	Published decision of the Licensing sub-committee (Refusal of variation)
CR/12	Transcript of PACE Interview with Mr Farid MILLAD
CR/13	Statement of Kudirat MORAF A
CR/14	Letter to Mr Farid MILLAD (Unauthorised activities)

EXHIBIT CR/1

HOME

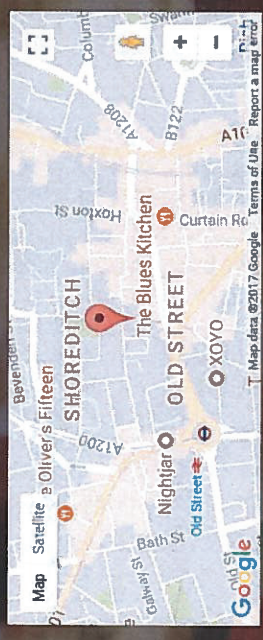
ORDER

GALLERY

CONTACT

Address

16 Pitfield St, London, N1 6EY
[\(Open in Google Maps\)](#)



Contact Details

Phone: **02077294428**

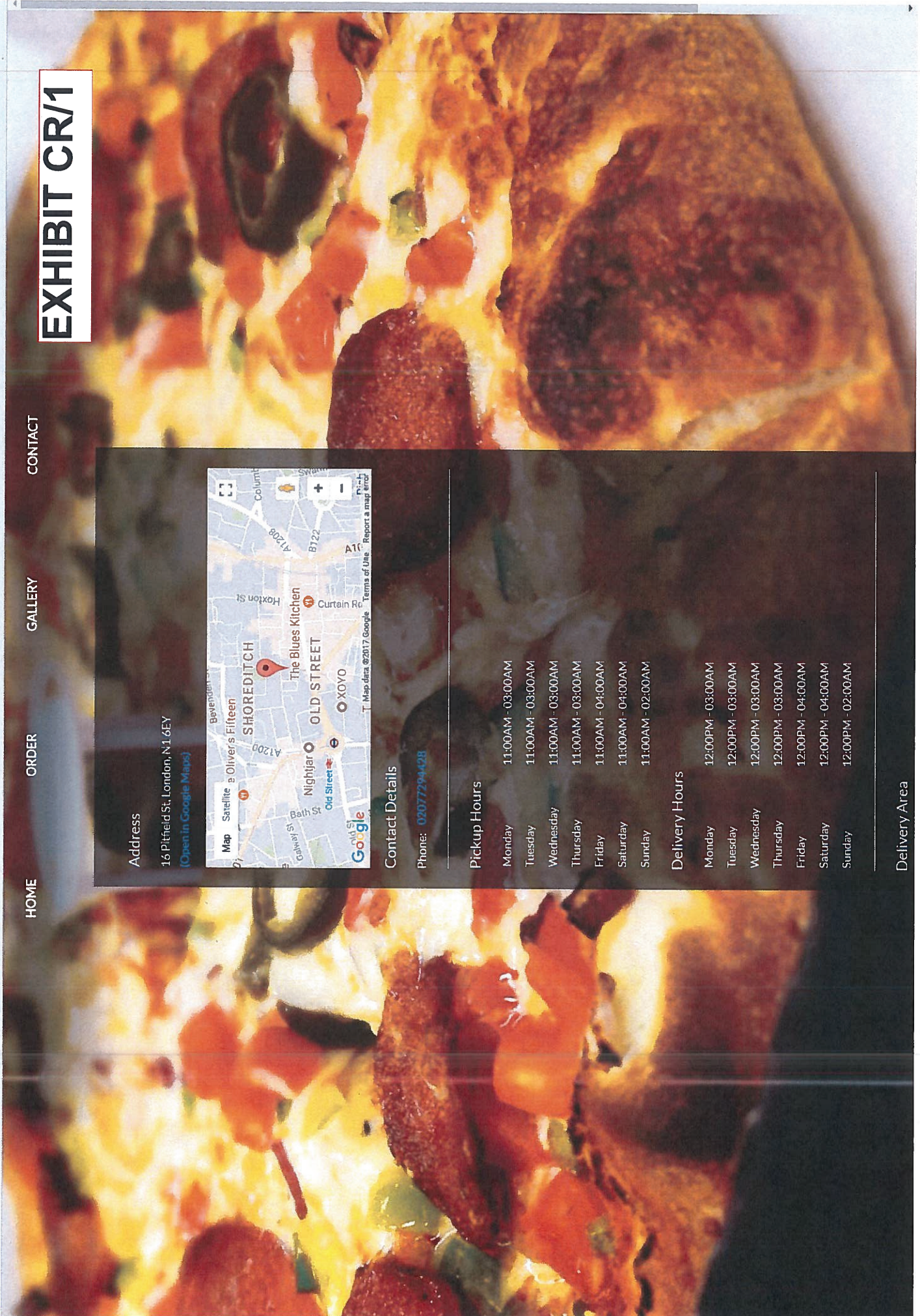
Pickup Hours

Monday	11:00AM - 03:00AM
Tuesday	11:00AM - 03:00AM
Wednesday	11:00AM - 03:00AM
Thursday	11:00AM - 03:00AM
Friday	11:00AM - 04:00AM
Saturday	11:00AM - 04:00AM
Sunday	11:00AM - 02:00AM

Delivery Hours

Monday	12:00PM - 03:00AM
Tuesday	12:00PM - 03:00AM
Wednesday	12:00PM - 03:00AM
Thursday	12:00PM - 03:00AM
Friday	12:00PM - 04:00AM
Saturday	12:00PM - 04:00AM
Sunday	12:00PM - 02:00AM

Delivery Area



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Steven DAVISON

Age if under 18(if over 18 insert 'over 18'): Over 18

Occupation: Senior Enforcement Officer


This statement consisting of one page is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature


Date: 30th April 2018

I am making this statement in relation to a of licencing matter. I am a Senior Enforcement Officer employed by the LONDON BOROUGH of HACKNEY, based at HACKNEY SERVICE CENTRE, 1 HILLMAN STREET, LONDON E8 1DY. My duties include dealing with environmental crime and anti-social behaviour and our overarching aim is to prevent crime and antisocial behaviour.

On Saturday 9th September 2017 I was on duty in my full high visibility uniform accompanied by my colleague Barry FOX. At approximately 03:30 Barry and I attended BEST AMERICAN PIZZA, 16 PITFIELD STREET, N1 6EY in response to a request from the London Borough of Hackney Licensing Team to access if the premises were trading after 03:00 hours in contravention of their permitted hours.

Upon arrival at the location I could clearly observe four (4) males inside the premises who then left shortly after carrying what appeared to be pizza boxes. A lone female then followed shortly after also carrying what appeared to be a pizza box. After observing the premises for a short time, I entered the premises and introduced myself. I spoke with the duty manager, Mr Farid MILLAAD. I subsequently explained that it was my knowledge that BEST AMERICAN PIZZA should not be serving after 03:00 hours. The MILLAAD claimed that the premises held a license until 04:00 hours. I instructed MILLAAD that I would report my findings to the London Borough of Hackney Licensing Team. During this time two (2) more customers attended and exited the store with pizza boxes. Upon my exiting the premises at 03:42 hours two (2) potential customer were turned away as the shop door closed and the illuminating sign was turned off. 

These are my original notes made at Hackney Service Centre, E8 1DY between 14:55 hours and 15:20 hours.

Statement of: Steven DAVISON

Signed:



Date and Time; Statement Completed: 30/04/2018 15:24

RESTRICTED – FOR PROSECUTION ONLY
(when complete)

Witness contact details

Address: Hackney Service Centre, 1 Hillman Street, E8 1DY

Home telephone No: N/A

Work telephone No: 02083565750

Mobile/Pager No: 07581111536

E-mail address:

Steven.Davison@hackney.gov.uk

Preferred means of contact: Mobile

Male Female

Date and place of birth: Over 18

Former name N/A

Height: N/A

Ethnicity Code:

Dates of witness non-availability: None

Witness care

a) Is the witness willing and likely to attend court? Yes No . If 'No', include reason(s) on form MG6. What can be done to ensure attendance?

b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes No . If 'Yes' submit MG2 with file.

c) Does the witness have any specific care needs? Yes No . If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me: Yes No

b) I have been given the leaflet 'Giving a witness statement to the police – what happens next? Yes
No N/A

c) I consent to police having access to my medical record(s) in relation to this matter: Yes
No N/A

d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes
No N/A

e) I consent to the statement being disclosed for the purposes of civil proceedings Yes
No N/A

e.g. child care proceedings (if applicable):

f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: 

Licensing Services
Neighbourhoods & Housing Directorate
London Borough of Hackney
1 Hillman Street
London E8 1DY

020 8356 2431
Licensing@hackney.gov.uk

Mr Farid Millad
C/O Best American Pizza
16 Pitfield Street
London
N1 6EY

15th September 2017

FORMAL WARNING

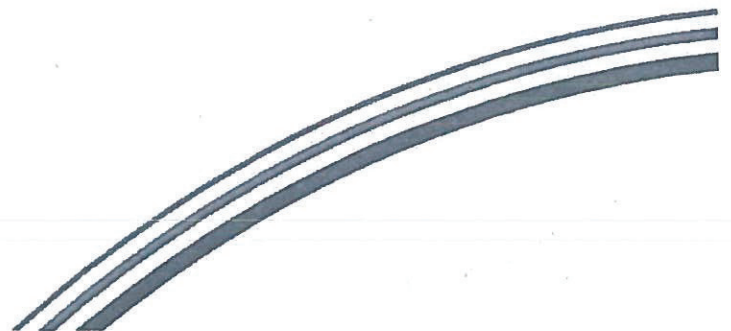
Licensing Act 2003
Section 136 (1): Alleged unauthorised licensable activities
'Best American Pizza', 16 Pitfield Street, London N1 6EY

I write to inform you that the Council's Licensing and Technical Support Service are in receipt of an allegation that your premises were being operated beyond the hours authorised by the premises licence (Ref: LBH-PRE-T-0532) issued under the Licensing Act 2003.

Your Premises Licence authorises the provision of late night refreshment as follows:

- Mondays from 23:00 to 02:00 the day following
- Tuesdays from 23:00 to 02:00 the day following
- Wednesdays from 23:00 to 02:00 the day following
- Thursdays from 23:00 to 02:00 the day following
- Fridays from 23:00 to 03:00 the day following
- Saturdays from 23:00 to 03:00 the day following
- Sundays from 23:00 to 02:00 the day following

Following receipt of the complaint, I visited your premises on Friday 1 September 2017 at 15:35 and spoke to **Abdul WAHID**. I advised him in relation to the allegation



and the incorrect timings displayed on your website. However, I have noted that Mr WAHID arranged for the website to be amended immediately.

Despite receiving advice from me, I have received further information that suggests you have been operating the premises beyond the hours authorised by the premises licence. Enforcement Officers have reported to me that at 03:30 on Saturday 9 September they visited your premises and observed customers being served up to 03:42 hours. The Enforcement Officers entered your premises where they were told by you that the premises was licensed until 04:00 hours. Furthermore, Enforcement Officers observed your premises on Sunday 10 September at 03:07 hours. Upon arrival, a flashing "OPEN" sign was clearly visible, with a customer witnessed leaving at 03:16 hours.

Please be aware that a person commits an offence under Section 136 (1) of the Licensing Act 2003 if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or**
- (b) he knowingly allows a licensable activity to be so carried on. Any person guilty of such an offence is liable to imprisonment for up to 6 months and/or an unlimited fine.**

This letter should be regarded as a warning that the Council can commence legal proceedings in the event of unauthorised licensable activities. In addition, any previous allegations along with existing evidence would be taken into consideration. Council Enforcement Officers will continue to monitor the premises over the coming weeks to ensure licensing requirements are complied with. Details of the above have also been shared with the Metropolitan Police.

Yours Sincerely,



Channing Riviere
Principal Licensing Officer

C.c. Mr Farid Millad, 



Licensing Services
Neighbourhoods & Housing Directorate
London Borough of Hackney
1 Hillman Street
London E8 1DY

020 8356 2431
Licensing@hackney.gov.uk

Mr Farid Millad



15th September 2017

FORMAL WARNING

Licensing Act 2003

Section 136 (1): Alleged unauthorised licensable activities 'Best American Pizza', 16 Pitfield Street, London N1 6EY

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Yours Sincerely,

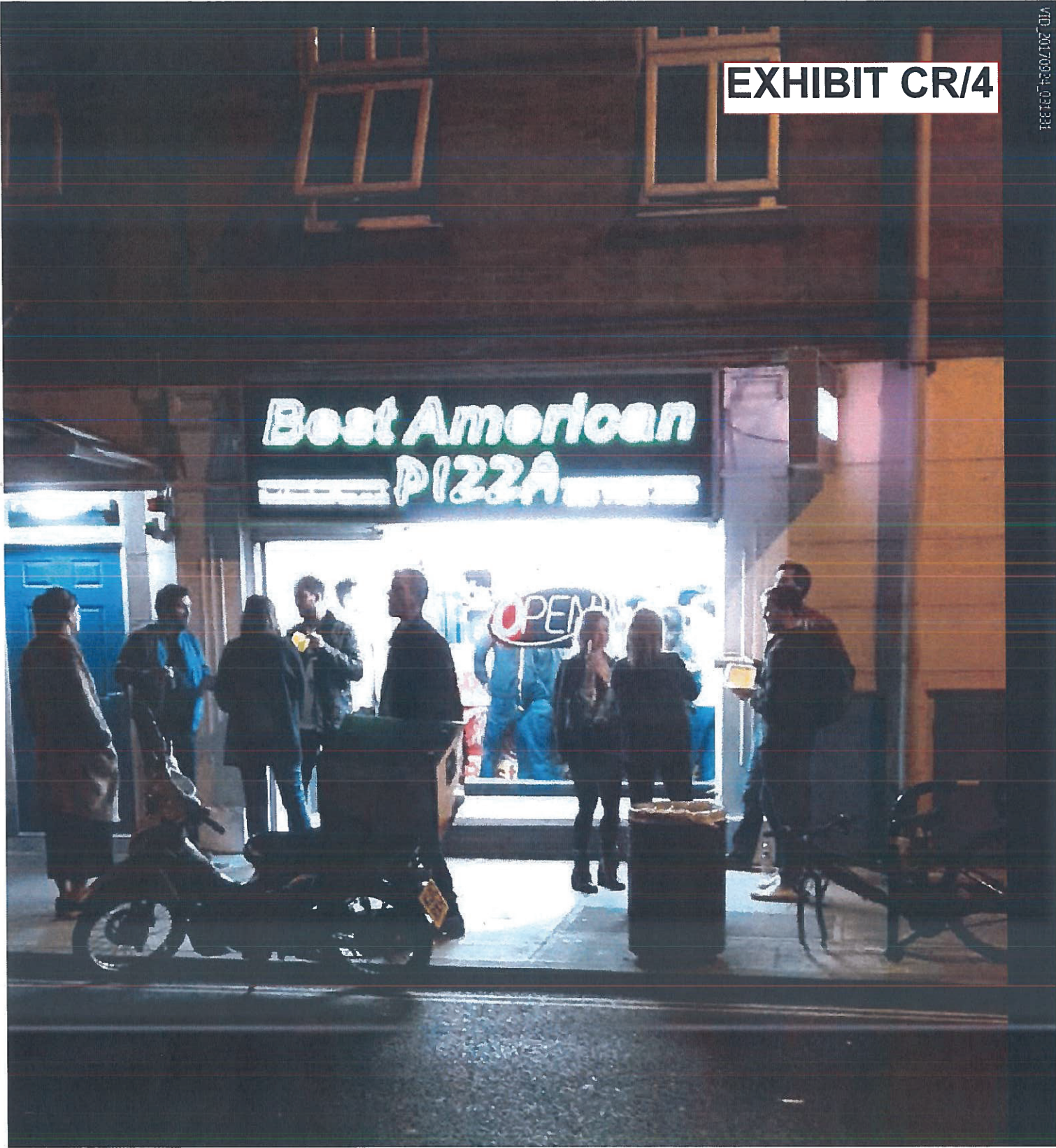


Channing Riviere
Principal Licensing Officer

C.c. Mr Farid Millad, C/O Best American Pizza, 16 Pitfield Street, N1 6EY



EXHIBIT CR/4



VID_20170924_091331

EXHIBIT CR/5

Best American
PIZZA



EXHIBIT CR/6

VID_20170924_031824

Best American PIZZA

BestAmericanPizza.co.uk

020 7729 4439



EXHIBIT CR/7

VID_20170924_032346



EXHIBIT CR/8

STATEMENT OF WITNESS
Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.2.
Magistrates' Court Act 1980, s5B

Statement of: David Tuitt **Page No.** 1 of 2

Age of Witness: Over 18

Occupation: Business Regulation Team Leader – Licensing and Technical Support

Business Address: Licensing Service
Hackney Service Centre
1 Hillman Street
London
E8 1DY

This statement consisting of TWO pages, signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6 June 2018

Signed:.....

I am employed by the London Borough of Hackney as the Business Regulation Team Leader - Licensing and Technical Support and I am based at the Hackney Service Centre, 1 Hillman Street, London E8 1DY.

On Sunday 24 September 2017, I was carrying out routine licensing compliance work with my colleague Mr Channing RIVIERE in the Shoreditch area of the Borough. At around 03:10 we were walking along Pitfield Street towards its junction with Old Street and noted that the premises known as "Best American Pizza" at 16A Pitfield Street appeared to be open and trading. At 03:12 I entered the premises whilst Mr RIVIERE waited outside on the other side of the road. Upon entering the premises I noted that there were approximately 10 persons who appeared to be either waiting to place orders for food or collect orders of food. I would describe the atmosphere inside the premises at the time as boisterous but not threatening.

Moments later I noted a group of 4 females leave the premises with two pizza boxes and a burger box. I also noted two males in the kitchen/preparation area behind the counter who appeared to be sprinkling cheese onto uncooked pizza.

At 03:15 I was able to approach the counter, and place an order of garlic bread from a male behind the counter appearing to be of Arabic/Middle Eastern decent (IC6). I estimate the male to be in his mid-thirties. The male asked me if I wanted cheese to which I replied "Yes". At this point he told me that the meal would cost £2.99. I handed him a £10 note and was given a £5 note as change. The male then said "I will give you the rest of the change". At this point I stepped aside whilst a male place an order for a "Barbeque Special and garlic bread".

Whilst waiting I noted a male and female couple were given a large pizza by another member of staff who was behind the counter. The staff member described the pizza as "Salami" and the couple were also given change. The time at this point was 03:21.

Shortly after this I walked over to the front door and faced out onto the street. I noted outside a mixed group of persons standing to my left. They appeared to be of Spanish decent and were conversing fairly loudly.

At this point I returned to the counter. After a few seconds I was handed a small cardboard box which felt warm to the touch by the gentleman who had served me earlier. I reminded the gentleman that I was owed £2 change. He apologised and a few seconds later gave me £2 in change.

I then turned and walked out of the front door. I walked across Pitfield Street to where Mr RIVIERE was standing. I opened the box which I had been given earlier. This contained a number of slices of bread. I was able to confirm at this point that the food was hot.

Signed: 

**Licensing and Technical Support Service
Community Safety, Enforcement and Business
Regulation**

Neighbourhoods & Housing Directorate
Hackney Service Centre
1 Hillman Street
London
E8 1DY
020 8356 4942

Farid Millad
Best American Pizza
16a Pitfield Street
London
N1 6EY

david.tuitt@hackney.gov.uk

12 January 2018

BY RECORDED DELIVERY

Dear Mr Millad,

**RE: Licensing Act 2003 - Section 136 (1): Unauthorised licensable activities
'Best American Pizza', 16a Pitfield Street, London, N1 6EY**

Police and Criminal Evidence Act 1984 (PACE) INTERVIEW

I write to inform you that I have obtained evidence of unauthorised licensable activity in the form of the provision of late night refreshment being carried on at the above premises. This is despite previous warnings given to you by my colleague Channing Riviere, including a formal written warning on 15 September 2017.

At 03:24 on 24 September 2017, I was able to purchase a hot meal (garlic bread with chesse). This was 24 minutes after the provision of the activity should have ended as your premises licence only authorises activity to 03:00.

Consequently I would like to formally interview you in relation to this matter. The interview will take place under the conditions set out in the Police and Criminal Evidence Act 1984 (procedure for recorded interviews). The interview will be held on **Wednesday 17 January 2018 at 14:00**. Please arrive promptly at **1 Hillman Street, E8 1DY Hackney Service Centre**. You are entitled to legal advice and may bring a legal representative along with you if you wish.



It is important that you understand that the interview represents your best opportunity to put forth any mitigating circumstances or evidence that may affect whether any further action is taken.

Yours Sincerely,

David Tuitt
Business Regulation Team Leader
(Licensing and Technical Support)



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of Barry Fox..... URN:

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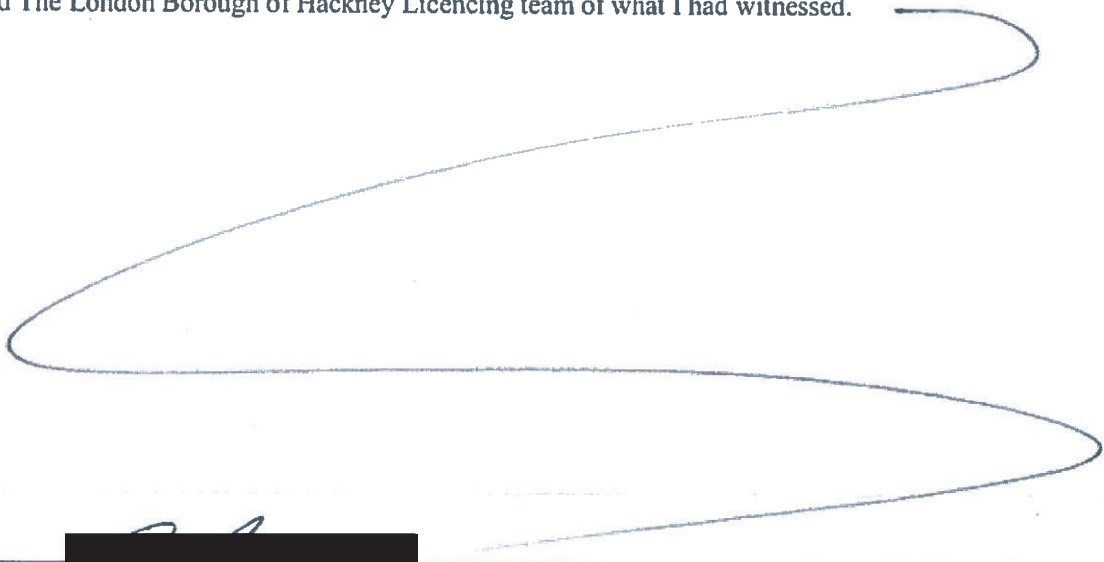
Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Senior Enforcement Officer.....

This statement (consisting of: 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 14th May 2018

I am making this statement in relation to a licencing matter. I am a Senior Enforcement Officer employed by the LONDON BOROUGH OF HACKNEY, based at HACKNEY SERVICE CENTRE, 1 HILLMAN STREET, LONDON E8 1DY. My duties include dealing with environmental crime and anti-social behaviour and our overarching aim is to prevent crime and anti-social behaviour.

On Saturday 21st October 2017 I was on duty in my full high visibility uniform on patrols of Shoreditch Night Time Economy (NTE). At approximately 03:30 hours I noticed that Best American Pizza, 16 Pitfield Street N1 6EY had a Female standing outside the open entrance to the premises and approximately 6 people inside the premises waiting for food. Myself and my colleague Steven Davison had previously spoken with Mr Farid MILAAD -Duty Manager of the premises on the 9th September 2017 at approximately 0320 hours in response to a request from the London Borough of Hackney Licencing team to access if the premises were trading after 03:00 hours in contravention of their permitted hours. I was standing outside the premises looking through the large shop front window at Mr Farid Milaad to get his attention but he was on a phone call. After a couple of minutes he finished his call and I tapped on the window and he looked towards me. I pointed at my watch and said in a loud voice "look at the time". He then shrugged his shoulders and raised his hands and turned away from my direction of view. I then see what looked to be a delivery driver behind the counter speaking with Mr Milaad with his helmet still on his head with a receipt in his hand. I could also see the chef/cook standing to the left side of premises in an area behind the counter what looked to be preparing food/pizza. I then left the location and informed The London Borough of Hackney Licencing team of what I had witnessed.



Signature:  Signature witnessed by:

Witness contact details

Home address: HACKNEY SERVICE CENTRE, 1 HILLMAN STREET,

Postcode: E8 1DY

Home telephone number N/A Work telephone number [REDACTED]

Mobile/pager number [REDACTED] Email address: [REDACTED]

Preferred means of contact: MOBILE PHONE

Male ~~Female~~ (delete as applicable) Date and place of birth: [REDACTED]

Former name: N/A Ethnicity Code (16+1): 1 Religion/belief: [REDACTED]

Dates of witness non-availability 03/06/18, 06/08/18 - 30/08/18, 06/10/18, 02/11/18 - 03/11/18

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask [REDACTED] to decline their services:

Signature of witness: [REDACTED] Print name: [REDACTED]

Signature of parent/guardian/appropriate adult: [REDACTED] Print name: [REDACTED]

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

EXHIBIT CR/11

Agenda Item No	Topic	Decision
Part A – Items considered in public		
6	<p>Application to vary the premises licence :Expa Local, 226-228 Homerton High Street,E9 6AS</p>	<p>The decision The 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> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>the application has been approved in accordance with the Council's licensing statement and the existing and proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"> • The sale of alcohol and opening hours Monday to Sunday be until midnight • Conditions 7 and 8 re; signage and training be deleted (given the additional conditions below) <p>and the following additional conditions:</p> <ul style="list-style-type: none"> • There be one personal licence holder on the premises at all times when licensable activities are being carried out, • No beers, ciders or lagers over six per cent Alcohol By Volume (ABV) shall be sold or supplied at the premises, • Relevant notices will be prominently displayed by the entry/exit door and point of sale, outlining the following;

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ol style="list-style-type: none"> 1. That Closed Circuit Television (CCTV) and challenge 25 are in operation, 2. Advising customers of the provisions of the licensing act regarding underage and proxy sales, 3. Of the permitted hours of licensable activities and the opening times of the premises, 4. Not to drink in the street, and 5. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally 6. <ul style="list-style-type: none"> • All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing. • The premises licence holder to employ an external agency to conduct training for all new staff and refresher training annually with training records to be retained by the premises licence holder on the premises and produced to the Police or other authorised officer upon request, and • The premises licence holder to employ an external agency to conduct test purchases at the premises annually with results of test purchases to be sent to Local Authority's Trading Standards and Local Authority's Licensing Team upon completion. <p>Reasons for the decision 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. The hours for Friday and Saturday were limited until midnight as although this represented an</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
7	Application to vary the premises licence : London Apprentice and Mother Bar, 333 Old Street, EC1V 9LE	<p>increase on current licensable hours that was accepted by all the responsible authorities in attendance, it was felt that the later hours requested by the applicant are likely to keep people, as in patrons from other premises and those just attending the premises, in the area for longer. In the circumstances, it was felt that the hours kept at midnight, which are the current opening hours of the premises, would ensure the license objectives were continually promoted.</p> <p>The decision The 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> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>the application has been adjourned. Having heard the application in full the sub-committee has part approved the matter on a preliminary basis in accordance with the Council's licensing statement and the existing and proposed conditions set out in paragraph 8.1 of the report, with the following amendments:</p> <ul style="list-style-type: none"> • Condition 18 be amended to read: 'After 22.00hours every person entering both the venue and the basement area should be counted in and out with a mechanical counting device to ensure that the maximum accommodation limit and restricted entrance numbers to the basement, is not exceeded' • Conditions 13, 25 and 33 be deleted • Condition 15 to be deleted only if the minor variation is approved • Condition 31 be amend to state 21.00 hours rather than 22.00 as suggested on page 51 of the report.

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> • Condition 42 be amended as requested • Condition 47 be amended to read 21.00hours (in line with the other conditions) • Condition 58 be amended to read: The basement may be used for pre-booked events only, with SIA door supervisors in accordance with condition 44 (i.e. 1 per 75 patrons), with management also risk assessing the events and having additional SIA door staff as appropriate. All customers and guests should be scanned in through the ID scan system. A list of guests attending an event along with proof of any pre-booked event, shall be retained on the premises for inspection by the police and/or an authorised officer upon request. The use of basement for any event shall be for no more than 100 patrons. <p>the decision for this application will be made after the current minor variation application has been determined so as to determine the relevant conditions relating to the smoking area.</p> <p>Reasons for the decision The application has been preliminary approved, with the above amendments and additional conditions, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined. However, it was felt that a final decision cannot be made on this application until Minor Variation has been determined.</p> <p>Public Informative It should be noted for the public record that if the minor variation is approved the condition proposed by Environmental Protection (on page 51 of the report) will need to be considered alongside the proposed variation of condition 51, which has been suggested by the Police (on page 74 of the report).</p>
8	Application to vary the premises licence : Best American Pizza, 16A Pitfield Street, N1 6EY	<p><u>The decision</u> The 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</p>

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<p>licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • Prevention of public nuisance; • The protection of children from harm; <p>that the application to vary the premises licence for Best American Pizza, 16a Pitfield Street, N1 6EY be refused in accordance with the Council's Licensing Policy.</p> <p>Reasons for the decision The Licensing Sub-committee, after carefully considering the application and listening to representations from the applicant and the responsible authorities' (Licensing and Police), concluded that the granting of the application would undermine the Council's licensing objectives.</p> <p>The Licensing Sub-committee outlined the following reasons for refusing the application to vary the premises licence:</p> <ol style="list-style-type: none"> 1. The premises is located in the Shoreditch Special Policy Area (SPA) therefore is subject to policy LP13. This area has been identified as suffering from negative cumulative impact as a result of the high concentration of licensed premises. It is the Council's policy that where a relevant representation is made to any application within the area of the Shoreditch SPA, the application will be refused unless there are exceptional circumstances. The Council also expects that any exceptional circumstances offered by the applicant should be genuinely exceptional and so would not include reference to: <ul style="list-style-type: none"> • The quality and track record of the management

London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday, 5 April 2018

Agenda Item No	Topic	Decision
		<ul style="list-style-type: none"> • The good character of the applicant • The extent of any variation sought. <p>With reference to this policy, the licensee has not been able to demonstrate or provide any exceptional circumstances to justify the application being approved.</p> <ol style="list-style-type: none"> 2. In addition to this, the sub-committee had real concerns about the current operation of the existing premises licence, given the complaints surrounding the current management and its track record. In particular they were persuaded by separate witness statements by police and by council officers that licensable activities have been carried out beyond the hours authorised within the existing premises licence. 3. In accepting the responsible authorities' arguments, they believed that the application to extend the hours, if granted, would have a negative cumulative impact on the Shoreditch SPA, particularly in relation to the increased potential for litter, noise and general Anti-Social Behaviour (ASB). <p>In refusing the application, the sub-committee had serious doubts about the licensee's ability to promote the licensing objectives, given his failure to comply with the terms of his current licence and would urge the responsible authorities to take the necessary action in the circumstances. The sub-committee had no confidence in the licensee given the poor presentation from those involved in the management of the premises, which raised serious questions as to the level of care or understanding with regard to the significant negative impact currently being experienced in the area.</p>
9	Application for a Premises Licence: Basement, 79-81 Paul Street, EC2A 4NQ	This application was approved under delegated authority and the item was withdrawn from the meeting agenda.

EXHIBIT CR/12

PACE INTERVIEW TRANSCRIPT
OF: FARID MILLAD
Re Best American Pizza Ltd

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Date of Interview : 17th January 2018
Commencement Time : 14.36 hours
Termination Time : 15.19 hours

Person Speaking Commentary

GP The date is 17th January 2018 and the time is **14.36** hours. My name is **GURCH PATTIE ["GP"]** I am an Officer from the Environmental Protection Team at the London Borough of Hackney. I am interviewing Mr Farid Millad in relation to alleged offences committed under Section 1361 of the Licensing Act 2003. This took place at 16a Pitfield Street, London N1 6EY. The interview is taking place in PACE Interview Room 40, Hackney Service Centre, 1 Hillman Street, London E8 1DY. The interview will be conducted in accordance with the Provisions of the Police & Criminal Evidence Act 1984 for recorded interviews. Mr Millad, could you spell your name for the benefit of the tape

FM **FARID MILLAD ["FM"]**.

GP Also present in the room are:-

DT **DAVID TUITT ["DT"]** Licensing Team Leader, Business Regulation.

GP Mr Millad, you have the right to legal advice before the interview or at any time during the interview. You are not under arrest and can leave at any time; you understand that?

FM Yes.


GP At this point I have to caution you. You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in Court. Anything you do say may be given in evidence. The time now is **14.38 pm**. Mr Millad, do you understand the caution?

FM Yes.

GP Mr Millad, what is your date of birth?

FM 

GP Your home address?

	Person Speaking	Commentary
1	FM	
2	GP	Mr Millad, in relation to Best American Pizza, what is your position?
3	FM	It is a family business, mainly my brother ran the business but Licence and
4		stuff is under my name, like [...] but my brother would mainly run the
5		business. He is always there; I am not always there, I am just studying and
6		busy with my other tasks but I do work as well, so, from time to time.
7	GP	You do work at the business?
8	FM	Yes, there's not fixed days and hours but I work whenever I am there, so, I
9		don't know exactly.
10	GP	We will come on to your day to day role, if there is one, later on. I want to
11		establish, is this a Limited Company, is it Sole Trader, Partnership?
12	FM	It's Limited, yes.
13	GP	It is a Limited Company?
14	FM	Yes.
15	GP	What is the name of the Limited Company?
16	FM	Best American Pizza, I believe.
17	GP	Best American Pizza Limited, is that right?
18	FM	Yes, I think so.
19	GP	It's a registered company under Companies House?
20	FM	I am not sure, to be honest. That is something I need to find out because, like
21		I said, the Licence and all other things are under my name but mainly the
22		paperwork and everything is my brother because it's a family business and
23		he's the one dealing with this, but I can always find out about that and let
24		you know if that's something you really want to know. I don't want to tell
25		you one thing and come up with something else.
26	GP	No, that is understandable.
27	DT	That's fine.
28	GP	You claim that this is a Limited Company; what is the registered address for
29		this Limited Company?
30	FM	No, I don't know, to be honest, because it's like every address and everything
31		is 16a Pitfield Street where we are paid from, so, there are no other things at
32		the address. I am not even sure if it is a Limited Company but I can always

**Person
Speaking**

Commentary

- 1 find out and let you know, put back in writing or something, just to confirm
2 that, I might have all records or everything in relation to the business.
- 3 GP Are there any other registered partners?
- 4 FM No.
- 5 GP Are you saying it is solely yourself that is in charge of the business?
- 6 FM It's me and my brother's, family business. It's all family but it is registered
7 under one person, so, yes.
- 8 GP When did you first take over this business?
- 9 FM It was in 2010, I guess, end of 2010 sometime.
- 10 GP Who originally set the business, who was in charge of it at that moment in
11 time?
- 12 FM Before?
- 13 GP Yes, when you or your brother first came to the business.
- 14 FM There was someone else before us; we took over end of 2010 and start 2011
15 sometime. We owned the business onward end of 2010.
- 16 GP Is that the time you took responsibility for the business?
- 17 FM Yes, I think beginning of 2011; I can't remember the month either, but we
18 took over at that time, yes. We have been running it since then, well over
19 seven, eight years now.
- 20 GP Who is responsible for the day to day running of the business?
- 21 FM Well, dealing with the staff and work and everything is my brother; he is
22 dealing with that because he is working all the time doing day shifts and stuff,
23 dealing with the staff and stock and everything and he is taking main
24 responsibility, but there are some stuff, like licence and everything, is under
25 my name so I have to deal with those things. I do work, like I said, I am there
26 sometimes as well and I do deal with things if I am there but if I am not then
27 he is the one dealing, so, it all depends. We don't have a schedule of hours
28 and times of who should do what; it depends who is there, so, that's how it
29 works.
- 30 DT What is your brother's name?
- 31 FM Abdul [Wahid].
- 32 GP But you are there on a fairly regular basis, would you say, at the business?

**Person
Speaking**

Commentary

- 1 FM Yes, I am there. I do work.
- 2 GP So, you are one of the responsible people at the business?
- 3 FM Yes.
- 4 GP Mr Millad, are you aware of your licensable hours and the activity?
- 5 FM Yes.
- 6 GP Could you confirm the hours for alcohol and late night refreshment?
- 7 FM For alcohol, we have licence 11 o'clock. Food licence is until 3 in the morning
8 on Friday and Saturday and 2 a.m. Sunday and Monday onwards until the
9 weekend. Our licence for the alcohol is just until 11 o'clock.
- 10 DT Is that 11 o'clock every day?
- 11 FM I think that is every day, yes.
- 12 GP I will just correct you; on Sunday it is up until 10.30 pm.
- 13 FM Sorry?
- 14 GP On Sunday, alcohol can be served until 10.30 pm.
- 15 FM Well, yes, I think, but we close early Sunday anyway. It's 11 o'clock just that
16 way, serving alcohol until 11 o'clock.
- 17 GP You have got the late night refreshment, as you said, Friday and Saturday up
18 until 3 o'clock and then Sunday through to Thursday up until 2 pm?
- 19 FM Yes, that's right.
- 20 GP Mr Millad, how do you make sure that all the members of staff, including
21 yourself obviously, comply with the hours on your premises licence and the
22 conditions?
- 23 FM Right, normally, because nowadays we get so many staff coming and leaving
24 and going due to the high demand since these other companies came to
25 exist, where in the past we use to have staff working for two, three years but
26 now there's a big demand for staff people leaving and going because
27 deliveries there, so they just replace people. But, we are mainly like telling
28 the staff when and how to serve customers and to what time to serve
29 customers, so, there are particular people who only work on the front desk
30 where they are serving customers. There are people working in the back that
31 have nothing to do with customers so they don't have to be aware of what
32 time but only people are responsible on the front are of what time they

Person Speaking	Commentary
1 2	serving customers, so, yes, this is how we really deal and when we are there we know how it works out, yes.
3	GP Are you saying there is an on-going training process for members of staff?
4 5 6 7 8 9	FM Well, we always provide training when staff come, not only relative training, we provide training on work; people work for one or two weeks do get training, whether they are delivery driver, they get training to get used to the area where they work, so they get training on how to start and how to do things and this is all included. Everyone definitely gets training for at least a week.
10	GP Are they aware of the licensing hours?
11 12	FM They do, yes. Sometimes, some might not know exactly but we do explain everything.
13 14	GP I want to point ourselves to the Designated Premises Supervisor on your premises licence; Mr Jamal [S....]; is he still part of the premises?
15	FM No, he is not anymore, he used to be.
16	GP When did he leave the business?
17 18 19 20 21	FM He worked there for some time and, I think, he left in 2014, or 2015, I can't remember really because, this is what I am saying, I was there but I wasn't dealing at the time, when we took over the business but he was still supervisor of the business at the time and he slowly, slowly finished and he is not there anymore, completely finished.
22 23	GP In terms of alcohol sales; that is still taking place at your premises, is that correct?
24	FM Yes.
25	GP You still sell alcohol?
26 27 28 29 30 31 32 33	FM Yes, we have a valid licence, we pay for the licence fee; we have the licence so we are legally entitled to sell alcohol. We just renewed our licence; I can't remember, about few months ago, so, it was due to expire and we got another licence. To be honest, we are mainly a food business; we don't even have alcohol customers, but, since the licence is there, so we have the privilege, we have alcohol there but we are mainly food and are dealing with people – alcohol, they are not into. There are not many people coming in to alcohol there but obviously we have the licence, we are legal.
34 35 36	GP Just to point out, Mr Millad, without a valid Designated Premises Supervisor, the sale of alcohol should not be taking place from your premises, so, moving forward, at some stage, you will need to apply for a new Designated Premises

**Person
Speaking**

Commentary

- 1 Supervisor, someone who has a premises licence and can authorise the sale
2 of alcohol, but that can be discussed slightly later. Obviously we have got
3 other pressing concerns and I will just continue with the rest of the questions
4 that I have got.
- 5 FM Yes, but the licence is not under that person's name any more; I don't know
6 why it matters?
- 7 GP No, but this person had a personal licence and they were authorising; they
8 were the Designated Premises Supervisor. You are correct when you say that
9 the premises licence is under your name, but also, when you transferred the
10 licence into your name you should have also made a Designated Premises
11 Supervisor Application, so if, for example, you have a personal licence for
12 someone else that works in the shop, also has a personal licence, they could
13 become the Designated Premises Supervisor.
- 14 FM Okay.
- 15 GP Moving on to the crux of the allegations that we received as a Department.
16 The Licensing Service received complaints from local residents alleging Best
17 American Pizza, located at 16a Pitfield Street is selling hot food beyond
18 permitted hours. On 1st September 2017 at 15.35 pm a Licensing Officer
19 visited 16a Pitfield Street and advised Abdul [Wahid] regarding the
20 allegations. What measures did you ...
- 21 FM Sorry, 15 – what time did you mention?
- 22 GP 1st September, it was a day visit made at 15.35, so, 3.35 in the afternoon.
- 23 FM Okay.
- 24 GP Our Officer advised Mr [Wahid] regarding the allegations. Since that visit,
25 what measures did you, or Mr [Wahid], put in place to make sure that you
26 are not serving hot food beyond your permitted hours?
- 27 FM Three times I was there when these Officers came from the Council, the
28 Enforcement Team which is on the area all the time, especially on the
29 weekend; they are always there. How we really work is, all the bars and night
30 club area, so we get drunk people in the area, especially in hours of time
31 which is in the morning. We are closing our premises by 3 o'clock; what that
32 really means is we stop serving people but we are still inside. Our cleaning
33 takes up to two to three hours, sometimes until 6 in the morning, because
34 we get staff all finished or those people are doing cleaning, doing preparation
35 for the next day. They are all there, so we do cleaning and preparation for the
36 following day when we start 11 o'clock in the morning. The staff are there
37 doing their stuff, but normally, we all are told not to serve the customers but
38 an issue is that we get with the drunk people is they get into the shop and
39 they just want to sleep there, some waiting for Uber, some just asking 'Give

**Person
Speaking**

Commentary

1 me food, give me'. Normally we have a lot of cancelled orders come back
2 from people who fell asleep, we have it over the counters, and then we give
3 it to people; homeless people really. So, this is probably how you guys are
4 thinking that we are still serving customers, but really, we don't serve
5 customers after 3 o'clock and we have told everyone to stop serving people
6 after 3 o'clock. Since this issue became a big deal and always we are being
7 told by the Police as well to not serve so what we have started doing
8 afterwards is, the minute we are 3 o'clock, our sign is down and the shutter is
9 down so everything, no one has access to come inside the shop. All we do is,
10 we are inside doing our job. We are cleaning but we have shutter down.
11 Most of the cases are – I just want to tell you now – because we have the
12 right to serve a customer ten minutes before 3 o'clock. We have the right to
13 customer five minutes before. Obviously, hot food takes time to be cooked
14 as well. There was one occasion when one of your Officers – I was there
15 myself one Friday or Saturday night, I can't remember ...

16 GP I am going to give the date for that as well actually. I think the date you are
17 referring to is on 9th September at 3.55 and the 10th September at 3.07 in the
18 morning. Officers witnessed the premises in operation. Now, at 3.55 in the
19 morning?

20 FM Yes, I got a letter. I remember on the day when the Officer came to the store
21 saying customers and that was the first time; I was on the shift that day. I am
22 not agreeing with one part and that is the timing. When the Enforcement
23 Team came, they stopped their car outside and they came inside, we had a
24 few customers around 8 minutes past 3 o'clock; which customers were all
25 before 3 o'clock and we only just served and all they were waiting for was
26 Uber taxi to come and collect them. So, the Officer came inside at 8 minutes
27 past and saying 'You have customers inside'. I said, 'The customers have
28 been served before 3 o'clock, they are here because we have them here
29 waiting for their taxi but they have already been served'.

30 GP The date that you are referring to, I believe, is ...

31 FM I can't remember the date.

32 GP Yes, I have got the date and I believe that is going to be the 10th September.

33 FM Probably.

34 GP And it corresponds with the time, 7 minutes past.

35 FM He was here 8 minutes past until 12 minutes past, which I remember and
36 they all left in their car but when I got letter it was saying 35 which was not
37 correct so they weren't there by 35 anyway.

38 GP They actually went on two nights; Saturday 9th and the following day as well.

**Person
Speaking**

Commentary

- 1 FM Yes, the following day I saw them as well, around 3.30 am they were there.
2 They didn't come to the premises, they didn't ask me why these people are
3 here. I was watching them, from outside. I was doing cleaning outside the
4 premises; I was cleaning outside area where people had messed in that week
5 and they came, they stopped, they were waiting for us and they were
6 looking. I knew why they were there. I looked at the time; the time was 3.30
7 am and they were there for 5 minutes and they left. So, I was waiting for
8 them to come and ask me why these customers are here but they didn't
9 come and ask me. They were people served for long time before, asking
10 them four, five times, 'Please, please leave, we are closed'. Obviously, I can't
11 push someone, I can't force someone because it would be offence to just
12 push someone or force someone. All I can do is ask them, or, at the end of
13 the day if they are not leaving, keep asking this and 'We can't allow you here;
14 we already have issue with the Council and we can't allow you, you need to
15 leave' – waiting two minutes, one minute, look at my phone, my taxi is
16 coming, it's just one minute away and I saw at that moment the Officer was
17 just across the road from me and they are 30 minutes past and I don't know
18 why, these two occasions when they came, why they pull up, 20 minute. The
19 first time it was 8 minutes past and the second time was 30 minutes. Every
20 time I saw, I recorded time myself just to make sure I have that for my record
21 but they never approached me to ask me why. The first time they did, which
22 I have told them, discussed before and he said 'No, they are not supposed to
23 be here'. I said, 'No, they serve before, I have to take time to cook their food
24 and they leave and they already finished, now is for them to leave. I have
25 already asked them and we can't allow you to eat here and you have got your
26 food'. The second time, 30 past, they didn't approach me; all they did was
27 they watched me from outside and they got into their car and they left. So,
28 that's the two occasions I saw them as well.
- 29 GP Thank you for that.
- 30 FM No worries.
- 31 GP For the benefit of the tape, I am showing Mr Millad two formal warning
32 letters that were sent to separate addresses but the content is the same. Mr
33 Millad, could you just confirm that you received the letter that you are
34 referring to earlier on when you were describing?
- 35 FM This is the one I received but not this one, I don't live there anymore.
- 36 GP This is no longer your address?
- 37 FM This is not my address any more. This is my old address which it has been
38 sent.
- 39 GP But you have actually?
- 40 FM Yes, I think this is the one being delivered by hand.

**Person
Speaking**

Commentary

- 1 GP Hand delivered, that is correct.
- 2 FM Hand delivery, right?
- 3 GP That is right, yes.
- 4 FM This is the one.
- 5 GP So, you did receive that letter?
- 6 FM Yes, but not that one.
- 7 GP As you stated, you saw Officers observing your premises and you are
8 conscious of the fact that they are monitoring yourselves as a business in the
9 way that it appears that you could be operating beyond your hours, what
10 have you done – at that moment in time – did you take any extra measures
11 to say, okay, perhaps I need to close up on time?
- 12 FM Yes. Like I explained to you earlier, since we realised this matter became
13 really serious, everyone is involved, Council and Police, what we do is we
14 strongly told the minute it is 3 o'clock, even if you have a customer inside,
15 just give them the food and ask them to leave and get the shutter down. Sign
16 'Closed', shutter down. So, 3 o'clock, from onward.
- 17 GP Approximately, what date did you decide that you were going to doing that?
- 18 FM Around these times when we had issues, like, one or two weeks after
19 because we used to leave ...
- 20 GP Just narrow time, approximately the dates; it doesn't have to be exact, for
21 example, 10th or 11th September – is there a particular month when you
22 decided. There has got to be a point – what I am looking for is a particular
23 week or a point where you said, okay, from this day onwards we are going to
24 close, for example, bang on 3 o'clock?
- 25 FM I don't have the date to be honest; since we realised this was the issue we
26 told every staff, 3 o'clock, get the shutter down. This is all we need to stop
27 these drunk people coming inside of shop.
- 28 GP How long has that been in terms?
- 29 FM It's been a month, maybe longer than a month really. I can't, like I told you,
30 because I don't remember exact day. Probably longer, two months or
31 something. Since we have received the last final warning of saying; that is
32 what we need to do, the last final warning and then week onwards, when I
33 realised. I said how could we still have customer inside; how could the
34 Council knowing we have people inside because we are supposed to not be
35 serving anyone and they said because these are those drunk people all just
36 coming in and waiting even for taxi because they feel cold; they don't even

**Person
Speaking**

Commentary

- 1 order food. It's really busy area; you probably know if you are there at 3
2 o'clock. There are people who come inside, they come at 2 o'clock and they
3 are leaving at 3.30. We keep on asking 'Leave, please' – 4 o'clock, 'Leave, we
4 are closed'.
- 5 GP Let me get this correct; what you are stating is that there are customers
6 coming in at 2 o'clock but they are leaving at 3 o'clock?
- 7 FM Yes, there are some people. Different timing and there are people drunk and
8 people fall asleep. We even call the Police and Police come and kick them
9 out. People fall asleep; people are cold outside; even if they are not ordering
10 food – 2 minutes, waiting for something, 40 minutes. The thing is, we are
11 experiencing different things, I am just giving you a few examples to tell you
12 how things are happening on a daily basis. There are different people coming
13 in at different times; someone comes waiting for taxi, someone wait for
14 friends. The only way for us, because, okay, we are not serving customers,
15 we give this food to drunk people, homeless people, it is fine but when we
16 realised we are not supposed to be doing anything anymore because strictly
17 the Council are telling us to not do it so that is why we have decided to stop
18 and the only way we can stop is when 3 o'clock. We close our fan at the back
19 because people staying upstairs, there is noise, they cannot sleep so we try to
20 switch off the fan and leave all the doors open while we do cleaning because
21 the premises are really hot inside. So, this is one of the main reasons why we
22 used to leave door open, after 3 o'clock while we are doing the cleaning.
- 23 GP You mean the front door?
- 24 FM The front and the back door because we used to switch off the fan for the
25 people staying upstairs and leave these two doors open while we are doing
26 our cleaning and since this issue has started we bolt the back door; obviously
27 the back door is not a matter because we get the shutter down completely,
28 no matter what. The premises are hot inside but we still get the shutter
29 down just to start, because other than that, even if we get two, three security
30 guards standing in the door saying 'Sorry, you are not allowed in'. So, they
31 don't care, they might not be ordering food, so, most of the time, in this time,
32 after 3 o'clock or 2 o'clock we get people we don't want. We don't want
33 their business, we are not even caring about the business because they give
34 us more trouble rather than giving us a business. So, we are always
35 struggling, Police involved and issues and all that kind of thing happens after
36 midnight and in the weekend as well. Since we realised it is a big deal, for the
37 past two months I would say, or longer, all I have said to everyone is; the
38 minute it's 3 o'clock, switch off open sign and get the shutter down so no
39 one can get in and everyone thinks we are closed. So, we are doing cleaning
40 job, shutter down. I can't give you exact date but if you come now, if you
41 would have come a week before that, any time, that is what you are going to
42 see; shutter down 3 o'clock exactly, not even one minute past, less or more,
43 so, this is what we have done so far.

**Person
Speaking**

Commentary

- 1 GP Mr Millad, I am going to move on to the 24th September 2017. At 3.15 am
2 Officers visited Best American Pizza, 16a Pitfield Street and were able to
3 purchase hot food, namely garlic bread with cheese for £2.99. Orders were
4 being accepted by customers as Officers were leaving at 3.24 am. Despite
5 numerous visits from ourselves and warning letters, why was this still?
- 6 FM This is what I have explained to you earlier, I have seen that in the letter.
7 There are people coming, keep asking, 'Give us the food', and we hand food
8 over the counter; what the Council order, people fall asleep. Even if you say
9 to people, 'Listen, we are closed, we don't serve any more' and they say 'Just
10 give me one piece, give me this, please' and we give that food from the
11 counter; just get rid of this bit. Like I have told you, if staff would decide to
12 give it, they would.
- 13 GP The selling of hot food; the hot food was there and it was exchanged, for
14 money, so it is a sale. It is not, for example, you are not giving it away.
- 15 FM Mainly to homeless people because there are homeless people in the area,
16 they know what time to come. I can give contact details.
- 17 GP On the 24th, at 3.15 am.
- 18 FM 24th of which month?
- 19 GP 24th September 2017 at 3.15 in the morning.
- 20 FM 2.15?
- 21 GP 3.15. They were Council Officers, not homeless people, that were inside your
22 shop and they were able to purchase hot food and that is obviously, as you
23 are aware, 15 minutes beyond your time and Officers also noted that there
24 were customers behind them, so there was a queue and as they were leaving
25 at 3.24 am they were also being served.
- 26 FM Well, like I told you, this is the time we decided to get the shutter down, no
27 matter how people pushing for the food, so we are not there anymore
28 because our shutter is closed down. This is the time when I thought, okay,
29 when I got the letter in the day saying this is what happened and I keep
30 asking 'Who actually served the customer after 3 o'clock', including we are
31 not supposed to be doing this and we have already told the Council that we
32 are not serving anyone and we are closed and how come this is still
33 happening. So, I ask everyone and then I say, from now on, no matter what,
34 just get the shutter down. So, these were the periods of time I have
35 mentioned; I have seen that in the letter.
- 36 GP It is just a bit of a shame, obviously, what we have got here is numerous
37 allegations that are coming through with our Officers that have witnessed the
38 premises open, serving hot food and it is only, you are telling me, quite

**Person
Speaking**

Commentary

- 1 recently that you decided to pull your shutters down at 3 o'clock and that
2 should have been happening right from the start – don't you believe?
- 3 FM Like I have told you, the main thing was that we have stopped serving people
4 3 o'clock onwards and this is how we are aware and not serving the people.
5 But, like I told you, we have not taken this measure serious; if someone
6 would have come and pushed for pizza, I have to admit that we would give
7 over the counter and charge money; if someone really was pushing us and
8 staff, but, since we realised we have a problem and we are not going to do it
9 and we have the shutter down completely for the past two months and all
10 we are doing is cleaning. I am admitting things happen, I am not denying
11 completely but mostly our customers are there around 10 minutes past to 15
12 minutes past; probably 20 minutes past and those customers are all being
13 served before the time. So, the first one or two, three times that you
14 experienced were all customers. Any customer who comes after 3 o'clock; I
15 am there, my brother is there, someone else there, we all tell, 'Sorry, we are
16 closed'; we have rejected millions of customers after that 3 o'clock while we
17 are doing cleaning. This is the fact, I am telling you. I am not saying we have
18 not served one or two customers, between, we did so I have to admit that
19 but since this, for the past two months, completely send the shutters down;
20 we have no issue of anyone coming into the shop and this is what we have
21 completely stopped. So, I even talked this matter with the Police because the
22 Police came a few weeks ago. The Police came, I think involved by you guys;
23 they came from Stoke Newington Police Station and they have told me, 'How
24 is your timing work?' and I have just said, 'Well, for the past few months this
25 is what the situation is, we have no customers after 3 o'clock, we are closed,
26 we get our shutter down, we are doing cleaning, we are not serving anyone'.
27 All they wanted to make sure is that is what I am doing and they left and have
28 gone, so, seriously, we are not serving anyone after past [three] months and
29 that's what I am saying. The easy way for us is just get the shutter down. If
30 you come 3 o'clock, right now, in the weekend, you will see our shutter is
31 down, exactly at that time.
- 32 DT So you are admitting though that on 24th September it's likely that, or you
33 did?
- 34 FM I wasn't there. I am not sure, I don't even still know how that happened. I
35 did ask. When I got the letter, I was shocked myself, because I don't serve
36 people at 3 o'clock, saying, 'Okay, give me your order so I can take your
37 order'. We say, 'No, we are closed', but if there are people, like I explained to
38 you, drunk and say 'Okay, can I give you a piece over the counter that came
39 back from another delivery which was cancelled', or sometimes we just give
40 and they leave. There are so many homeless people in the area which they
41 know, as we know them, what time they should come to us and what time
42 we have left over; around 2 o'clock, 3 o'clock in the morning when at closing
43 time they just all know we have so many cancelled orders and they just come
44 and we give it all to them. So, they know their timing and what time they

**Person
Speaking**

Commentary

- 1 should be there. Like I say, when I saw that I couldn't believe myself; how
2 could this happen knowing all staff told we don't serve anymore; how come
3 this still happening when we are not serving anyone. So, everyone said, 'No'.
4 I haven't personally; I am not admitting that because I wasn't there. None of
5 the staff are admitting because none of them have taken and say we never
6 serve anyone at this particular time so this is what I am just saying.
- 7 DT Do you have any other record, maybe a till where transactions took place?
- 8 FM There isn't any transaction taken place. The only thing that we can check is
9 with the merchant, if it's a card payment transaction; that's the only way you
10 can check, with a merchant but if it's take away, honestly, there is a receipt.
11 At 2 o'clock we do a cash up with the drivers and everything so the system is
12 closed. Any older that got into the system will show and it wouldn't be
13 highlighted because that's the only one we have, not more anymore. I have
14 checked on the date and we're showing the time and the date and
15 everything; I couldn't see anything. I don't know if your Officer was served
16 garlic bread over the counter, so, if a customer was queuing there – I'm not
17 saying he wasn't – people are coming in asking, but, it doesn't mean we do
18 serve them. We say 'Sorry, we're closed, we're closed', that's what we do.
19 People do come in but that doesn't mean we did serve them. I really have no
20 idea how that happened and which way it happened, whether it was a garlic
21 bread over the counter from a leftover or from cancelled orders or how that
22 happened. No one has taken responsibility; I have read the letter and since
23 then I have just completely told everyone that they get the shutter down, no
24 matter what is going on inside.
- 25 DT You mentioned, obviously, that it takes time to cook someone's order, all
26 orders are different except if someone orders garlic bread, it is different ...
- 27 FM Timing, yes.
- 28 DT On average, how long?
- 29 FM 20 minutes.
- 30 DT 20 minutes.
- 31 FM Well, if it's a garlic bread, obviously 5 minutes, that doesn't take longer than
32 2 to 5 minutes.
- 33 DT Would you say maximum 20 minutes?
- 34 FM 20 minutes for the pizza, yes.
- 35 GP Mr Millad, does your premises have CCTV?
- 36 FM We have a CCTV because it is food premises, smoke and everything, so every
37 time we get a CCTV it stops working. But, in the past one month since we

**Person
Speaking**

Commentary

- 1 have so much trouble with the people shoplifting; people open the door
2 from the back and got into the premises and have taken all the computers
3 and everything so, then again, we decided to have a CCTV in, which we do
4 have for the past two or three weeks now. So, there is another new system
5 installed, but, yes, we do have.
- 6 GP You have had it for the last two to three weeks?
- 7 FM Yes. We had it before but it stopped working and now we have another one,
8 so, I hope that works for long. There is one more thing I want to mention
9 which you earlier told me; you had a complaint from the resident. The
10 resident thing is; we know who is complaining, so, there are people in there
11 which is not really a resident, not from that area, not from the local area.
12 Other shops, they just really don't want us to operate because what they
13 really believe is we have a licence until 11 o'clock; that's what they thought
14 we have a licence until 11 o'clock and we are supposed to be closing at 11
15 o'clock and we said we don't have a licence to that, we have a licence to 3
16 o'clock. So, their issue wasn't that we are open beyond; that's just what they
17 made up. Their issue is why we are open to 3 o'clock, thinking that we have a
18 licence to 11 o'clock. They complain, come to the Council, only because their
19 expectation that we are going to get it closed by 11 o'clock, or midnight,
20 because that is what they were thinking we have a licence until this time of
21 the limit. But, we know who is doing it, we get news from others around for
22 this but it's not really a resident, to be honest.
- 23 GP Mr Millad, I would just like to reassure you that allegations that we have
24 received, especially in relation to the offences that we have witnessed, have
25 actually derived from a resident, so, there is a local resident that complained
26 to the local Council. We obviously can't give you the name or the details,
27 but, one hundred percent, this complaint has come from a resident, not a
28 business.
- 29 FM How do you know it was a local resident, because a business is local as well,
30 like, they are local from the area? They might be claiming they are local; you
31 don't take ID do you? You don't know which address and premises. There
32 are people staying actually and living in that road as well and they are doing a
33 business which I know personally, over the building, and they are just giving
34 hundred different names which are complaining on a regular basis and
35 happening for the past. To be honest, we used to close around midnight in
36 the past anyway, so, since we start doing a business, our opening time was
37 until midnight. We did not operate after 3 o'clock, we didn't want to do
38 anymore and just wanted to be closed by 3 o'clock.
- 39 GP If you don't mind we asking, what is the main reason for you guys to open up
40 until 3 o'clock. What we found, obviously, beyond; what is the ...
- 41 FM Since [eat] and delivery start doing a business so we can't compete with
42 anything, they are just taking all the market. For us to survive we have to

**Person
Speaking**

Commentary

- 1 extend our opening hours, that is the only way. Before we used to close at
2 midnight and we didn't want to just be there dealing with the drunk people
3 but these businesses, if we are just closing at midnight, like we used to close
4 at midnight, in the next few months I would be shut, I would be closed, I
5 wouldn't be able to just do business anymore. This is only because they are
6 taking all the business from the local area. For example, they are restaurant
7 where people go and eat the food; now they do delivery because they have a
8 company that deliver, like [Uber]. McDonalds never done delivery in their
9 life; they don't even know what delivery service is; all they do is serve people.
10 Now McDonalds do a delivery so people have more options rather than we
11 used to be the only option, so, we were doing enough to get a business
12 before midnight. I didn't want to be there after midnight and dealing with
13 the drunk people. In order for us to survive, because they have taken all our
14 business, so we have to extend our opening time just so we can survive,
15 otherwise we would be out of the business in the next few months if I closed
16 on my old time, which I used to close at midnight, even though I had licence
17 to 3 o'clock I used to close at midnight.
- 18 GP Obviously, that is an explanation from your business perspective; it doesn't
19 justify the premises operating after hours.
- 20 FM Yes, I am just talking the reason why we are up to 3 o'clock.
- 21 GP For us, we have actually seen your premises operating after 3 and obviously,
22 like I have stated earlier, Officers have witnessed hot food being sold after 3
23 o'clock as well. Is there a reason why you didn't apply to have it extended,
24 up until 4 o'clock, for example?
- 25 FM Like I told you, to be honest, first we wasn't serving business until 3 o'clock,
26 we never thought we would need business to 3 o'clock. Other than that, we
27 have been thinking, okay, until 2 o'clock business is enough, we don't need
28 any more business, we don't rely on people. Like I told you, one or two drunk
29 people come in and pushing and that was not our aim, that was not our
30 purpose of doing a business. [My parking ticket – how long more do we need
31 to do?]
- 32 GP It won't be too long.
- 33 FM Yes, because I have parking until 3 o'clock and I might get a ticket now. So,
34 this was the reason and we did apply for the licence and we have recently
35 decided to extend; if it works we will stay, if it doesn't work we have to do
36 what we are doing until 3 o'clock. So, we have a licence and you guys are
37 probably aware of that.
- 38 GP Are there any extra measures that you are looking to put in place, taking into
39 consideration what we have just told you now; I know I am putting you on
40 the spot, almost, but if there is anything extra that you could do to make sure
41 you are not serving beyond your permitted hours?

**Person
Speaking**

Commentary

- 1 FM Extra thing is that we have to make sure that the shutter is down; this is the
2 only way we can stop people from coming, even if they are not customers
3 they still want to push, like I said earlier. The only way to stop them is to
4 have both shutters down or signs down, shutters closed and no one can get
5 in. I have to make sure that is done.
- 6 GP Don't you think that could have been done way back early when, for
7 example, [Channing] visited in September 2017? It has taken numerous
8 Officers from the Council and obviously the Police to visit your premises for
9 you to decide to actually shut, do what you are supposed to do and close the
10 shutters.
- 11 FM Yes, I think we are going in circle again. This is the question I answered
12 earlier and I have told you, we are open and we left it open and that's why,
13 the reason, we never thought this is going to go that far and we had issue.
14 This is why we have decided; the matter is really serious, make sure no
15 customer is inside, even if it is not customer, just waiting people who
16 shouldn't be inside the shop. This is what we observed so now we are
17 thinking, we should have done it long before, get the shutter down, no one is
18 let in. If we knew, it would have been real thing, to be honest, but this is
19 what the thing is. We really thought if we are not serving people, it doesn't
20 matter whether you have shutter open, or someone coming, waiting for their
21 Uber, or waiting for their taxi, we are not serving customers and we are doing
22 our cleaning. So, this was whether shop was open or closed, it doesn't
23 matter. The open hour, sign, used to open 24/7; the shutter is down, shop
24 closed, no one is in the premises but we still have sign saying 'Open', so this is
25 how we didn't care about those things but since we realised we have to deal
26 with this; we switch off the sign so people think we are not there anymore,
27 not serving.
- 28 GP Mr Millad, I have to inform you; if you continue to breach your licence
29 conditions and the hours stipulated on your premises licence, and it is
30 witnessed, and it is treated as a separate offence, each time we find; if you
31 breach. If found guilty of an offence under Section 136 of the Licensing Act
32 2003 you could face an unlimited fine and/or up to six months in prison. Do
33 you understand?
- 34 FM Yes.
- 35 GP Mr Tuitt, do you have any further questions you wish to ask?
- 36 DT Some points of clarification more than anything else. You mentioned your
37 home address and I do notice it is different, so, there are some things you will
38 need to do just to correct your home address.
- 39 FM Okay.
- 40 DT And vary the licence as specified.

**Person
Speaking**

Commentary

- 1 FM Yes, sure. I need to confirm these things because this is the person, like I told
2 you, I am not mainly dealing with all the business things. This is the person
3 that deals with my brother in the business and he is involved with other
4 business outside with him as well. I need to talk to him about that, to
5 confirm, because I didn't know how this works and I never deal with this. He
6 is the one dealing with my brother and I need to confirm that he is still there
7 or not and how is he dealing with everything and then we will let you know
8 about that as well.
- 9 GP For the purpose of the interview, Mr Millad was referring to the DPO, Mr
10 Jemal [S...].
- 11 DT I was showing Mr Millad a copy of the Premises Licence for Best American
12 Pizza.
- 13 FM The address I will change.
- 14 DT That is it.
- 15 GP Mr Millad, do you have anything further you wish to add?
- 16 FM No.
- 17 GP For the benefit of the tape, I am now handing Mr Millad a leaflet explaining
18 how you can gain access to this PACE interview. The interview is now
19 concluded and the time is **15.19 pm**.
- 20 **END OF INTERVIEW**
- 21

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Kudirat MORAFa

Age if under 18 (if over 18 insert 'over 18'): Over 18

Occupation: Enforcement Officer (EO12)

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:


Date: 7th April 2018Tick if witness evidence is visually recorded (supply witness details on rear)

Signature:

Date:

I am employed by the London Borough of Hackney as an Enforcement Officer (call sign EO12). On Sunday 1st April 2018 at approximately 03:11 hours I attended Best American Pizza, 16 Pitfield Street, N1 6EY accompanied by my colleagues Imran AKHTER and Michael TURAY to conduct a test purchase as part of my duties. I was in plain clothes during this test purchase.

I entered the premises and saw a slim Asian male with short black hair standing behind the counter. I told him I was hungry and asked what they had. He said 'Everything', so I placed an order for a burger and chips. The male told me it was £4.50. I took out a £20 Pound note and handed it over to the male. I was given the correct change and he gave my order to the kitchen to prepare. A slim Asian female with pulled back long black hair came to join him.

At 03:15 the telephone placed under the cash register which was opposite me rang and the male answered it. He wrote out an order on a piece of paper and placed it against the wall. Mr TURAY then entered and tried to buy a portion of chips, but the male told him the shop was shut and locked the door behind him. Two delivery drivers who were at the kitchen came in and he told them that they had to go through the back door. He also informed them not to start their mopeds when they are leaving, but push it instead.

At 03:16 I witnessed one of the delivery drivers taking three pizza boxes of varying sizes from where the orders are being taken before leaving through the back door. At 0:317 I was given my order and I left.

Statement of: Kudirat Morafa

Signed:



Date and Time; Statement Completed: 07/04/2018 04:12

Licensing Service

1 Hillman Street
London
E8 1DY
020 8356 2431
licensing@hackney.gov.uk

Mr Farid Milaad
C/O Best American Pizza
16A Pitfield Street
London
N1 6EY

Our Ref: 656436

4 April 2018

Dear Mr Milaad,

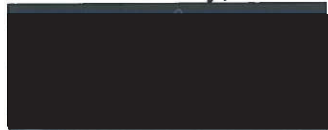
**RE: Licensing Act 2003 - Section 136 (1): Unauthorised licensable activities
'Best American Pizza', 16 Pitfield Street, London, N1 6EY**

I write to inform you that I have obtained further evidence of unauthorised licensable activity in the form of the provision of late night refreshment being carried on at the above premises. This is despite previous warnings and the interview carried out under Police and Criminal Evidence Act 1984 (PACE) conditions on Wednesday 17 January 2018.

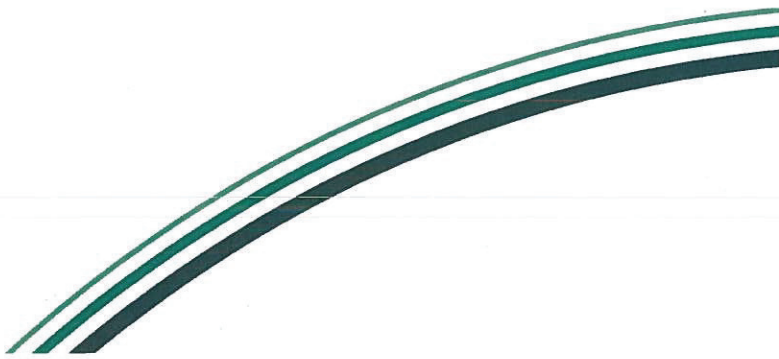
At 03:11 on Sunday 1 April 2018, an officer from the Council's Enforcement Service was able to place an order for hot a meal, which was subsequently supplied to the officer at 03:17. The officer was charged £4.50 for this meal.

I will be making reference to this incident during the Licensing Sub-Committee hearing scheduled for 14:00 on Thursday 5 April 2018. Prior to that, I will be asking the Chair of the Sub-Committee to exclude any members of the press and/or public from the Council Chamber due to the likelihood of further formal enforcement action.

Yours Sincerely,



**Channing Riviere
Principal Licensing Officer**





APPENDIX B

This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0087

Part 1 – Premises details

Kingsland Food and Wines
77 Kingsland High Street
London E8 2PB

020 7249 3397

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol Standard Hours:

Premises:

Mon 08:00-23:00

Tue 08:00-23:00

Wed 08:00-23:00

Thu 08:00-23:00

Fri 08:00-23:00

Sat 08:00-23:00

Sun 10:00-22:30

Non-Standard Hours:

Christmas Day 12:00 to 15:00 and 19:00 to 22:30

Good Friday 08:00 to 22:30

The opening hours of the premises

Standard Hours:

Not known

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Abdul Wahid
15a Ardleigh Road
Hackney
London
N1 4HS

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises authorises the supply of alcohol

Mr Abdul Wahid

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

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.
 - 3.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 - 3.2. 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 a holographic mark.
4.
 - 4.1 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.
 - 4.2 For the purposes of the condition set out in paragraph 4.1 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 amount 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.

4.3 Where the permitted price given by Paragraph 4.2(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.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(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.

Annex 2 – Conditions consistent with the Operating Schedule

N/A

Annex 3 – Conditions attached after a hearing by the licensing authority

Conditions added as result of Consent Order March 2015

5. The premises shall maintain a comprehensive CCTV system meeting the minimum reasonable requirements of a Metropolitan Police Crime Prevention Officer, based upon the current protocol applying to such systems. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
6. 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.
7. 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 incidents of disorder
 - c. any faults in the CCTV system or searching equipment or scanning equipment
 - d. any refusal of the sale of alcohol
 - e. any visit by a relevant authority or emergency service.
8. There shall be "CCTV in Operation" signs prominently displayed.

9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. 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 identified by the Police.
11. 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.
12. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.
13. All spirits to be located behind the counter,
14. There shall be at least (2) members of staff on duty at all times.
15. The shop will close to the public at the same time that licensable activity ceases (which, for the sake of clarification, shall not include the period each morning before alcohol sales commence).
16. There shall be no sales of single/individual cans, bottles and/or containers of beer, lager or cider, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
17. There shall be no sales of beer or cider with alcohol content above ABV 6.5%, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
18. All staff will have refresher training every 6 months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training will be kept and produced to a police officer or other authorised officer upon request.
19. All staff should receive training and have an awareness of the four licensing objectives.

Annex 4 – Plans

PLAN/LBH-PRE-T-0087/160605

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Community Safety & Enforcement Service First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	Jacey Frewin
TELEPHONE NUMBER	020 8356 4567
E-MAIL ADDRESS	jacey.frewin@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Best American Pizza 16a Pitfield Street Hackney London N1 6EY
NAME OF APPLICANT	Mr Farid Millad

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 **x**
- 4) the protection of children from harm

Representation in relation to:

ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF

**Best American Pizza
16a Pitfield Street, London N1 6EY**

1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility 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.
2. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
4. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Best American Pizza. This should remain unobstructed at all times and should clearly identify:-
 - the name of the registered waste carrier
 - the date of commencement of trade waste contract
 - the date of expiry of trade waste contract
 - the days and times of collection
 - the type of waste including the European Waste Code

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

We have received complaints in the past regarding littering and build-up of waste in the area, There have been instances in the past where Enforcement Officers have found evidence of the illegal disposal of waste from this business.

Experience has also shown that there is the probability that there will be cigarette litter outside these premises due to the smoking ban and that it is possible that glasses and bottles may be left outside by patrons.

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

Name: Jacey Frewin

Date: 13/06/2018

APPENDIX C2

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	Best American Pizza 16A Pitfield Street London N1 6EY
Applicant name	Channing Riviere obo London Borough of Hackney

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 is for a review of the premises licence under the Licensing Act 2003. The review of the license as the Licensing Authority are of the opinion that the poor management of the premises, has led to complaints from local residents and places the Licensing Objectives and in particular the Prevention of Public Nuisance Licensing Objectives at risk.

A search of the planning history of the site has found an approval referenced TP/100046 and dated 1 November 1983 for the erection of an office and general industrial development with rear servicing facilities and underground car park at 8, 10 Pitfield Street, site formally known as 2-6 and 12-30 Pitfield Street (even) 1, 8, 9, 10, 11 Boot Street and sites formerly known as 2-6, 7, 12-14 and 15-20 Boot Street (consec.) Site of 1-11 Hoxton Market. Site of former Rodney Building and Advance House, Hoxton Market 2-6a Coronet Street (even), 287-291a Old Street site formerly known as 249-285 Old Street.

No record could be found for the approval for the use of the premises as a pizza shop. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission is unlawful and may result in enforcement action.

Please provide the following information (if applicable)

Area (that permission applies to)	Ground floor
-----------------------------------	--------------

Document Number: 20839703

Document Name: 16A Pitfield Street (Review)

Permitted use	Office and Industrial Uses
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 record could be found for the approval for the use of the premises as a pizza shop. Therefore the applicant is advised that planning permission may be required for the usage of the premises. Operation of the premises without appropriate planning permission is unlawful and may result in 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.

Signed	
Name	Graham Callam
Date	21/06/2018

APPENDIX C3

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	Best American Pizza 16a Pitfield Street London N1 6EY
NAME OF PREMISES USER	Mr Fared Millad

COMMENTS

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

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

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

Police make the following representations in relation to the application for a review of the Premises Licence at Best American Pizza at 16a Pitfield Street, London, N1 6EY submitted by Channing Riviere on behalf of Hackney Licensing Authority for the following reason(s):

Police have had several dealings with this premises in relation to breaches of their premises licence, more specifically selling hot food after the hours for which they were licenced.

In April this year, an application to extend the hours for which food could be sold at this vend was heard at a licensing sub committee hearing. Police made references to the numerous times that police, including licensing officers and officers from the night time economy team, had witnessed the sale of hot food after the hours they were authorised to do so. Prior to that hearing, police submitted an additional statement from the police sergeant in charge of the night time economy team. I have attached a copy of that statement again, to reinforce the impact that this venue has on the area. At the end of the hearing the committee explained that they had refused the application and their reasons were outlined in Mr Riviere's exhibit CR/11.

Due to the consistent complaints and breaches of their premises licence, police support this review. There has been very little effort made by the applicant to heed any warnings or promote the licensing objectives.

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

Application submitted

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

Signed PC 691GD RYAN (By E-mail)

Name (printed)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark Page PS13GD** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Sergeant p208644**.....

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 4th January 2018

Tick if witness evidence is visually recorded (supply witness details on rear)

This statement refers to a premises called Best American Pizza, 16 Pitfield Street, London N1 and the area immediately outside covering the cycle route and pavements and the alcohol related anti-social behaviour that occurs there. _____ *ef*

I am a police sergeant based at Shoreditch Police Station. I am responsible for nine (9) police constables who police the "Shoreditch Triangle", an area roughly bounded by Old Street, Great Eastern Street and Shoreditch High Street. Collectively we are called the Night Time Economy Team (NET) and we predominantly work night shifts. Our priorities are reducing violence with injury offences (VWI), reducing anti-social behaviour (ASB), targeting drug dealers and reducing theft from person offences. _____ *ef*

When we are working I am always in uniform and in a marked police vehicle, this enables me to react to street fights quickly and back up my colleagues that are on foot patrols in the area in both uniform and in plain clothes. I can also supervise constables from the vehicle as I have no noise distractions and can hear the police radio clearly and I have been able to identify problem locations. _____ *ef*

I have been in my current position since early February 2015 and I have gained a lot of experience since then when dealing with the problems within the Shoreditch area late at night and in the early hours of the morning. Nearly all of the problems are either alcohol related or alcohol fuelled and are centred in and around bars, clubs, taxi offices and hot food establishments. _____ *ef*

One of the areas that causes problems with alcohol related incidents (fights, groups of youths loitering, robberies, drug dealing and general ASB etc) is the "plaza" area at the southern end of Pitfield Street at the junction with Old Street and extending to the nearby streets. _____ *ef*

Signature: 

Signature witnessed by:

Continuation of Statement of **Mark Page PS13GD**


The following images show this plaza area.



Above picture taken from outside Roadtrip Bar with American Best Pizza behind Sainsburys. View looking up Pitfield Street taken from Old St. – American Best Pizza is directly behind the bin.

This area is always very busy between the hours of 0100 and 0500. The nearby nightclub, Roadtrip situated on Old Street at the junction with Pitfield Street is very busy on Thursdays, Fridays, Saturdays and Sundays. One of the primary reasons for this venue being busy is that it does not close until 0400 hours, this is later than most of the other venues in Shoreditch. Due to the late closing time Roadtrip attracts lots of people wanting to continue their drinking and partying. The NET team have a good working relationship with staff and security staff at Roadtrip and they always refuse admission to their venue to people who are either drunk, appear to be drunk or on drugs or are causing ASB. We are fully supportive of this policy. _____

If Best American Pizza, 16 Pitfield Street, London N1 were allowed to remain open beyond their current closing

Signature: 

Signature witnessed by:

Continuation of Statement of **Mark Page PS13GD**

times of 0200 hours Sunday-Thursday & 0300 hours Friday & Saturday it would certainly lead to an increase in the following activities in the plaza area outside and to the surrounding area -

1 – People refused entry to Roadtrip after 0300 hours through intoxication would be drawn to American Best Pizza (only 60m away), purchase food consuming it on the streets adding to both ASB and meaning gathering people there could be targeted by various criminals.

2 – Additional people would be attracted to hanging around the area, this will naturally attract drug dealers trying to sell their drugs, huggermugger type groups of youths looking to steal from vulnerable members of the public, beggars, nitrous oxide sellers and worse.

3 – Additional noise affecting the hundreds of local residents.

4 – An increase in people urinating in the street and littering.

5 – This area will become the hot-spot for crime

The list is almost endless.

The extension by only one hour to the closing times of the venue will increase crime, ASB and noise in the area.

One of the constables on my team PC Jon Wilkins 450GD has personally witnessed, on more than one occasion at the weekend, Best American Pizza, 16 Pitfield Street, London N1 staying open beyond its current closing time of 0300 hours at the weekend and serving customers.

In summary, if Best American Pizza, 16 Pitfield Street, London N1 were allowed to remain open and serving take away food beyond their current times there would, based on my knowledge be –

1 – Increased ASB in the area

2 – Increased crime in the area

3 – More disruption for local residents

Based on the above, I strongly object to this extension of hours application in which to sell hot food by Best American Pizza, 16 Pitfield Street, London N1.

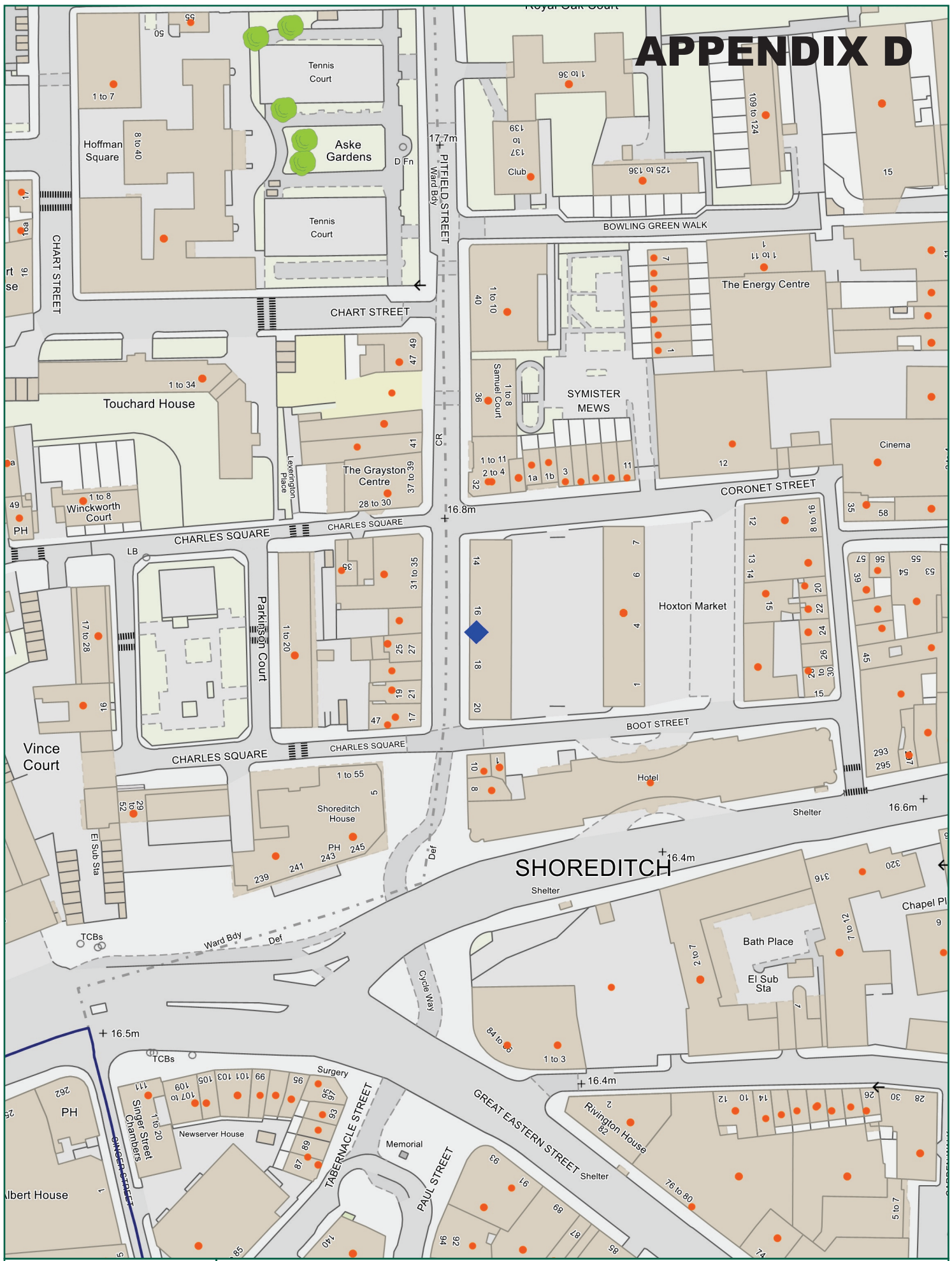
Mark Page PS13GD

[Redacted signature area]

Signature: ... [Redacted]

Signature witnessed by:

APPENDIX D



Scale: 1:1250 at A4



Ref:
25 July 2018

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